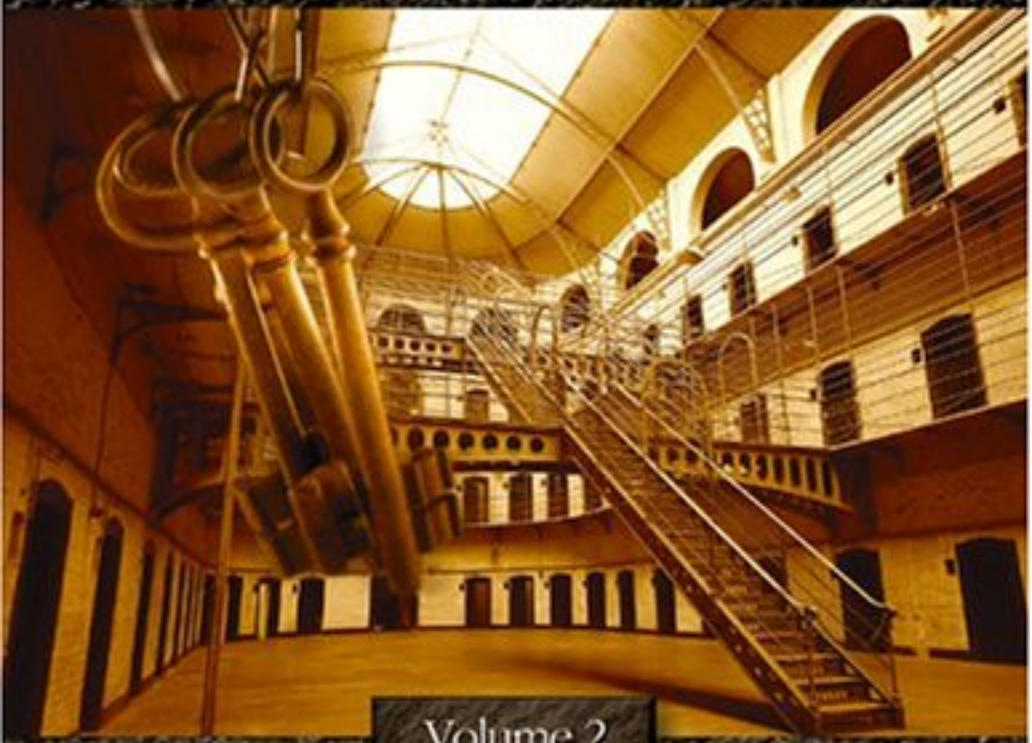
Encyclopedia of PRISONS & Correctional Facilities



Volume 2

Mary Bosworth Editor

Encyclopedia of PRISONS & Correctional Facilities

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Encyclopedia of PRISONS & Correctional Facilities

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Volume 1

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Chronology

1556	The first Bridewell opens in London
1608	Captain George Kendall becomes the first recorded execution in the new colonies
1619	Beginning of the transportation of British convicts to the American colonies
1632	Jane Champion becomes the first woman executed in the new colonies
1656	*Hôpital Général* established in Paris, generally considered precursor to modern prison
1682	Great Law enacted (drafted by William Penn for the Pennsylvania Colony)
1764	Cesare Beccaria publishes *On Crimes and Punishments*
1772	Maison de Force founded in Ghent, Belgium
1773	Newgate Prison opens in London
	Walnut Street Jail opens in Philadelphia
1774	First recorded American prison riot occurs at Simsbury, Connecticut
1777	John Howard publishes *The State of Prisons in England and Wales*
1779	England passes the Penitentiary Act
1787	Philadelphia Society for Alleviating the Miseries of Public Prisons, later known as the Pennsylvania Prison Society, is founded
	Arrival of first convicts in Australia
1789	Jeremy Bentham publishes *An Introduction to the Principles of Morals and Legislation*
1790	Renovated Walnut Street Jail opened with a penitentiary wing
1797	Newgate Prison established in New York City
1816	Millbank Prison opens in London, provides a model for penitentiaries elsewhere
1819	Congregate, silent system implemented in Auburn Penitentiary, New York
1821	Western Penitentiary opens
	Work begins on foundations and walls of Eastern State Penitentiary, Philadelphia.
1825	Kentucky becomes the first state to employ a private contractor to manage its entire correctional facility system, and by the end of the Civil War the majority of southern states have followed suit
1826	Construction of Sing Sing in New York State begins; institution is originally known as Mount Pleasant State Penitentiary
1827	Elizabeth Fry publishes *Observations on the Siting, Superintendence and Government of Female Prisoners* in England
1829	Eastern State Penitentiary opens
1830s	**Jacksonian era**
1832	First escape from Eastern State Penitentiary
1833	Alexis de Tocqueville and Gustave de Beaumont publish *On the Penitentiary System in the United States*
1841	John Augustus develops probation in Boston
1842	Pentonville Prison opens in London, based, in part, on Jeremy Bentham's panopticon design; prisoners are initially held in solitary confinement
1844	Women's Prison association formed in New York to improve the treatment of female offenders and to separate them from men

1858	Joliet Penitentiary opens in Illinois
1868	British transportation of convicts to Australia ends
1870–1919	**Reformatory era**
1870	American Prison Congress (forerunner of American Correctional Association)—*Declaration of Principles* enacted
1871	*Ruffin v. Commonwealth* establishes that convicted felons not only forfeit liberty but are slaves of the state; this provides the legal justification for courts to maintain a hands-off doctrine
1873	The first women's prison, the Indiana Reformatory Institution, opens
1876	Zebulon Brockway initiates America's first parole system in Elmira Reformatory
1878	First probation law is passed in Massachusetts
1880	Louisiana State Prison opens at Angola
1890s–1930s	**Progressive era**
1891	Congress passes the Three Prisons Act, establishing federal prison system
1895	Gladstone Commission in United Kingdom ushers in new era of punishment
1899	First juvenile court established in Cook County, Illinois
1904	Parchman Farm opens in Mississippi
1914	Passing of the Harrison Act leads to incarceration of people convicted of narcotic-related offenses
1919	Volstead Act
1920	The American Civil Liberties Union founded
1926	Stateville Penitentiary is founded in Illinois
1927	The federal government opens its first women's institution, the Federal Industrial Reformatory and Industrial Farm for Women at Alderson, West Virginia
1928–1931	Wickersham Commission
1929	Hawes-Cooper Act passed to regulate interstate sale of prisoner-made goods
1930s–1960s	**Medical model**
1930	The Federal Bureau of Prisons is established
1933	The Federal Bureau of Prisons establishes first prison medical center at FMC Springfield
1934	Alcatraz opens
1942	Relocation centers open to confine Japanese and Japanese Americans during World War II
1946	Last of relocation centers closes
1949	Geneva Convention relative to the Treatment of Prisoners of War adopted
1950	Youth Corrections Act passed to create rehabilitative treatment for offenders under the age of 22 in the federal system and the District of Columbia
1958	Gresham Sykes publishes *The Society of Captives*
1960s–1970s	**Community model**
1961	*Monroe v. Pape* resurrected 19th-century post–Civil War legislation (Title 42 Section 1983) allowing federal litigation against those acting under color of state law for depriving of civil rights; provides the basis for prisoner civil rights litigation
1963	Alcatraz closes and U.S. Penitentiary Marion opens
1964	*Cooper v. Pate* overturns *Ruffin*, formally recognizing the constitutional rights of prisoners
1965	Congress passes Title IV of the Higher Education Act, which provides for Pell grants for prisoners to pursue college education
	President Lyndon Johnson creates the President's Commission on Law Enforcement and the Administration of Justice
1966	*In re Kent,* "essentials of due process" required for juveniles
	The Black Panther Party (BPP) forms in Oakland, California
1967	*In re Gault,* Supreme Court rules that juvenile offenders are entitled to state-provided counsel and due process guarantees

	Report of the President's Commission on Law Enforcement and the Administration of Justice is published with 200 recommendations for changes to the criminal justice system
1970	Eastern State Penitentiary closes
	Through the efforts of Jerome Miller, Massachusetts becomes to first state to start closing all of its reform schools; all are closed by 1972
1971	Attica rebellion
	The first black warden is appointed in the federal prison system
	David Rothman publishes *The Discovery of the Asylum: Social Order and Disorder in the New Republic* that critically reevaluates the treatment of the mentally ill in the United States
1972	*Furman v. Georgia,* Supreme Court effectively voids 40 death penalty statutes and suspends the death penalty as "cruel and unusual punishment"
	President Richard M. Nixon declares the initial "war on drugs"
	ACLU founds the National Prison Project to strengthen prisoners' rights
1974	*Wolff v. McDonnell* allows inmates certain due-process rights in prison disciplinary hearings
	Robert Martinson's article "What Works?" appears in *The Public Interest*
	The Juvenile Justice and Delinquency Prevention Act passed
1975	Michel Foucault publishes *Surveiller et Punir*, translated into English as *Discipline and Punish* in 1977
1976	*Gregg v. Georgia* reinstates death penalty
	Estelle v. Gamble deliberate indifference to medical needs violates constitutional rights
	Maine is first U.S. state to abolish parole
	The first female officer is appointed to work in a male federal prison at Lompoc, California
1977	Leonard Peltier imprisoned
	Coker v. Georgia establishes that death penalty is an unconstitutional punishment for rape of an adult woman when the victim is not killed
	Gary Gilmore is put to death by firing squad, the first person executed since the reinstatement of the death penalty
1979	*Bell v. Wolfish* signals a return to a hands-off approach by the courts
	Prison Industry Enhancement Certification Program repealed Depression-era limitations on the interstate commerce in prison-made goods
	Organization "Stop Prisoner Rape" is founded by survivors of prison rape
	The Bureau of Justice Statistics is founded within the U.S. Department of Justice
1980s–present	**Crime control model**
1980	*Ruiz v. Estelle* establishes that conditions of confinement in entire Texas state prison system are unconstitutional
	New Mexico Prison riot
1981	The first woman warden of a men's federal prison is appointed at Butner
	Pat Carlen publishes *Women's Imprisonment* in Britain, one of the first critical sociological studies of a women's prison
1982	President Ronald Reagan declares a "war on drugs"
	Federal Bureau of Prisons establishes residential staff training program at Glynco, Georgia
	Federal Bureau of Prisons establishes first mandatory literacy program
1984	Congress passes the Sentencing Reform Act of 1984, as part of the Comprehensive Crime Control Act and creates the U.S. Sentencing Commission
	Velma Barfield becomes the first woman executed since reinstatement of the death penalty
	Congress passes Young Offender Act
	Hudson v. Palmer, Supreme Court rules that prison administrators are obligated to provide an environment for inmates and prison employees that is both secure and sanitary

	The state of Tennessee ushers in the new age of privatization by contracting Hamilton County Jail facility to be run by Corrections Corporation of America
1985	Nicole Hahn Rafter publishes *Partial Justice: Women, Prisons and Social Control*
1986	Congress passes first Anti-Drug Abuse Act that increases prison sentences for the sale and possession of drugs, eliminates probation or parole for certain drug offenders, increases fines, and provides for the forfeiture of assets
1987	*McCleskey v. Kemp,* Supreme Court rules that racial disparities not recognized as a constitutional violation of "equal protection of the law" unless intentional racial discrimination against the defendant can be shown
	Cuban detainees, from the Mariel boat lift, riot at the Atlanta and Oakdale, Louisiana, federal prisons
1988	*Thompson v. Oklahoma* establishes that executions of offenders ages 15 and younger at the time of their crimes is unconstitutional
	Congress passes the Civil Liberties Act and apologizes to Japanese American community for wartime detention in relocation centers
	Congress passes second Anti-Drug Abuse Act that introduces differential treatment for crack and powder cocaine and mandatory imprisonment for simple possession of more than 5 grams of crack cocaine
	California State Prison, Corcoran, opens; it is later dubbed "America's most violent prison"
1989	*Penry v. Lynaugh*, Supreme Court rules that executing persons with mental retardation is not a violation of the Eighth Amendment
	Number of black people incarcerated becomes greater than number of whites across the United States penal system for the first time
	Stanford v. Kentucky and *Wilkins v. Missouri,* Court rules that Eighth Amendment does not prohibit the death penalty for crimes committed at age 16 or 17
	John Braithwaite publishes *Crime, Shame and Reintegration*, which proposes a new approach to punishment based on restorative justice
1990	David Garland publishes *Punishment and Modern Society*
	Wilson v. Seiter establishes that prisoners must demonstrate that prison staff acted with "deliberate indifference" to prove "cruel and unusual" conditions
	The Solicitor General of Canada publishes *Creating Choices*, the first government report on women's prisons that is based on feminist or women-centered priniciples
1992	Washington State becomes the first jurisdiction to enact legislation known as "three strikes you're out"
1994	Congress passes the Violent Crime Control and Law Enforcement Act
	California brings in three-strikes legislation
	The Federal Bureau of Prisons opens its supermaximum secure facility, ADX Florence
	New Jersey passes Megan's Law requiring public notification of presence of former sex offenders in the community
1995	Pell grants are abolished for prisoners as a result of the Violent Crime Control and Law Enforcement Act
	Alabama, Arizona, Florida, Indiana, Iowa, Maryland, Oklahoma, and Wisconsin reinstate chain gangs
	Religious Freedom Restoration Act expands rights of prisoners to practice their religion in prison
1996	Congress passes the Prison Litigation Reform Act (PLRA) to limit prisoner litigation
	Congress passes the Illegal Immigration Reform Immigrant Responsibility Act that expands the capacity of the Immigration and Naturalization Service to detain foreigners
	California Supreme Court rules in *People v. Superior Court* that judges may dismiss allegations of prior felonies in second- and third-strike cases "in the interest of justice"

1997	Congress passes the National Capital Revitalization and Self-Government Improvement Act abolishing the D.C. system of corrections
	Critical Resistance established in Berkeley, California
1998	Allen Hornblum publishes *Acres of Skin: Human Experiments at Holmesburg Prison* that reveals extent of medical experiments on prisoners
1999	Number of people incarcerated in the U.S. is, for the first time, greater than 2 million
	Eleven of the Puerto Rican nationalists imprisoned since the 1980s are granted presidential pardons by President Bill Clinton
2000	Attica Brothers Legal Defense Fund wins a $12 million settlement for survivors of the Attica rebellion
	Illinois Governor George Ryan announces a moratorium on capital punishment in Illinois
2001	USA PATRIOT Act passed, in response to the September 11, 2001, terrorist attacks on the United States
	Enemy combatants are placed at Camp X-Ray at Guantanamo Bay, Cuba without trial or access to lawyers for an indefinite period of time
2002	*Ring v. Arizona,* Supreme Court rules that only a jury may pass a death sentence
	Atkins v. Virginia, Supreme Court rules that executing persons with mental retardation is unconstitutional
	Camp Delta, a permanent detention center for enemy combatants, opens at Guantánamo Bay, Cuba
2003	Congress passes Prisoner Rape Elimination Act designed to end prisoner rape
	Illinois Governor George Ryan commutes the death penalty of 160 inmates on death row
2004	First military tribunals held for inmates from Guantánamo Bay
	Abuse of prisoners at Abu Ghraib prison in Baghdad, Iraq, by U.S. military personnel becomes public
	Blakely v. Washington, Supreme Court rules that judges may not use their discretion to enhance sentences; activists believe this decision may affect the federal sentencing guidelines, particularly as they have been applied to those convicted of drug offenses

Introduction

The United States confines more people per capita than any other equivalent industrialized, democratic country. It is also one of the last remaining such nations to practice capital punishment, and one of only a handful of countries anywhere that executes juveniles. Sentences are longer in the United States than in most places, and the numbers of people of color behind bars is particularly disproportionate to their presence in society. In 1999, the United States crossed a threshold when, for the first time, the nation's penal institutions held more than 2 million people. In fact, prisons, jails, and detention centers have been filling since the 1980s at a rate faster than most can handle. As a result, overcrowding is rampant, even with growing numbers of privately run facilities being established and new state and federal institutions being opened each year.

This encyclopedia is a timely and necessary publication for anyone wishing to understand why confinement has become so commonplace in the United States. As many of the entries detail, prisons have become big business in the United States, spawning not just private prison companies but also a multitude of small businesses that service penal facilities (maintenance, laundry, food, clothing, etc.). In some communities, prisons provide one of the only sources of employment. In others, they have taken away almost all of the young men.

As increasing numbers of men, women, and children are being locked up—the prison, the jail, and the detention center are becoming part of many people's lives. The collateral effect of incarcerating more than 2 million is enormous. Many of us now know someone behind bars. More than that, however, prisons are part of our collective cultural imagination. We, as a society, seem to find it hard to imagine a different solution to criminal behavior. Yet, as the historical entries in these two volumes demonstrate, the prison has not been used so extensively for very long. Moreover, as other authors show, there are numerous alternative possible ways of dealing with those who break the law.

This encyclopedia draws together up-to-date statistics and academic research to sketch out the scope of prisons and punishment in the United States. Its goal is to provide information on all the different types of penal facilities currently being used while keeping a broad focus on the prison itself. Authors strive, where possible, to address issues of race and gender and to make clear how current and historical policies and practices have affected communities and individuals differently.

All of the entries are written in an accessible and engaging style that aims to be appealing for a wide readership. We hope that high school students, visitors to the public library, those who are confined, and criminal justice practitioners, and academics can all find matters of interest to them here. By including race and gender in each entry, the authors have sought to provide a critical assessment of their topic that reveals the differential impact of criminal justice policy.

Though the primary focus of the encyclopedia is on the United States, where possible authors have included comparative information about what is happening elsewhere around the world. There are also specific entries on a handful of other English-speaking penal systems, to provide a sense of comparison.

THEMES

With nearly 400 entries, the two volumes truly provide an encyclopedic analysis of prisons and correctional facilities. To help the reader make sense of

the wealth of information included in this collection, it is possible to characterize all of the topics into 12 distinct, yet overlapping, themes.

First, a number of entries are concerned with *prison architecture.* In them, authors map out the historical development of the physical design of penal institutions, showing how changing ideas and goals of punishment, along with the arrival of specific populations, and overcrowding, influence the way in which prisons are built. Likewise, how a correctional facility is designed shapes how prisoners are treated. To illustrate the effect of design, a number of specific prisons are described in some detail.

Theories of punishment constitute the second major theme in the encyclopedia. Specific entries describe goals of punishment, from deterrence to incapacitation. Accounts of particular methods of dealing with offenders, such as the capital punishment, explain how certain practices correspond to particular ideas about what punishment can achieve.

Entries on *prison populations* provide detailed accounts of specific groups of people within penal establishments. Particular attention is given to those groups that are particularly overrepresented such as African Americans and Latino/as. Women prisoners and the elderly are also dealt with separately, as are juvenile offenders.

A number of authors tackle *prison reform,* describing specific groups and organizations that are currently active, as well as individuals who have been crucial to attempts to ameliorate conditions within prison. Entries on abolition and activism point to alternative ideas about punishment that do not involve confinement.

Juvenile justice is another key theme. As with the entries on adult prisons, authors examine treatment of young offenders in historical and contemporary settings. Attention is paid to specific legal cases that particularly affected the treatment of juveniles and to key institutions where they were housed.

Staff are crucial to any penal institution. To that end, a number of entries examine the historical development of correctional officers as well as their present work conditions. Attention is paid to the issue of professionalism, as well as to staff training.

To convey how prisons attempt to address offending behavior, a number of authors focus on a range of *treatment programs.* Topics in this field include psychological services, drug treatment programs, Alcoholics Anonymous, work, education, and vocational courses. There are also a number of entries on related issues such as prison health care, mental health care, HIV/AIDS, and gynecology.

As the penal system in the United States has become increasingly overcrowded, many aspects of it have been handed over to private companies. As a result, *privatization* is another common strand of this encyclopedia. Entries provide information about the move to the private sector overall, as well as describing specific parts of prison life that are now run by corporations. Entries are also included on the two biggest private prison companies in the United States.

Ever since the first penitentiaries, prisoners have been put to *labor.* In a number of entries, authors describe the historical development and changing nature of prison work. They also detail how penal systems train inmates in employable skills to help reduce reoffending rates.

Where possible, each entry in this encyclopedia includes an examination of *race, gender, and class.* Some entries concentrate specifically on these issues, to describe racial dynamics, racism, or specific groups of inmates.

Prisons and other correctional facilities are shaped by the context of *sentencing policy and laws.* Authors describe significant legal cases that have changed penal policy, as well as explain the relevance of constitutional amendments to prison policy. Sentencing guidelines, sentencing laws, and the rationale for different types of sentences are also considered.

Finally, certain entries center on issues of *security and classification.* These include examinations of classification systems, along with description and analysis of prison discipline. The different levels of security are also explained individually, while examples of key types of institutions are outlined. Related topics include entries on specific types of punishment such as probation, parole, community corrections, electronic monitoring, and house arrest.

ORGANIZATION

The entries are organized alphabetically. Each one is cross-referenced to point the reader to related topics that they might find relevant. The essays also all include a list of further readings to help the reader in any additional research. The index provides a guide to the topics covered in specific entries as well as those listed under alternative names.

SIDEBARS AND ILLUSTRATIONS

The encyclopedia contains 25 sidebars and a number of illustrations, including graphs, tables, and photos. In the sidebars, prisoners share their firsthand accounts of life behind bars.

APPENDIX

The appendix lists institutions in the federal prison system. Included in this list are the address and location of each facility, along with brief descriptions of the programs and treatment each place offers. It gives an overview of one of the largest and most important prison systems in the United States to provide a greater sense of the opportunities available for those behind bars.

CHRONOLOGY

A detailed timeline is listed at the start of each volume. This chronology dates key legal cases, publications, and the founding of certain penal establishments in the United States.

CONCLUSION

While a collection of this size is not designed to be read cover to cover, it is hoped that readers will find the information in each entry absorbing enough to lead them onto another. To that end, readers should take note of the cross-references listed below each entry to direct them to other, related areas. As with all reference books, this collection is designed not just to inform but also to explain and analyze. Reflecting the work of many different individuals, at various stages in their careers and from a number of different places, this encyclopedia aims to provide the most comprehensive overview of issues related to prisons, punishment, and confinement in the United States today.

Acknowledgments

There are many people to thank for helping to pull together this collection of entries. First of all, I have been incredibly fortunate in my editorial team. Jeanne Flavin, Jim Thomas, Esther Heffernan, and Stephanie Bush-Baskette really went above and beyond the call of duty. Not only did they help put together the list of topics, but also they helped me edit some of the thornier pieces of prose that I received. Most important, they did all this with good humor, generosity of spirit, and speed. They particularly stepped into the breach when I experienced the joyful surprise of my daughter Ella arriving one month early and thereby disrupting the scheduled completion of this encyclopedia.

At Sage, I would like to thank Rolf Janke and Jerry Westby for asking me to edit these two volumes. Working with them is always a pleasure. Vonessa Vondera managed to keep the list of contributors and all other organizational matters in order, allowing me to stay focused on editing, while Kate Peterson and Pam Suwinsky have done a wonderful job correcting minor errors and smoothing out stylistic flaws during the copyediting process. Denise Santoyo ensured that all the final issues were resolved so that the encyclopedia could actually be published.

Although there have definitely been moments in its completion where I swore never to be involved in a project of this size again, it has been a fascinating experience that I am pleased to have undertaken. Not only has the encyclopedia enabled me to make contact with most of the interesting people in my field of prisons research, but also I have learned a lot from reading each entry. To that end, I would like to thank the more than 250 authors who are responsible for the entries that I have edited. Drawn from across the United States, as well as from the United Kingdom, Australia, New Zealand, and Canada, they have sought to define their allotted topics in ways that are accessible to a general readership while remaining rigorously academic. This dual task of an encyclopedia is not always easy, yet it is important. Each author also strove to include information about race and gender in order to avoid generalizing.

Others who have helped include Chelsea Adewunmi, who transcribed all of the prisoner entries and helped edit them, while also organizing all my computer files so I could be sure of which entries I still needed to chase up. I also appreciate the assistance of Michal Bosworth, Marianne Fisher-Giordano, Paul Lucko, and Shoshana Pollack, all of whom read through some entries and gave suggestions for changes. The various prisoners who have contributed the information for the sidebars also need to be acknowledged, particularly Seth Ferranti, who organized a number of men to write about their experiences.

Finally, I'd like to thank Anthony for helping out on the home front and for always being enthusiastic about this project. He kept reminding me of the utility that encyclopedias play in disseminating information from the confines of the academy to the general public. I'd like to dedicate this to Ella, who is wriggling on my knee, saying "ooh ooh ooh" as I type this one-handed. She has made the finishing-up stage of this encyclopedia much more amusing than it might otherwise have been, if a little slower than planned.

About the Editor

Mary Bosworth is Assistant Professor of Sociology at Wesleyan University in Connecticut. She has published extensively on a number of different aspects of imprisonment. Her first book, *Engendering Resistance: Agency and Power in Women's Prisons* (1999), analyzes contemporary women's imprisonment in England in light of feminist theory. In contrast, her second book, *The U.S. Federal Prison System* (2002), is designed as a resource for prisoners and their families as well as prisons researchers and practitioners. In it, Bosworth combines academic literature with government reports and firsthand prisoner accounts to explain and analyze key aspects of the federal prison system.

In addition to these two books, Bosworth has published numerous journal articles and book chapters on topics from the history of women's imprisonment in France to methodological issues in prisons research. She is currently coediting (with Jeanne Flavin) a collection of essays on race, gender, and punishment that will be published in 2005.

After finishing her PhD at the University of Cambridge in 1997, Bosworth started working in the United States in the Sociology and Anthropology Department at Fordham University in New York City. In 2002, she moved to the Sociology Department at Wesleyan University. She has been a visiting library fellow at the School of Criminal Justice at Rutgers University and a visiting scholar at the Maison Suger in Paris. In the summer of 2004, she was a visiting scholar at the Crime Research Centre at the University of Western Australia, and at the Institute d'études européennes at the Université de Montréal, where she conducted a comparative study of the detention of immigrants and foreigners in light of recent legislation. In fall 2004, she became a visiting scholar at the Oxford University Centre for Socio-legal Studies and at Wolfson College to continue this research. In December 2003, Mary Bosworth gave birth to her first child, Ella Michal Bosworth-Gerbino.

A

ABBOTT, JACK HENRY (1944–2002)

Jack Henry Abbot is remembered as a complex and controversial figure in the history of U.S. prisons. In 1978, Abbott, while in prison, initiated a lengthy correspondence with author Norman Mailer, who was at the time writing *The Executioner's Song* (1979), a fictionalized biography of executed murderer Gary Gilmore. Abbott and Gilmore served time together in the Utah state penitentiary. Mailer not only was eager to learn more about Gilmore but also took an interest in Abbott's own writings. He was, apparently, impressed by Abbott's ability to convey the stark reality of prison life and was instrumental in having Abbott's letters published in the prestigious *New York Review of Books.* Self-educated, Abbott delved into the revolutionary philosophies of Mao and Stalin and wrote critically about violence and racism in America and in its prisons.

In the Belly of the Beast

Abbott's collection of writings culminated in the publication of the autobiographical text *In the Belly of the Beast* (1981). The book, featuring an introduction by Mailer, was commercially successful and highly acclaimed by critics. In it Abbott chronicles his life as a state-raised convict. He spent the better part of his first 12 years being shuttled among foster homes before being sent to the Utah state reformatory. At age 18, he was released, but only six months later he was sent to the Utah penitentiary to serve time for writing bad checks. Three years later, he stabbed one inmate to death and injured another in a prison brawl, adding more time to his sentence. In 1971, at the age of 25, he escaped briefly and robbed a bank, an offense that added a 19-year federal sentence on top of state time. In the *New York Times Book Review,* critic Terrence Des Pres called Abbott's book "awesome, brilliant, perversely ingenuous; its impact is indelible, and as an articulation of penal nightmare it is completely compelling" (Worth, 2002, p. B2).

When Abbott was being considered for parole, Mailer wrote a supportive letter on his behalf: "Mr. Abbott has the makings of a powerful and important writer" (Worth, 2002, p. B1). Mailer pleaded for Abbott's release, guaranteeing him gainful employment; subsequently, Abbott was transferred to a New York halfway house in early in June 1981 where he worked as a researcher earning $150 a week. Abbott was quickly embraced as a curious celebrity, appearing on nationally televised news programs and attending dinners with New York's literary elite.

THE MURDER OF RICHARD ADAN

Just six weeks after his release, Abbott's fame turned tragic when, during a confrontation outside a restaurant, he stabbed a man to death. His victim, Richard Adan, was a 22-year-old aspiring actor working nights as a waiter. The murder brought intense criticism of Mailer, who was ridiculed for having romanticized Abbot for his literary talent while failing to recognize the ex-con's capacity for violence. Mailer said he "felt a large responsibility" for the death of Adan, insisting that he "never thought Abbott was close to killing and that's why I have to sit in judgment on myself. I just was not sensitive to the fact" (Worth, 2002, p. B1).

After the deadly incident, Abbott eluded police and fled New York City. Following a month-long manhunt, he was apprehended in Louisiana and extradited to New York where he was convicted of first-degree manslaughter and sentenced to 15 years to life. In 1990, Abbott was sued in civil court by Adan's widow, who was awarded $7.57 million in damages. The award included Abbott's future earnings as well as the $100,000 he had already earned from *In the Belly of the Beast* and $15,000 he had earned from the rights to a film about the murder and another book he had written titled *My Return* (1987). Abbott had already been barred from using any of the proceeds of *My Return* under New York State's so-called Son of Sam law that prevents offenders from profiting from their crimes.

CONCLUSION

In 2002, corrections officers at the Wende Correctional Facility (New York) found Abbott, age 58, hanging from a bed sheet, an apparent suicide. After learning of Abbott's death, Mailer lamented: "His life was tragic from beginning to end. I never knew a man who had a worse life. What made it doubly awful is that he brought a deadly tragedy down on one young man full of promise and left a bomb crater of lost possibilities for many, including most especially himself" (Worth, 2002, p. B1).

—Michael Welch

See also Celebrities in Prison; Convict Criminology; Deterrence Theory; Federal Prison System; Gary Gilmore; John Irwin; George Jackson; Juvenile Justice System; Juvenile Reformatories; Parole; Prison Culture; Prisoner Writing; Prisonization; Rehabilitation Theory; Solitary Confinement; Special Housing Unit

Further Reading

Abbott, J. H. (1981). *In the belly of the beast: Letters from prison.* New York: Vintage.

Abbott, J. H., with Zack, N. (1987). *My return.* Buffalo, NY: Prometheus.

Worth, R. F. (2002, February 11). Jailhouse author helped by Mailer is found dead. *New York Times,* pp. B1, B2.

ABOLITION

The term *abolition* emerged during the 1830s to define a means of ending slavery. According to abolitionists slavery could be wiped out only by abandoning it and all the structures dependent on it altogether. In contrast, other antislavery activists at the time known as *gradualists* sought to end slavery by buying slaves and setting them free. Gradualism did little to reduce or eliminate the slave system since it did not target the root of the practice. Similar divisions exist within the field of criminal justice. Unlike other reformers who want to change, improve, or better the existing justice system, abolitionists wish to do away with it altogether. Reformers who are not abolitionists usually lobby for more humanitarian treatment of offenders, while seeking to reduce prison terms, or alter criminal law in some manner. Such a course calls for modifications— often substantial—without challenging the institutional or philosophical base on which the system is constructed. In contrast, abolitionists want to either eradicate whole elements of the current punishment system or bring an end to it entirely. They also advocate for a variety of alternatives.

Contemporary abolitionism dates from the countercultural political movements of the 1960s and 1970s. As a relatively new force on the penal landscape it is still evolving. Initially defined by its opposition to incarceration as a means of punishment and thus identified as *prison abolition,* in the mid-1980s the abolitionist position became one of

penal abolitionism. Penal abolitionists—activists, ex-prisoners, academics, religious actors, politicians, inmates and their families, laborers, students—are opposed to an adversarial criminal justice system that promotes and supports revenge, punitive imprisonment, retribution, and coercion. They are also equally concerned with victims and offenders since they believe that the current systems fail both parties as well as the community.

HISTORY OF THE MOVEMENT

Penal reformers began to criticize methods and practices of punishment almost as soon as the modern criminal justice system was established at the end of the 18th century. The rise of a resolute abolitionist ideology, however, is a far more recent phenomenon. Seeds for such a movement grew within the academy and at the grassroots level in the United States and Europe during the 1960s and 1970s when dramatic social and political upheaval led many to call the mainstream and its institutions, including the criminal justice system, into question.

Academics and students during this period began to examine what crime was, where it came from, and how society dealt with it. In the process, they created numerous approaches to criminology, defining themselves and associating their ideas with a variety of titles—radical, structural, feminist, peacemaking, neo-Marxist, left realist—all of which fell under the heading of *critical criminology*. Critical criminologists were (and remain) deeply concerned with issues of class, race, economic structures, inequity, power, social control, and gender. These scholars chronicled the harm, inefficacy, and problems of the criminal justice system calling into question its ideological, philosophical, and theoretical foundation. They also disputed the role of "professionals" in resolving such problems, calling instead for the inclusion of inmates, ex-convicts, and those most affected by penal policy. At the ninth World Conference of Criminology, held in Vienna, academics presented themselves as *abolitionists* for the first time.

As such ideas were being explored and expanded within the academy, abolitionist activism of another sort was taking shape on the ground. In the late 1960s, a prison reform movement was brewing in Scandinavia. The National Swedish Association for Penal Reform, known as KRUM, was founded in 1966. After just a few years this reform organization developed into the first unequivocally abolitionist body. Their assembly was composed of prisoners, ex-prisoners, lawyers, social workers, sociologists, inmate's families, and psychiatrists thus representing a novel cohort. As members worked on humanitarian and "treatment" issues inside correctional facilities, they began to believe that mere reform would not suffice. It would not be enough simply to alter or amend the system in certain ways since these would not change its fundamental principles and customs that were deeply troubling and profoundly entrenched. The modern-day penal model, as they saw it, was flawed and not receptive to reform. This experience served to clarify and radicalize their approach to social change. They began to generate new ideas, strategies, and sentiments about prison rather than attempt to modify specific penal policies. By 1971, the group defined its mission as one "to abolish imprisonment and other types of forced incarceration." As the Swedish group evolved, similar groups materialized: KROM in Norway, KRIM in Denmark, and KRIM in Finland. An abolitionist movement had been born.

RELIGION, ABOLITIONISM, AND NORTH AMERICA

Though a global movement, abolitionism in Canada and the United States exhibits many distinct characteristics. In this part of the world, religious groups and individuals driven by faith have been an integral part of abolitionist activity from the start. In fact, abolitionism is, in many ways, the latest chapter of an enduring tradition of activism going back more than 200 years. The Quakers, specifically, who are closely associated with the creation of the penitentiary at the end of the 18th century, were active in establishing the North American abolitionist movement during the last quarter of the 20th century.

For example, Fay Honey Knopp, a Vermont Quaker and prison minister, founded the Prison Research Education Project (PREAP) in 1976. During that same year, PREAP published *Instead of Prison: A Handbook for Abolitionists,* which was designed as a "how to" manual. The volume served to organize and galvanize penal activists around North America. By the 1980s, PREAP was renamed the Safer Society Program and Press and continued to work in a variety of ways toward an alternative punishment landscape. An abolitionist trend was emerging and traveling north.

The Canadian Quaker Committee on Jails and Justice, an active penal reform organization, officially declared support for the elimination of prisons in 1981. Within a year it grew beyond the continent to become ICOPA, International Circle of Prison Abolitionists. In the spring of 1983, the first of ICOPA's prison abolition conferences was held at the University of Toronto. This unprecedented gathering was the first of what have become annual events. The conference, which moves around the world, offers a means for the abolitionists to transcend their geographic borders and share ideas, cultivate strategies, and educate others. The meetings are financially supported by the International Foundation for a Prisonless Society. Since 1987, the "P" in ICOPA has stood for "penal" instead of "prison" reflecting the growing complexity and nuance of the abolitionist approach.

IF NOT PRISON—THEN WHAT?

Abolitionists reject the existing retributive paradigm and work to overthrow it. They seek to create and promote alternative responses to crime and punishment based on forgiveness by encouraging practices that reduce domination and harm, mandate citizen participation and establish a central role for the victim. They regard offenders as valued community members and believe that the processes of justice may help to solidify social cohesion, prevent crime, and reduce victimization. As the paragraphs below demonstrate, scholars and activists promote a number of different ways of trying to eradicate the current system.

Abolitionists such as Louk Hulsman (1991) and Heinz Steinert (1991) argue that criminal events are unexceptional and should be dealt with as we do a wide range of other community problems including floods, fire, and public health. In other words, we should view crime as a conflict that is a normal part of life and living together, rather than as a remarkable occurrence. Others, including Richard Quinney and Harold Pepinsky, speak of "making peace" on crime and violence. Their approach is primarily a theoretical one in which they hope to change the language and retributive thinking around crime and punishment. They support practices that work to foster peace between affected parties—victims, offenders, survivors, and family members—and within the community.

Theology is central to many in the penal abolition movement, including Ruth Morris, Howard Zehr, and Dan Van Ness, who argue for religious or faith-based responses to crime and justice. Using the Bible and religious tenets as their basis, these activists promote programs centered around mercy, pardon, restoration, amnesty, and healing. There are yet others, such as Sebastian Scheerer and Herman Bianchi, who favor the processes of civil courts over criminal ones. For them, disputes should be settled between the parties directly involved in the criminal event rather by a state-run "monopoly" that defines and resolves such occurrences.

Many abolitionists, including Stanley Cohen, Thomas Mathiesen, and Nils Christie, also address quite specifically the logistics of how to replace revenge-based punishments. Reflecting their criticisms of structured and rule-bound institutions such as prisons and courts, their strategies focus on the importance of decentralization. They assert that communities rather than the state must control the justice process. Responsibilities must therefore shift from professionals to citizens who take an active role in community affairs. Most important, society should stop relying on incarceration. Instead we must release the vast majority of those who are currently incarcerated while diverting new offenders from possible prison sentences into alternative programs. They also identify the need to cultivate new language to foster new ways of thinking

and doing justice. The term abolitionism itself, based as it is in the prison paradigm, is problematic and may need to be changed.

CONCLUSION: THE FUTURE OF ABOLITIONISM

Abolitionists work to liberate societies from a static repressive penal system that reflects and sustains prevailing unjust power relations. They seek to imagine what else can be both within and beyond the realm of criminal justice. Scholars argue that the dawn of the new millennium marks a crossroads for penology. Prisons are draining the fiscal coffers, do not appear to deter crime, hold disproportionate numbers of people of color and the poor, and have failed to deliver on virtually every promise. The rehabilitation-retribution cycle has come around so many times that each commands nothing more than cynicism and resignation.

Many abolitionists have embraced and champion an emerging innovative approach directed toward resolving and responding to criminal events known as *restorative justice*. Restorative justice is touted as the harbinger of a much needed paradigm shift and prison alternative. Yet many urge caution, arguing that the movement cannot use notions associated with or integral to retributive justice since these keep it wedded to the same formula of repression, guilt, victims, and punishment. For example, critics ask, is restorative justice aiming to "restore" the community, victim, and offender back to the racist unequal standing that prevailed prior to the criminal event? Or can it do something more radical and far reaching?

Penal abolitionism is a global movement whose supporters are unified not by a single ideology or theory but rather a shared goal. For abolitionism to have a future it must be flexible and welcome new ideas. It must remain dynamic, responding to and evolving with the world it aims to change. Criminal justice may indeed be ready for change but the future is difficult to predict. Thirty years ago, penologists foretold the end of the prison only to witness the largest expansion and incarceration boom ever seen. The prison seems particularly adept at sustaining itself. That which intends to replace or reduce its use has historically been absorbed into the penal repertoire serving to expand and deepen the culture of control rather than diminish it. The challenge thus remains for abolitionists to imagine new possibilities and find ways of putting them into practice.

—Dana Greene

See also Capital Punishment; Community Corrections Centers; Convict Criminology; Critical Resistance; Angela Y. Davis; Determinate Sentencing; Elizabeth Gurley Flynn; Elizabeth Fry; John Howard; Indeterminate Sentencing; Intermediate Sanctions; Juvenile Justice System; Juvenile Reformatories; Fay Honey Knopp; Legitimacy; Parole; Quakers; Racism; Resistance; Restorative Justice; Slavery

Further Reading

Abel, R. L. (1991). The failure of punishment as social control. *Israel Law Review, 25*, 740–752.

Bianchi, H., & van Swaaningen, R. (Eds.). (1986). *Abolitionism: Towards a non-repressive approach to crime.* Amsterdam: Free University Press.

Christie, N. (1986). Suitable enemies. In H. Bianchi & R. van Swaaningen (Eds.), *Abolitionism: Towards a non-repressive approach to crime* (pp. 42–54). Amsterdam: Free University Press.

Cohen, S. (Ed.). (1986). *Contemporary crises: Law, crime and social policy, 10*. [Special abolitionism issue]. The Hague, Netherlands: Martinus Nijhoff.

Cohen, S. (1991). Alternatives to punishment—The abolitionist case. *Israel Law Review, 25*, 729–739.

Galanter, M. (1991). Punishment: Civil style. *Israel Law Review, 25*, 759–791.

Hulsman, L. (1991). The abolitionist case: Alternative crime policies. *Israel Law Review, 25*, 681–709.

Mathiesen, T. (1974). *The politics of abolition.* Oslo: Scandinavian University Books.

Pepinsky, H. E., & Quinney, R. (Eds.). (1991). *Criminology as peacemaking.* Bloomington: Indiana University Press.

Steinert, H. (1991). Is there justice? No—Just us. *Israel Law Review, 25*, 710–728.

Van Ness, D. W., & Strong, K. H. (2002). *Restoring justice* (2nd ed.). Cincinnati, OH: Anderson.

West, G. W., & Morris, R. (Eds.). (2000). *The case for penal abolition.* Toronto: Canadian Scholars' Press.

ACCREDITATION

Accreditation is both a process within and a goal of corrections. The contemporary structures now in

place for institutions and agencies to be accredited indicate an increasing professionalism within the field of corrections. Just as universities must be accredited in order to award degrees and to be perceived as legitimate places of learning, penal facilities seek accreditation from the American Correctional Association (ACA) to indicate that they are offering their services at a particularly high level. Unlike other processes of accreditation, however, there is no negative effect of failing to be certified.

One of the premises of modern institutional corrections is that offenders are sent to prison as punishment rather than for punishment. Through the accreditation process, correctional professionals are able to assess and improve all aspects of confinement within an institution and the conditions for those persons working within its walls. Yet accreditation is not a panacea that will eradicate the beliefs or behaviors of those persons who seek to punish inmates, or otherwise abuse their authority, nor will it change years of legislative neglect. Accreditation addresses the totality of correctional confinement conditions and their affects on inmates and staff by accentuating the positives and identifying areas for improvement.

THE PROCESS OF ACCREDITATION

Correctional facilities, field services, and agencies may become certified as having met or exceeded a comprehensive set of standards established by the ACA through a series of self-audits, reviews, site visits, and formal hearings, which may take up to 18 months to complete. Once it has been awarded, accreditation lasts for three years. ACA endorsement may be given to pretrial detention and incarceration facilities for adults as well as to juvenile institutional services and community corrections services (probation, parole, and intermediate sanctions) for both adult and juvenile offenders. There are also accreditation standards for health care services within corrections.

Accreditation requires far more than applying a new coat of paint or adding a second dessert on Sundays. First, the agency conducts a self-evaluation of its policies, finances, physical plant, staffing, training and professional development, health care, inmate programs, and emergency services. This evaluation seeks to measure how well the agency is already complying with ACA standards (many of which are merely sound correctional practices) and which areas need improvements. The self-evaluation permits the agency to begin the process of improvement prior to a formal audit. During the 12 to 18 months that typically elapse between a self-evaluation and a formal audit, agencies work toward full compliance with ACA standards.

The formal audit is conducted by the Commission on Accreditation for Corrections, whose 25 members are drawn from juvenile and adult correctional associations, architects, health care associations, and interested persons outside of corrections. The commission sends three to five members to investigate the agency or institution under review. To be accredited, the institution must demonstrate 100% and 90% or better compliance with mandatory and nonmandatory standards, respectively. After its visit, the commission produces a final report in which the members either recommend ACA accreditation or describe the additional efforts that are required to meet the relevant standards.

Once an agency is accredited, it must submit annual reports listing compliance with existing standards and efforts to comply with new standards as they arise. It will be reinvestigated every three years. There are no direct penalties for an agency that fails to meet the requirements for accreditation by the ACA. Instead it is granted six to twelve months to meet those standards and provided with technical assistance to improve its level of compliance. It is then reevaluated by an accrediting team.

THE GOALS OF ACCREDITATION

Correctional agencies seek to provide more than just places of custody while responding to both internal and external influences. External pressures force correctional agencies to provide safe, humane custody within the fiscal and legislative boundaries imposed on them. Internal pressures are imposed by three constituent groups, each with its own needs: (1) inmates (medical, physical, psychological, rehabilitative), (2) correctional staff (preservice, inservice, and ongoing training; professional development; pay; morale),

and (3) administrative/managerial staff (policy, procedures, defense against lawsuits, reduced liability, fiscal resources). In addition to meeting the needs mentioned here, the accreditation process also aims to evaluate existing strengths and weaknesses of the correctional agency and to develop measurable and attainable goals for reducing or removing those weaknesses.

THE BENEFITS OF ACCREDITATION

The Arkansas Department of Correction (ADC) offers a case in point on how the accreditation process can assist an agency that desires to improve itself. The Arkansas prison system was one of the worst in the United States during the 1970s. Confinement conditions in the plantation style prisons were harsh and brutal. Inmates worked long hours in the fields and cattle barns to return at night to barracks where trustees ruled in the absence of correctional officers and many other free-world staff members. Classification and programs were limited in number and scope. From an administrative perspective, the prison system was in poor condition as few administrative and fiscal controls existed and those that did were often disregarded.

After being declared unconstitutional as a result of *Holt v. Sarver* (1970), ADC made enough substantial improvements to warrant release from federal monitoring in 1973 and was declared to be constitutional in 1982. Since that time, ADC has continued to improve itself to the point that it applied for the self-evaluation leading to its first accreditation in 1981. Today, all of ADC's 17 units and 4 work release centers are ACA accredited, and one senior manager serves as an accreditation commission member helping other correctional professionals learn from their experiences. Indeed, ADC's Boot Camp was named "Best of the Best" by the ACA during 1998.

CONCLUSION

Increasingly, in the United States, correctional personnel and the agencies that employ them can claim professional status. This is due, in part, to the accreditation process associated with the ACA. Today, correctional staff at all levels can point toward national minimum standards in education, training, and performance while agencies can identify minimum standards in administration and finances, operational policies and procedures, emergency procedures, programming, services, and physical plants as areas that an external, regulating organization has certified them as "professional." Compliance with these standards is ongoing among most agencies and reaccreditation occurs in a three-year cycle. Failure to meet or exceed those standards can result in decertification of this professional status. As noted previously, while there are no direct penalties for failing to be accredited or reaccredited, the loss of professional standing within corrections is often accompanied by intensified scrutiny by the courts when dealing with inmate litigation, increased liability, and decreases in staff morale. The costs of not being accredited far outweigh the costs to become accredited.

—Allan L. Patenaude

See also Actuarial Justice; American Correctional Association; Governance; Managerialism; Plantation Prisons; Professionalization of Staff; Staff Training; Trustee

Further Reading

American Correctional Association. (1993). *Standards for the administration of correctional agencies* (2nd ed.). College Park, MD: Author.

American Correctional Association. (2002). *Standards for adult correctional institutions* (4th ed.). College Park, MD: Author.

Legal Case

Holt v. Sarver, 309 F. Supp. (E.D. Ark., 1970).

ACTIVISM

Prison activism is a broad-based social movement that addresses injustices in the criminal justice system. Thousands of individuals and organizations are moved to action by the current U.S. prison crisis and are working to change or abolish the system. Their work takes different forms and has varying goals

that are not always in accordance with each other. There are large human rights organizations, such as Amnesty International and Human Rights Watch, that include prison issues in their broader work, as well as smaller local and national organizations, such as the Prison Moratorium Project and the Prison Activist Resource Center, devoted solely to reforming or abolishing the prison system. Organizations range from religious to political to youth based. Some focus on a single issue, such as freeing political prisoners, the lack of Pell grant availability for prisoners, or prisoner disenfranchisement, while others aim at changing the entire system.

Action takes a variety of forms. Some advocate groups work both in the courts, helping inmates with their individual legal battles, and in Congress, lobbying for the protection of prisoners' rights and policy changes. Others run workshops in prisons in areas such as poetry and visual arts. There are books-to-prisoner programs to supplement poorly stocked prison libraries. Postrelease organizations work to fill the void left by the state by offering education, job training, and placement opportunities to recently released prisoners. Many groups work on public education, exposing the myths about crime in the United States and the disproportionate impact of race, gender, and class in the criminal justice system.

HISTORY

Prisons originated out of a desire to reform the punishment of criminals. At the end of the 18th century, corporal and capital forms of punishment came to be seen as inhumane, and the "criminal" as one who could be reformed. However, while changes to the prison system throughout history are usually referred to as "reforms," the goals of early reformers were not necessarily aligned with the approach of prison activists today, many of whom seek to abolish the prison altogether. Rather, historical prison reformers such as the Pennsylvania Quakers were often just as concerned with improving the security or efficiency of prisons as they were with ameliorating conditions inside them.

Two figures in the first half of the 20th century stand out as prison activists. Clarence Darrow, the criminal defense lawyer who represented Eugene Debs before the Supreme Court, theorized on the criminalization of the poor. He argued that the only difference between those in prison and those not in prison was their financial situation. In 1902, during a speech to inmates at Cook County Jail in Chicago, Illinois, Darrow argued for the abolition of prisons. Taking particular contention with the death penalty, Darrow represented more than 200 defendants in capital cases, losing only one. Another figure from the early 1900s is Thomas Mott Osborne, former mayor of Auburn, New York. In 1913 he spent a week as an Auburn Prison inmate and published a book about his eye-opening experience. From that experience, Osborne worked to transform prisons into effective rehabilitative institutions, becoming a progressive warden at Sing Sing for a time. After working for the system, Osborne founded the Mutual Welfare League, which focused on postrelease opportunities for inmates.

The second half of the century saw a large growth in prison activism. For example, Caryl Chessman, executed by the State of California in 1960, left behind a legacy of prison activism. In his 12 years on death row in San Quentin, Chessman fought for, and won, a number of civil rights for prisoners, especially in the area of access to books and the right to write. It was these rights that radical prisoners in the 1970s like George Jackson (author of *Soledad Brother)* depended on to develop and express their views and galvanize the public and other prisoners.

In the 1970s, prison activism became more radical, as a movement to abolish prisons grew out of the Black Power and antiwar movements. Groups and individuals began to point to the racism within prison and the disproportionate application of incarceration on the poor. Especially in California, there were a number of politicized prisoners, some of whom were political prior to their incarceration and others who changed while in prison. George Jackson, who was incarcerated at the age of 18 for robbing a gas station and during the next 10 years became one of the leaders of the anti-prison movement, was a key figure in U.S. prison activism. His book, *Soledad Brother: The Prison Letters of George Jackson* (1970), shed light on the brutality

of the U.S. prison system and was internationally read. He and other prisoners challenged the popular discourse that portrayed prisoners as uneducated, immoral, violent predators.

Though in principle the activists of the 1970s were seeking to abolish or to change all prisons, in practice their focus was almost exclusively on men's institutions. These days, however, a number of organizations exist that concentrate solely on women's experiences. Groups like Critical Resistance and Women's Advocate Ministry as well as individuals like Angela Davis and Kathy Boudin have done a great deal to illuminate the conditions in women's prisons and to set out an agenda to reform or abolish women's facilities.

ABOLITION VERSUS REFORM

Within activist circles there is an ongoing debate between those who advocate for reform and others who advocate for abolition, also known as "decarceration." Both sides believe that the prison is in crisis. However, prison abolition groups work to reduce and eventually eliminate prisons by restructuring society so that punitive forms of social control are not necessary. In contrast, reform advocates strive to improve conditions within prisons. They also seek alternative forms of punishment, such as electronic monitoring or mandated treatment, and make prisons more effective rehabilitation centers, all the while maintaining the current framework of punishment as the dominant form of social control.

Reform groups wish to make prisons humane and rehabilitative as well as to reduce the numbers of incarcerated people. They try to ameliorate the prison system so that it focuses on rehabilitation and offers opportunities for inmates to obtain treatment, education, and skills. This task is difficult, however, as support for rehabilitation within the criminal has dwindled since the late 1970s. There is little money for educational and job training programs that help reduce recidivism rates. Reform groups see these programs, along with drug treatment programs, as important opportunities for inmates and solutions that will eventually reduce the number of people in prison. For example, after prisoners became ineligible for Pell grants in 1995, college-in-prison programs became regrettably rare despite their proven success at reducing recidivism rates and improving opportunities for inmates. The absence of such programs is one of the many points of action for reform groups.

In addition to improving services within prison walls, reform groups often seek to reduce the number of people incarcerated. To that end, they support alternative punishments, including mandated drug treatment, community service, house arrest, and other intermediate sanctions. Prison reform groups also try to improve current conditions within prisons by targeting such issues as prisoner rape, denial of civil rights, conditions in supermaximum facilities, and poor health care.

Abolitionists argue that restructuring services within prisons and the criminal justice system serves only to reentrench the inequalities that these institutions create. Rather than finding a replacement for prison, they work to develop solutions outside the criminal justice system, focusing on justice rather than punishment. Intermediate sanctions are not acceptable to abolitionists, because they operate within the current criminal justice system, putting the state in control of people's lives, and still rely on the looming threat of a prison sentence as the consequence of noncompliance. While alternatives such as electronic monitoring keep people out of prison, abolitionists argue that they continue to locate and punish poor people and people of color in disproportionate numbers. Instead of the "criminal" as a category, which is located in a particular place in our society, namely among the poor and people of color, abolitionists prefer to use the category "lawbreaker," which most people have been at some point in time.

An example of an abolition strategy can be found in the decriminalization of drug sale and use. Abolitionists argue that drug addiction should be understood as a medical problem, not a criminal one, and rather than reserving treatment for affluent drug abusers and punishing those who cannot afford treatment, quality, voluntary, appropriate treatment should be available to all who seek it. This redefinition of the drug crisis would reduce the prison population and free up resources to be used for health care and treatment.

DEATH PENALTY

Though from the inception of American colonies individuals and groups have sought to abolish the death penalty, their efforts became more organized in 1845, when the American Society for the Abolition of Capital Punishment was founded. Since then, work has occurred at both the state and national levels in faith-based, political, and legal organizations. These groups fight both for the abolition of the death penalty and for individuals facing execution. For example, Mumia Abu-Jamal spent years on death row until the work of many individuals and organizations lobbying on his behalf succeeded in a commutation of his death sentence. Some who sought to save Abu-Jamal's life became involved because they saw the death penalty as unethical, while others were drawn to his struggle because of his specific position as a political prisoner on death row.

Death penalty lawyers have become particularly important in anti-death penalty activism. They seek to reverse death sentences after defendants have been convicted and sentenced. While their activism takes place in the courtroom and deals intricately with the law, death penalty lawyers do more than merely point to the injustices of their defendant's initial trial; they tell their defendant's story. They move past the crime to reconstruct their clients as human beings in the eyes of the court.

The replacement of life imprisonment for Abu-Jamal's death sentence highlights an important debate within the death penalty abolition movement: What should replace a death sentence? Often, organizations or individuals argue for a sentence of life imprisonment as the appropriate alternative to the death penalty. However, some, such as Angela Davis, see the abolition of the death penalty and the abolition of prisons as interdependent.

PRISONER ACTIVISM

Anti-prison activism and prison reform work is not done only by groups external to the system. Prisoners play a key role in prison activism. Because of the total institution within which they are confined, resources available to prisoners for this kind of work are limited. Often there are restrictions on organizing within prisons, and inmates are written up or otherwise penalized for actions such as petition writing. However, despite tight constraints on them, many find ways to organize and exert agency in a collective manner. Various forms of prisoner activism include the organizing of political or identity groups, pursuing lawsuits that push for protection or expansion of prisoner rights, publishing writing that exposes injustices within the system to the public, strikes, and rioting.

Female prisoners are thought to be less political than their male counterparts. However, research shows that women face considerable additional barriers to organizing. First, more than 75% of female prisoners are mothers, most of whom were the primary caregivers to their children before incarceration. For these women, the consequences of resisting the status quo may be too high. The risk of adding extra time to their sentences or having their visiting and/or phone privileges suspended may not be worth it due to its effect on the lives of their children. Moreover, since the female prison population is much smaller, they do not receive the media attention or outside support that many men's causes receive. When they do organize, women tend to lobby for different issues than do men. In particular, they often seek remedies for medical care and parental rights. Because organizing efforts often rely on outside support in the forms of legal advice and media attention, such silence surrounding women's activism greatly weakens female prisoners' efforts.

CONCLUSION

Attempts at prison reform and abolition have existed since the prison was first established. Efforts have been made from within and outside the prison walls. Though calls for the end to incarceration have so far been unsuccessful, many groups and individuals have made significant changes to how prisons are run. Such people provide a crucial monitoring role to ensure that basic levels of

humanity and justice are maintained behind the bars of the nation's total institutions.

—Katherine Piper

See also Abolition; Attica Correctional Facility; Black Panther Party; Capital Punishment; Critical Resistance; Angela Y. Davis; Families Against Mandatory Minimum Sentences; George Jackson; Legitimacy; Malcolm X; Nation of Islam; November Coalition; Quakers; Resistance; Riots; San Quentin State Prison; "Stop Prisoner Rape"; Women's Advocate Ministry Women Prisoners

Further Reading

Bosworth, M. (1999). *Engendering resistance: Agency and power in women's prisons*. Aldershot, UK: Ashgate.

Cummins, E. (1994). *The rise and fall of California's radical prison movement.* Stanford, CA: Stanford University Press.

Davis, A. Y. (2003). *Are prisons obsolete?* New York: Seven Stories.

Diaz-Cotto, J. (1996). *Gender, ethnicity and the state: Latina and Latino prison politics*. Albany: State University of New York Press.

Foucault, M. ([1975] 1991). *Discipline and punish* (A. Sheridan, Trans.). London: Penguin.

Haines, H. H. (1996). *Against capital punishment: The anti-death penalty movement in America, 1972–1994.* New York: Oxford University Press.

Jackson, G. ([1970]1994). *Soledad brother: The prison letters of George Jackson.* Chicago: Lawrence Hill.

Shakur, A. (1987). *Assata: An autobiography.* Chicago: Lawrence Hill.

Useem, B., & Kimball, P. (1989). *States of siege: U.S. prison riots, 1971–1986.* New York: Oxford University Press.

ACTUARIAL JUSTICE

Actuarial justice refers to a theoretical model current in the criminal justice system that employs concepts and methods similar to actuarial mathematics. Actuaries evaluate future risks such as unemployment, illness, and death. Their projections are the backbone of the insurance and financial security industries. In these fields, actuarial techniques are used to produce insurance percentage rates needed to establish premiums to cover expected losses and expenses. In the justice system, proponents of an actuarial approach attempt to evaluate risk and dangerousness of offenders and treatment programs. Actuarial justice also underpins crime prevention strategies and policing.

CHARACTERISTICS OF ACTUARIAL JUSTICE

There are at least four characteristics associated with actuarial justice:

Deviance is normal. Crime is now perceived as an inevitable social fact. We no longer try to eliminate it, for it is perceived as a direct consequence of living in society. Like traffic accidents, for example, crime is understood to be something that has a significant probability of happening. We try to prevent it and minimize its consequence, by judging the risk that various situations and individuals pose. In this view, crime has lost its moral component. It has been normalized as a by-product of modern societies.

Risk profiles rather than individuals. One of the fundamental characteristics of actuarial justice is its reliance on the concept of risk. The actuarial lens reconstructs individual and social phenomena as risk objects. Hence, the unit of analysis in the criminal justice system is not the biographical individual anymore but rather one's risk profile. Through actuarial techniques, individual identity is fragmented and remade into a combination of variables associated with different categories and level of risk.

Managing rather than transforming. Changing individuals was the key project of the disciplinary model. The goal was to transform criminals into law-abiding citizens through therapy or other correctional interventions aimed at altering their personalities. Within actuarial justice, transforming individuals is no longer the exclusive goal, in part because it is difficult and resource consuming. The objective shifts to managing the risks that offenders represent. To do so, offenders are identified, classified, and organized in terms of a risk profile. Management therefore comes to be at the heart of the system. Institutional paths are provided for different categories of offender according to the risk they pose. Diagnosis and treatment have more and more given way to managerialism.

The future rather than the past. Finally, actuarial justice has a prospective outlook. It is primarily interested in estimating and preventing the occurrence of forthcoming behaviors rather than with sanctioning them or understanding and addressing their past causes. The focus of actuarial justice is mainly on incapacitating and regulating future behaviors.

Actuarial justice is a set of tendencies in the criminal justice system that still needs to be documented in order to be defined more clearly. Even if actuarial justice is more easily delineated by opposition to the rehabilitative and retributive models, the preceding characterization should not lead one to think that these two models have been superseded by actuarial justice. Neither should these models be conceptualized as a sequence. As it will be shown below, they coexist within the criminal justice system (O'Malley, 1992). One step in the quest to comprehend actuarial justice is to identify its theoretical underpinnings as well as its intellectual, political, and social conditions of possibility.

EMERGENCE OF ACTUARIAL JUSTICE

The origin of actuarial justice, and actuarial practices more generally, traces back to our capacity to perceive and think about phenomena at a group or social level. Before the late 18th to early 19th centuries, averse events were mainly perceived as personal misfortunes. Along with the birth of statistics, the capacity to conceptualized events socially made it possible to observe patterns that affect people on a larger scale. Therefore, new realities came into view: birth and death rates, patterns of accidents, unemployment rates, and so on. It allowed for the emergence of a new form of power focused on the population as a set of characteristics or profiles. In the language of Michel Foucault, it is called government or bio-power. Actuarial practices are a manifestation of that particular form of power.

Despite these early foundations, the idea of actuarial justice became articulated as such only at the end of the 1980s. According to Malcolm Feeley and Jonathan Simon (1994), there are three main reasons why these ideas became popular at this time. First, this particular line of thought was already present in other fields of the law, namely, tort law. In effect, in tort law strict liability and no-fault gained ascendancy over the notion of individual responsibility. Causality and guilt are not an issue in tort law; the preoccupation is with managing of a pool of averse events. Second, the supplanting of the individual justice logic by the system-thinking and rational management logic contributed to the development of actuarial justice. In effect, we now think of justice in terms of a complex system in search of efficiency and not as the operation of a judge who impartially weigh an individual moral implication in a crime. Finally, the utilitarian idea of deterrence weakened the resistance against actuarial justice in the sense that it replace the traditional moral and individualistic view of crime and punishment by an economic conception of individual guided by the calculation of costs and pleasures.

On the political level, liberal and conservative stances both contributed to the rise of actuarial justice, through their emphasis on management. The first sought to regularize procedure through due process; the second encouraged the use of extended imprisonment and thereby increased the correctional population prompting the use of actuarial techniques for efficient management.

ACTUARIAL JUSTICE IN PRACTICE

Instances of actuarial justice in practice can be found in many parts of the criminal justice system. For example, these days it is common to refer to crime as a risk to be addressed by an insurance base model of control. Accordingly, tools such as target hardening, statistical profiling, opportunity minimization, and loss prevention are put in place. To minimize the occurrence of negative events, proponents of crime prevention and the police rely on risk classification. "Bad risks" are then prevented from entering into some form of social relation as happens in the selective incapacitation of high-risk offenders. In addition, crime prevention aims at modifying the context where aversive events might take place. Hence, the target of control shifts from the criminals to the potential victims and their environments. Finally, another sign that crime

prevention is increasingly influenced by actuarial justice is that when people are unable to avoid risk, strategies are implemented to systematically pass it along. Thus, for example, supermarkets often calculate the price of goods to include the foreseeable loss incurred by shoplifting.

Actuarial justice also permeates corrections to form what has been called the "new penology." This correctional model encompasses all the characteristics listed earlier: the normalization of deviance and the focus on risk, management, and the future. Under these ideas, the practices of parole have changed substantially. While originally, readmitting someone to prison while he or she was on parole demonstrated the failure of the correctional system because it showed that the person had not been successfully treated during the incarceration, in the actuarial justice model it has become a sign that the system efficiently controls risks. The criminal is neutralized before he or she commits further crime. Similarly, under an actuarial model, the criminal justice system has become increasingly reliant on long prison terms and three-strikes laws. Not only do these measures aim at punishing offenders for past behaviors, but they mostly seek to contain future crime.

The development of actuarial justice literature was, until recently, mostly based on research done with male offenders. It is then reasonable to ask if this model is relevant to the situation experienced by juveniles and women in the criminal justice system. Research shows that it is applicable to a certain point. Hence, Kimberly Kempf-Leonard and Elicka Peterson (2000) demonstrated that some parts of the juvenile justice system are permeated by the actuarial justice model. Such a shift seems to challenge the *parens patriae* orientation. It is largely the case at the prehearing detention stage, when the type of detention facility is chosen and when community-based services are used. In these instances, risk assessment and management as well as cost-effectiveness seem to prevail over the "best interest of the child." In the same vein, Kelly Hannah-Moffat (1999) demonstrated that the actuarial justice vocabulary and logic are increasingly present in women's imprisonment, alongside the disciplinary and retributive models.

CONCLUSION

Actuarial justice is a conceptual model of the criminal justice system that is preoccupied with managing future risks rather than transforming individual and eliminating deviance. Even if its origin can be traced to the late 18th century, the actuarial justice model developed in the 1980s under the impulse of the system thinking and the management logic as well as the utilitarian philosophy. Both the right- and left-wing politics participated in its development. The actuarial model is pervasive in every part of the criminal justice system from crime prevention to sentencing and corrections. In conclusion, while actuarial justice and the notion of risk suggest neutrality and objectivity, actuarial practices are marked by gender, culture, and subjectivity. Invested with an aura of science and rationality, actuarial practices hide the political processes behind the construction of crime, the identification of segments of the population as high-risk offenders, and the exclusion resulting from the "necessary" protection measures. Finally, actuarial justice isolates the criminal justice system from the social finalities that were once measures of its worth.

—Dominique Robert

See also Deterrence Theory; Michel Foucault; Incapacitation Theory; Just Deserts Theory; Legitimacy; Managerialism; Rehabilitation Theory

Further Reading

Feeley, M., & Simon, J. (1992). The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology, 30*(4), 449–474.

Feeley, M., & Simon, J. (1994). Actuarial justice: The emerging new criminal law. In D. Nelken (Ed), *The futures of criminology* (pp. 173–201). London: Sage.

Glaser, D. (1998). Who gets probation and parole: Case study versus actuarial decision making. In P. O'Malley (Ed), *Crime and the risk society* (pp. 439–450). Dartmouth, UK: Ashgate.

Hannah-Moffat, K. (1999). Moral agent or actuarial subject: Risk and Canadian women's imprisonment. *Theoretical Criminology, 3*(1), 71–94.

Kempf-Leonard, K., & Peterson, E. S. L. (2000). Expanding realms of the new penology: The advent of actuarial justice for juveniles. *Punishment and Society, 2*(1), 66–97.

O'Malley, P. (1992). Risk, power and crime prevention. *Economy and Society, 21*(3), 252–275.

Reichman, N. (1986). Managing crime risks: Toward an insurance based model of social control. *Research in Law, Deviance and Social Control, 8,* 151–172.

Simon, J. (1987). The emergence of a risk society: Insurance, law and the state. *Socialist Review, 95*, 61–89.

Simon, J. (1988). The ideological effect of actuarial practices. *Law and Society Review, 22*, 771–800.

ADULT BASIC EDUCATION

Adult basic education (ABE) is an umbrella term that includes a number of prison courses. Most programs are designed to help inmates obtain literacy skills and/or a high school or general equivalency diploma (GED), though some institutions also offer classes in life skills, anger management, interpersonal relationship, and financial budgeting along with vocational and occupational skills programs. Research suggests that all of these courses help offenders gain legal employment and decrease their rate of rearrest, reconviction, and reincarceration. They also reduce their disciplinary problems while incarcerated.

PROGRAMS

As part of their ABE programs, most states require inmates to take literacy classes if they fall below a certain level of capability. In Arizona, for example, all inmates are meant to be tested on arrival with the Test for Adult Basic Education (TABE), and those who fall below an eighth-grade score in reading, language, or math on the TABE must attend Functional Literacy classes for 120 days. Since 1991, all inmates in the federal system are meant to have a GED in order to participate in any institutional jobs above entry-level positions. In New York State, they must read at least at a ninth-grade level.

In addition to basic literacy programs, states offer vocational and occupational training programs to teach inmates how to search and apply for jobs. Many jurisdictions also offer life skills programs as part of their basic education. Such courses are meant to assist inmates in mending family relationships and in dealing with issues such as anger management. Tennessee, for example offers a life skills program to mothers incarcerated at the Tennessee Prison for Women known as the Child Visitation Program. This course allows young children (between the ages of three month and six years) to spend an entire weekend with their mother on the prison grounds to encourage family bonds. Before women may participate in the program, they have to be discipline free and complete a parenting skills class. During the weekend visit, mothers are allowed to stay in a single cell with their child and to eat meals and interact with their child in a family atmosphere.

Life skills programs also strive to help inmates reintegrate into society when they are released. South Dakota, for example, runs a program called FORWARD for inmates within one year of their release date. In addition to addressing family issues, this course helps individuals set occupational goals and teaches them how to budget.

DISCIPLINE AND RECIDIVISM

Research has shown that participants in adult basic educational programs recidivate approximately 29% less than nonparticipants. Correctional administrators have also found that those inmates who participate in adult basic educational programs including life skills and vocational and occupational training have less disciplinary violations compared to inmates not enrolled in these programs. This is believed to be because participants are not idle and therefore are less likely to be involved in violent situations. Correctional administrators also believe that these programs foster a sense of accomplishment and hope for inmates who would normally not have a positive outlet. As a result, administrators are able to use these programs as rewards and incentives for good behavior among the inmates.

CONCLUSION

Adult basic education programs help inmates succeed after release in a number of ways. Not only do most courses offer instruction in reading, writing,

and basic arithmetic, they also often teach reasoning and analytic skills. Courses that stress life skills such as balancing a checkbook, setting a budget, and applying for a job are also common. Altogether, ABE courses, like most prison education, seek to help prisoners readjust to life outside the prison, and help them to avoid coming back.

—Alexis J. Miller and Rosaletta Walker-Richardson

See also Art Programs; College Courses in Prisons; Creative Writing Programs; Drama Programs; Education; English as a Second Language; General Educational Development (GED) Exam and General Equivalency Diploma; Pell Grants; Recidivism; Rehabilitation Theory

Further Reading

Cecil, D. K., Drapkin, D. A., Mackenzie, D. L., & Hickman, L. J. (2000). The effectiveness of adult basic education and life-skills programs in reducing recidivism: A review and assessment of the research. *Journal of Correctional Education, 51*, 207–226.

Harlow, C. W. (2003). *Education and correctional populations* (Bureau of Justice Statistics special report). Retrieved from http://www.ojp.usdoj.gov/bjs/abstract/ecp.htm

Jenkins, H. D., Pendry, J., & Steurer, S. J. (1993). *A post release follow-up of correctional education program completers released in 1990–1991*. Baltimore: Maryland State Department of Education.

Porporino, F. J., & Robinson, D. (1992). The correctional benefits of education: A follow-up of Canadian federal offenders participating in ABE. *Journal of Correctional Education, 43*, 92–98.

Tewksbury, R. (1994). Literacy programming for jail inmates: Reflections and recommendation from one program. *The Prison Journal, 74*, 398–414.

Walsh, A. (1985). An evaluation of the effects of adult basic education on rearrest rates among probationers. *Journal of Offender Counseling, Services & Rehabilitation, 9*, 69–76.

ADX (ADMINISTRATIVE MAXIMUM): FLORENCE

Administrative Maximum (ADX), the highest security federal penitentiary, is located on a government reservation in Florence, Colorado. When Florence was built, it was the Bureau of Prisons' (BOP) first *correctional complex*. On the grounds adjacent to ADX are minimum-, medium-, and maximum-security prisons.

HISTORY

ADX is the third in a line of federal high-security penitentiaries that began with Alcatraz (1934–1963). From 1963 to 1978, BOP officials dispersed problem prisoners among several standard penitentiaries rather than concentrating "the worst of the worst" in one small special purpose prison.

The return to the concentration model began with the transfer of the system's most serious disciplinary problems to the federal penitentiary at Marion, Illinois, which opened in 1963. Ten years later, in 1973, a Control Unit within Marion was established in which inmates moved only in restraints and escorted by several officers. No congregate activities were allowed for these prisoners who were regarded as the most dangerous and disruptive in the federal system. The movement to a regime in which the entire prison was run in a Control Unit mode followed the killing of two officers in separate incidents in the Control Unit on the same day, October 22, 1983. In each case, three officers were escorting a prisoner who was able to remove his handcuffs, secure a knife, and attack the escort group; in addition to killing two officers, four others were seriously injured. Several days later, the body of the 25th Marion inmate to die at the hands of his fellow prisoners was found.

On October 28, BOP Director Norman A. Carlson ordered that "indefinite administrative segregation" regime, popularly called a "lockdown," be initiated in all units of the prison. Henceforth, prisoners were moved one at a time from their individual cells under the escort of three officers and only after they had been handcuffed and leg chains had been attached. All congregate activities including going to the dining hall for meals, to work, to the yard and recreation areas, and to education classes and religious services in the chapel were terminated. All basic services including food were provided to prisoners, who were confined to their cells for 23 hours, leaving one hour for solitary exercise.

What came to be officially labeled as the "high-security" program quickly produced complaints

from prisoners and several prisoners' rights groups on the grounds argued that these conditions of confinement violated the inmates' protection against "cruel and unusual (psychological) punishment." A legal challenge was mounted in the Federal District Court of Southern Illinois, which subsequently ruled against the prisoners. This ruling was affirmed by the 7th Circuit Court of Appeals and by the U.S. Supreme Court when it denied a writ of certiorari. These decisions provided the constitutional basis for what came to be known as the "Marion model."

Officials from many states visited the prison to make certain that the new "supermax" prisons they were planning took into account the policies and procedures that had been tested in the courts. Marion carried out its function as what the press called the "new Alcatraz," until its successor at Florence, Colorado, came on line in November 1994.

PHYSICAL DESIGN

ADX is the first federal penitentiary specifically designed to house only maximum-security prisoners. It has a rated capacity of 490 prisoners, all of whom are held in single cells in nine completely separate units. Three units *are* designated for general population prisoners. A Control Unit serves the need for long-term disciplinary segregation while a Special Housing Unit (SHU) is used for short-term disciplinary segregation and a High Risk Unit holds inmates who require protective custody. Two units house prisoners whose improved conduct allows them to be placed first in an Intermediate or Transitional Unit and then in a Pre-Transfer Unit. Increased privileges and opportunities for greater association with other prisoners are allowed in these two units; piecework is available for prisoners in the Pre-Transfer Unit. All inmate movement in ADX is under escort and is controlled by 1,400 electronic doors and 168 closed-circuit television cameras.

Because the regime at ADX was planned for prisoners who would be locked up 23 hours a day, cells are larger than those found in standard prisons. Cells measure 7 feet by 12 feet and contain a shower, sink, and toilet; a concrete slab provides the base for a mattress and another concrete abutment from a wall serves as a table for food trays and writing, next to a concrete stool attached to the floor. A 12-inch black-and-white television set in each cell provides programming from the major commercial networks and the institutional cable system. Each cell has a window 2 feet long and 5 inches wide that looks into a small exercise yard surrounded by concrete walls. Cells are entered first through a solid-steel door with a small window and then through a grill door with a food tray slot in the bars. Inmates in the general population, Control Unit, SHU, and High Risk Unit eat in their cells; men in the Intermediate Units eat together in a common area in each unit; and those in the Pre-Transfer Unit eat in a separate dining area outside their unit.

INMATE SERVICES

Religious services and courses on stress management, anger management, and drug abuse are offered on closed-circuit TV. When requested, chaplains representing a variety of religions and two psychologists are available to meet with inmates through the barred door of the inmate's cell. Self-study courses in the areas of basic adult education and English as a second language are offered. To meet the constitutionally protected right for all prisoners to have access to basic legal materials, requests from unit law libraries are brought to the inmate's cell. Inmates in the Pre-Transfer Unit can work in the institution's clothing industry.

Depending on security considerations, indoor and outdoor exercise areas are available to individuals, pairs, or small groups. The Control Unit and the SHU have individual, enclosed exercise areas. Chain link screens covers all outdoor exercise areas. No universal gyms, free weights, or any other athletic equipment are provided. The amount of time allowed for recreation varies from 7½ hours a week in the Control Unit to 28½ hours a week in the Intermediate, Transition, and Pre-Transfer Units.

Visits by family, lawyers, or approved visitors are conducted in a concrete booth through a glass partition with conversations carried on through a telephone monitored by staff, except for attorney-client visits. Inmates are allowed five social visits a month, each

lasting a maximum of seven hours; due to its remote location and the severing of family ties through long years of imprisonment, few inmates have visits as often as ADX rules allow. Control Unit and SHU prisoners are allowed one 15-minute telephone call each month. High Risk and general population prisoners begin with two calls monthly. Inmates in the Transition and Pre-Transfer Units are allowed up to four calls in the same time period.

Food, snacks, stamps, athletic shoes, and other items can be selected from a commissary list; using their own funds, inmates can purchase these items up to maximum of $175 a month. Men in disciplinary segregation are denied this privilege whereas inmates in the Pre-Transfer Unit are able to go directly to the commissary.

WHO GETS TO ADX AND WHY

ADX houses an older population compared to other federal penitentiaries—the average age is 40. It takes time to accumulate a record of misconduct serious enough for a prisoner to work his way up to Florence through the disciplinary segregation units of other prisons. The racial/ethnic composition of the population in the year 2000 was 41.5% Caucasian, 14.5% Hispanic, 40% African American, 2% Native American, and 1.5% Asian/Pacific Islanders. Approximately 10% are not U.S. citizens. The offenses for which prisoners are currently serving sentences that average 40 years in length are bank robbery (33%), murder (23.4%), drug offenses (13.6%), firearms/explosives (8.9%), and kidnapping (5.6%). Other offense categories include crimes related to terrorism, violations of the RICO (Racketeer Influenced and Corrupt Organizations Act) statute (racketeering), Continuing Criminal Enterprise, and Threatening Government Officials.

Approximately 95% of the prisoners are transferred to ADX as a result of misconduct in other prisons: assaulting other inmates (16.3%), murdering other inmates (15.9%), escape (8.8%), attempted murder of another prisoner (7.7%), assaulting staff with weapons (4.7%), and rioting (2.9%). Other justifications for transfer include gang leadership, taking staff hostage, murder and attempted murder of staff, and drug distribution. Among the 5% of the inmates directly committed from courts are the high-profile offenders who have always brought attention to these exceptional federal prisons. Al Capone and Machine Gun Kelly were held at Alcatraz. John Gotti and assorted spies were housed at Marion. ADX housed the Oklahoma City bomber, Timothy McVeigh, until his transfer for execution and now holds Theodore Kaczynski (the Unabomber), Robert Hansen (ex-FBI agent who sold secrets to Russia), Ramzi Yousef (convicted in the 1993 World Trade Center bombing), and members of Al-Qaeda.

THE STEP-DOWN PROGRAM

The great majority of prisoners move through ADX via its Step-Down program. After being found guilty of misconduct in disciplinary hearings in other institutions, prisoners sent to the Control Unit receive a specific number of months to serve at ADX. A serious offense, for example, assaulting a staff member, will result in a term of 48 months before the inmate can enter the Step-Down program. Most prisoners begin their time at ADX in general population units, where after establishing a record of clear conduct for at least 12 months, they can move to the Intermediate Unit for a minimum of 7 months. They may then proceed to the Transitional Unit for another 5 months of nonproblematic behavior and finally to the Pre-Transfer Unit where, after another year with no misconduct reports, they are eligible for transfer to a standard penitentiary. Thus, it takes a minimum of 36 months for an ADX prisoner to work his way through the various steps. While there are exceptions, most prisoners including those who begin their terms in the Control Unit move through ADX in five years or less.

The Step-Down program puts the responsibility for moving through the prison on the prisoner, rather than asking staff to predict the future conduct of men who are being held under a high level of restraint and who do not experience the normal association between prisoners and between prisoners and staff. This policy ensures that prisoners move through ADX to other prisons in order to free up space for new "management problems." Exceptions to

movement into the Step-Down program are cases in which "intelligence" has revealed that while they have engaged in no obvious misconduct, prisoners have been giving orders to others to engage in various illegal activities. Included in this group are leaders of prison gangs, drug cartels, and organized criminal enterprises. Other exceptions to the Step-Down program are prisoners who have killed staff, spies, traitors, terrorists, and celebrity prisoners.

THE SUPERMAX CONTROVERSY

Alcatraz and Marion always housed less than 1% of the federal prison population; ADX holds less, 1/2 of 1%, but the drama associated with these prisons and the offenders sent to them has continued to provide the substance of controversy for prisoners' rights groups, for corrections' professionals, and for the electronic and print media. As soon as it opened, ADX became known as the "Alcatraz of the Rockies" because its operations emphasize highly controlled movement and limited privileges and program opportunities compared to other federal prisons. Although the question of whether the conditions of confinement at Marion and ADX are appropriate and necessary or whether they constitute "cruel and unusual punishment" has been litigated in the federal courts, the debate over how much punishment is too much continues at ADX. Ward and Werlich (2003) have reported basic data for Alcatraz and Marion prisoners including most of those who moved on to ADX. The data include measures of the incidence of mental health problems, the inmates' conduct records in other prisons, and the inmates' criminal records after they were released from their sentences. No systematic research on the effects of long-term confinement under conditions of super maximum custody has been reported for any state prison.

CONCLUSION

The mission of ADX is to "safely house the Federal Bureau of Prisons' most violent, disruptive and escape-prone inmates in an environment which provides the inmate an opportunity to demonstrate improved behavior and the ability and motivation to eventually reintegrate into an open population." From the date of its opening at the end of November 1994 to the end of 2002, no inmate has been murdered, no escapes have been attempted, and no staff have been seriously assaulted at ADX. An additional justification for concentrating, in the words of one Alcatraz warden, "all the rotten apples in one barrel" is that the removal of highly disruptive inmates allows other prisons to operate more open and diverse institutional regimes. However, because ADX and other supermax prison apply the maximum punitive measures sanctioned by the federal courts, they require oversight by agency administrators, legislators, researchers, and the press.

—David A. Ward

See also Alcatraz; Control Unit; Disciplinary Segregation; Alexander Maconochie; Marion, U.S. Penitentiary; Panopticon; Pelican Bay State Prison; Special Housing Unit; Supermax Prisons

Further Reading

Ward, D. A. (1995). A corrections' dilemma: How to evaluate supermax regimes. *Corrections Today, 57*(4), 104–108.

Ward, D. A., & Werlich, T. G. (2003). Alcatraz and Marion: Evaluating super-maximum custody. *Punishment and Society, 5*(1), 53–75.

AFRICAN AMERICAN PRISONERS

African Americans are incarcerated in the nation's jails and prisons in disproportionate numbers. At present, black inmates account for more than half of those in U.S. penal facilities even though they make up only 13% of the nation's total free population. The causes and effects of the rate at which the black community is confined constitute some of the most urgent problems facing U.S. society today.

RATES OF IMPRISONMENT

According to the most recent figures, there are approximately 912 male state and federal prison inmates per 100,000 U.S. residents, and 61 female

inmates per 100,000. If these figures are then broken down by race, there are 3,437 African American men per 100,000 and 191 African American women per 100,000 locked up as compared to 450 white male and 35 white female inmates for every 100,000 residents. These figures mean that African American men are being incarcerated at a rate approximately eight times that of white men, and black women are confined at approximately five times that of white women. Though more men than women are in prison, African American women have been incarcerated at a greater rate than African American men during the previous two decades.

Further differentiations based on race and ethnicity can be made when age is also considered. For example, across the country an estimated 10% of all African American men ages 25 to 29 are in prison. In some jurisdictions, this figure is as high as 50%. Overall, an African American male has a 29% chance of spending time in prison at some point in his life, as compared to a white male, who has a 4% chance, and a Latino male, who has a 16% chance.

HISTORY

Prior to the abolition of slavery in the United States, African Americans were rarely incarcerated in penitentiaries. Instead, punishment was administered to them on the slave plantations where they were imprisoned and controlled by their owners. When slavery was abolished, Jim Crow laws and the convict leasing system led to a rapid growth in the number of African Americans behind bars. Particularly in southern states where the majority of the black population was located, many African Americans were forcibly returned to work for former slave-owners as plantation owners leased offenders to pick cotton and perform other tasks.

As early as the 1890s, the convict lease system came under scrutiny because of accounts of brutal treatment of the inmate workers. Yet it was not until the 1930s that all states finally abolished this system—and made their governments the sole overseers of convict labor. Indeed, even in those states that officially did away with leasing, other structures grew to replace it that continued many of its racist traditions. For example, in many states, chain gangs—where convicts labor outdoors while chained to each other—partially replaced the leasing system. African Americans were once again overrepresented among the members of the chain gangs. This method of punishment existed in many states until the 1960s. It was reinstated first in Alabama in 1995, quickly followed by Florida and Arizona. Despite public outcry from and litigation by groups such as the American Civil Liberties Union, this practice now exists in many other states as well.

In the 1970s, racial disparities among U.S. prisoners began to increase. Though prison admissions for all convicted felons grew rapidly in this decade, the number of African American persons being sentenced to prison grew fastest of all. Indeed, since the beginning of national-level data collection on prison populations in 1926, the incarceration rate of African Americans has seen an overall steady increase, while during this same period the incarceration rate of white prisoners declined.

CAUSES AND EFFECTS OF THE OVERREPRESENTATION OF AFRICAN AMERICAN PRISONERS

Criminologists have identified several causes of the overrepresentation of African Americans in the U.S. prison system, including: the rate at which blacks commit crime, criminal justice policies such as policing and sentencing, socioeconomic factors, and racial bias. Weitzer and Tuch (2002), for example, found that race was a key factor in police decisions to stop and interrogate suspects. Others have found that, compared to any other group, young, black men are more likely to be denied bail and sentenced to the harshest prison terms.

One of the most common explanations for the dramatic increase in the imprisonment of African Americans is found in the so-called war on drugs. Many observers believe that the combination of law enforcement focus on combating drug sales and use and the relatively insignificant number of treatment resources available to individuals with lower incomes has led to the rise in the African American prison population. Likewise, current drug laws that

punish crack cocaine use much more harshly than powder cocaine have been shown to be particularly detrimental to minority communities, where crack cocaine is more readily available. Not only has the increase in drug-related prison sentences been greater among blacks than whites, but so too has been the rate of incarceration for drug offenses for African Americans.

There are numerous collateral consequences of incarcerating high numbers of African Americans. Some of the most troubling effects include the economic, emotional, and social impact on the children of prisoners; the lack of support for the partners of inmates; the inability of ex-felons to secure gainful employment; and in some states, their loss of the right to vote. Though children are adversely affected by the incarceration of their parents, no matter what their race or ethnicity, when large sections of the community are being confined at the rate that is occurring across black communities in the United States, the impact on black children is even greater. Entire generations of young people are currently growing up without the presence of male role models or fathers.

WOMEN

Between 1986 and 1991, there was an 828% increase in the number of black women incarcerated for drug offenses in state prisons. This was the greatest increase of any demographic group in the United States. In most state and federal prisons, the percentage of black women in the incarcerated female population now equals or exceeds the percentage of black males in the incarcerated male population. Drug offenses constitute the primary offense for which black women are incarcerated, even though most women's role in the illicit drug markets is fairly minor and is most often related to their involvement with a male and is a result of their drug dependency.

Although most inmates are the parents of at least two children under the age of 18 years at the time of their imprisonment, women are, more often than men, the primary caretaker of their children prior to incarceration. Due to the overrepresentation of black women in the female prison population, the increase and large number of imprisoned black women exacerbates the impact on black children of having a parent who is incarcerated.

Research suggests that the presence of black women in the prison systems must be investigated separately from that of black males. Although they experience similar situations due to race, the intersection of race and gender provides for very different experiences in the criminal justice system.

COPING

All prisoners, including African American prisoners, seek out various support systems to cope with their incarceration. Many African American male prisoners choose religion, including converting to Islam, particularly, the Nation of Islam, during their incarceration as a way to deal with incarceration. In some prison systems with large African American populations, such as New York State, Islam is the most common religion behind bars.

Another form of coping in prison is through the formation of comparable alliances in which people group together for security. Research demonstrates that such alliances are typically formulated along racial lines and that this custom is more prevalent among male prisoners than female prisoners. Such alliances may take the form of prison gangs, which are typically divided by race. Two of the most common gangs in which young black men participate are the Bloods and the Crips. Gangs are far less common in women's prisons. Prisoners also form non-gang-related groups, such as religious organizations or sports teams.

CONCLUSION

Despite the decrease in crime in recent years, it is anticipated that if the current sentencing policies remain in effect, particularly for drug-related offenses, the number of African Americans sent to prison will continue to increase and the racial disparities within the prison population will continue to increase. Fortunately, this state of affairs is beginning to gain more attention from academicians, policymakers, and the general public. With

this new interest, it is anticipated that measures, such as youth delinquency prevention efforts, can and will be implemented to alleviate the overrepresentation of African Americans in U.S. prisons and, accordingly, assuage the negative outcomes brought about by this epidemic.

—Hillary Potter

See also Asian American Prisoners; Bloods; Chain Gangs; Convict Lease System; Crips; Gangs; Hispanic/Latino(a) Prisoners; Immigrants/Undocumented Aliens; Nation of Islam; Native American Prisoners; Plantation Prisons; Racism; Religion in Prison; Resistance; Slavery; War on Drugs; Women's Prisons

Further Reading

Bosworth, M., & Bush-Baskette, S. (Eds.). (2005). *Race, gender and punishment: Theorizing differences.* Boston: Northeastern University Press.

DeBerry, C. E. (1994). *Blacks in corrections: Understanding network systems in prison society.* Lima, OH: Wyndham Hall.

Kennedy, R. (1998). *Race, crime, and the law.* New York: Random House.

Mann, C. R. (1993). *Unequal justice: A question of color.* Bloomington: Indiana University Press.

Mauer, M. (1999). *Race to incarcerate.* New York: New Press.

Russell, K. (1998). *The color of crime: Racial hoaxes, white fear, black protectionism, police harassment and other macroaggressions.* New York: New York University Press.

Walker, S., Spohn, C., & DeLone, M. (2002). *The color of justice: Race, ethnicity, and crime in America.* Belmont, CA: Wadsworth.

Weitzer, R., & Tuch, S. (2002). Perceptions of racial profiling: race, class and personal experience. *Criminology, 40*, 435–456.

ALCATRAZ

The United States Penitentiary (USP) Alcatraz was one of the most famous and controversial prisons in American history. Located on Alcatraz Island in San Francisco Bay, California, it was operated from 1934 to 1963 by the Federal Bureau of Prisons. Before that, the U.S. Army had maintained a military prison on the site for nearly 70 years. USP Alcatraz housed some of the country's most notorious criminals, including Al Capone and Machine Gun Kelly. Reputed to be the most secure prison in the United States at the time, it was popularly known as "The Rock" and "America's Devil's Island."

HISTORY

The Bay Area's original inhabitants, the Ohlone tribe of Native Americans, may have visited the rocky, 12-acre island to fish and gather food in the centuries before the arrival of Europeans, but apparently they established no permanent settlements there. Nor did the Spanish occupy the island after explorer Juan Manuel de Ayala sailed through the Golden Gate in 1775 and named it after the many *alcatraces*, or pelicans, that he saw nesting there.

In the 1850s, however, the U.S. Army established a fort on Alcatraz, to defend one of the most important seaports in the newly admitted state of California. Over the next half-century, the site gradually evolved into an important disciplinary barracks for military prisoners.

By the 1860s, the Army had begun using a portion of the fortress to incarcerate soldiers convicted in courts-martial, as well as a few civilians suspected of sympathizing with the Confederacy during the Civil War. In the 1870s and 1880s, the Army added more cell space on the island, and during the Spanish-American War (1898–1900) the population of military prisoners approached 450. The transition from military post to military prison culminated in 1907, when Alcatraz ceased entirely to operate as a fort. That year, the Army redesignated the site as the Pacific Branch of the U.S. Military Prison, and over the next two years it demolished the citadel that had anchored the fort's defenses, erecting in its place a large, permanent cellhouse. The Army finally closed the prison in 1933 because it was too expensive to operate, the salt air was causing the buildings to deteriorate, and the Army deemed the facility's highly public location to be an embarrassment.

ALCATRAZ BECOMES A FEDERAL PRISON

About the same time that the Army was preparing to withdraw from Alcatraz, the United States was in

the throes of one of the most wrenching crime waves in its history. The imposition of Prohibition in 1920, and the onset of the Depression less than 10 years later, gave rise to an unprecedented explosion of organized criminal activities, gangland wars, bank robberies, and kidnappings that terrorized the nation. As soon as the Army left Alcatraz, the U.S. Department of Justice moved in to transform the facility into a high-profile super-prison to hold the toughest underworld figures and make a bold statement about the federal government's war on crime.

The responsibility for managing the new USP Alcatraz fell to the Federal Bureau of Prisons (BOP). The Justice Department had established the BOP only a few years earlier, in 1929, to provide more consistent, centralized, and professional control over the handful of far-flung federal prisons that then existed. It would serve as the prison for the prison system—for those very few inmates who had proven too disruptive, violent, or escape prone to be managed even at such maximum-security penitentiaries as USP Atlanta or USP Leavenworth. Alcatraz would accept few direct commitments of inmates from the courts. Instead, nearly all its inmates would be designated to Alcatraz only after having committed serious infractions at lower-security institutions.

CONDITIONS INSIDE

After several months of retrofitting the prison with improved bars, locking systems, metal detection devices, and other security enhancements, the BOP began transferring inmates to Alcatraz in August 1934. Once there, they were housed one man to a cell, both to protect them from each other and to prevent them from working together to undermine institution security. There was a high staff-to-inmate ratio, and the movement of inmates in the cellhouse, dining area, workshops, and recreation yard was highly restricted and constantly monitored. By the late 1930s, there was a special cellblock, called the Treatment Unit, where inmates could be held in isolation as punishment for serious infractions. Alcatraz initially attempted to impose

Photo 1 *Alcatraz*

a "silent system," whereby inmates were seldom permitted to speak with each other, and to severely limit the number of visits or correspondents that inmates could have, except with their attorneys—although both of those policies were loosened within the first few years of operation. Also, all prisoners were to receive the same treatment—with no special privileges or status for celebrity inmates, as sometimes had occurred at other prisons.

Yet Alcatraz was scarcely the dungeon of popular imagination. Sanitation standards were unusually high, there was a full-service hospital staffed by officers from the U.S. Public Health Service, and even the inmates conceded that the food was both plentiful and good—if only because the BOP did not wish to antagonize a potentially explosive inmate population with unappetizing fare. Alcatraz even maintained an "inmate mail box," a precursor of modern inmate grievance systems, which enabled prisoners to air complaints through uncensored, unmonitored letters to judges, members of Congress, the attorney general, or other officials outside the BOP. Inmates could both occupy their time and earn money by working in a laundry that washed clothes for military bases up and down the West Coast, reconditioning furniture for use in federal offices, making uniforms for prisoners in various BOP facilities, manufacturing cargo nets and

anti-submarine nets for use by the Navy during World War II, or carrying out janitorial assignments throughout the prison.

Although Alcatraz did not offer the sorts of classroom-based educational and vocational training opportunities available at other BOP facilities, the prison did arrange for a correspondence school program for the inmates, through the University of California. Inmates also had access to a 15,000-volume library, musical instruments, art and writing supplies, a commissary, athletic equipment, an outdoor recreation yard, and a small auditorium where they could attend religious services and regular showings of motion pictures. By the 1940s, inmates could listen, via earphones, to radio broadcasts piped directly into their cells—although their selections were limited to stations and programs approved by the warden.

The BOP kept the inmate population at Alcatraz as low as possible—only about 1% or 2% of its total inmate population—to ensure the intensive control necessary to manage its most intractable prisoners. Alcatraz never held more than 302 inmates at any one time, even though it had the capacity to house many more. More typically, the Alcatraz population hovered at around 250, and often slipped below 200. Throughout its entire history, USP Alcatraz incarcerated a total of 1,557 inmates.

ESCAPES AND DISORDER

A further indicator of the prison's stability was that there were only 14 escape attempts, altogether involving fewer than 40 inmates. All but three of the would-be escapees drowned in San Francisco Bay, were shot to death, or were recaptured. The only inmates unaccounted for were Frank Morris and brothers John and Frank Anglin, who used drills they had fashioned in the prison's machine shop to break into the utility corridor behind their cells, escaped via the roof of the cellhouse on June 11, 1962, and attempted to paddle their way to freedom aboard small life rafts they had constructed using rubber raincoats that they had glued together and inflated—leaving behind papier-mâché heads sticking above the blankets in their cots to cover their disappearance. Although sailors on a merchant ship thought they spotted a body floating in the bay the next morning, and despite surveillance of their families for the Justice Department for many years, there were no confirmed sightings of the men after their escape—either dead or alive.

One of the escape attempts metastasized into the lone serious disturbance in the prison's history: the so-called Alcatraz Blastout of May 2–4, 1946. Exploiting a flaw they had noticed in institution security procedures during a time of day when most inmates were at their work assignments and the cellhouse was virtually empty, six inmates who had remained in the cellhouse for various reasons were able to take nine officers hostage, confine them in cells, and grab their keys and billy sticks. They then broke into a gallery above the cellhouse, where they obtained firearms. Having thus taken control of the cellhouse, the inmates hoped to use the keys to break out or, failing that, to incite a full-fledged riot. Even with they keys, however, they were unable to get out. The other 200 inmates on the island, meanwhile, refused to join the uprising and instead were moved by staff into the recreation yard where they waited peacefully until the incident was over. A 42-hour siege ensued, which finally ended when U.S. Marines dropped grenades into the cellhouse. Two BOP officers were killed (one by friendly fire), and three of the six inmates were killed. The other three inmates were recaptured, and two of them eventually were executed for their participation in the disturbance.

CONCLUSION

The BOP had never been comfortable with USP Alcatraz, and as early as 1939 had begun to nudge the Justice Department and Congress into replacing the facility. The prison's dramatic location in picturesque San Francisco Bay, complete with tour boats circling the island to give gawkers a better view, was always a public relations headache for the BOP. Day-to-day operational expenses were enormous, as all supplies (including fresh water) had to be barged to the island, and the transferring

of inmates (as well as staff and their families) to Alcatraz often involved costly coast-to-coast transportation. By the 1950s, deterioration of the physical plant was proceeding at such an alarming rate that erecting entirely new structures would have been more cost effective than attempting renovations. Also, at this time, the public demand for tough prisons was evolving into a greater emphasis on the sort of rehabilitative and normative approaches long advocated by senior prison administrators.

In the late 1950s, Congress finally appropriated funds to begin work on a new BOP penitentiary in Marion, Illinois, that would replace USP Alcatraz as the highest-security prison in the federal system. USP Marion would be built specifically to house high-risk inmates and would feature the most up-to-date prison designs and building materials—rather than being a repurposed, retrofitted structure like USP Alcatraz. Also unlike Alcatraz, Marion would be located in a rural portion of the Midwest—far from tourists and other casual onlookers, but with easier access to more parts of the country.

USP Marion, however, did operate according to the same philosophy as Alcatraz: that a large prison system needed to maintain a highly restrictive facility where it could concentrate its most dangerous inmates so that they could not disrupt programs and operations, or threaten staff and inmates, at less restrictive facilities. In 1962, while USP Marion was still under construction, the BOP started transferring inmates to other U.S. penitentiaries. It transferred the last 21 inmates in March 1963, and closed USP Alcatraz. The site remained vacant until American Indian activists, accompanied by family members and other supporters, occupied the island from 1969 to 1971 as part of a political protest. In 1973, the National Park Service acquired Alcatraz and turned it into a prison museum and wildlife sanctuary that quickly—and ironically—became a popular tourist destination.

—John W. Roberts

See also ADX Florence; Deterrence Theory; Escapes; Federal Prison System; History of Prisons; Alexander Maconochie; Labor; Marion, Rehabilitation Theory; U.S. Penitentiary; Supermax Prisons

Further Reading

Bureau of Prisons. (1949). *Handbook of correctional institution design and construction*. Washington, DC: U.S. Department of Justice, Bureau of Prisons.

Keve, P. (1991). *Prisons and the American conscience: A history of U.S. federal corrections*. Carbondale: Southern Illinois University Press.

King, R. D. (1999). The rise and rise of supermax: An American solution in search of a problem? *Punishment and Society, 1*(2), 163–186.

Roberts. J. W. (Ed.). (1994). *Escaping prison myths: Selected topics in the history of federal corrections*. Washington, DC: American University Press.

Roberts, J. W. (1996). Work, education and public safety: A brief history of federal prison industries. In J. W. Roberts, *Factories with fences: The history of federal prison industries* (pp. 10–35). Sandstone, MN: Federal Prisons Industries.

Ward, D. A. (1994). Alcatraz and Marion: Confinement in super maximum custody. In J. W. Roberts (Ed.), *Escaping prison myths: Selected topics in the history of federal corrections* (pp. 81–95). Washington, DC: American University Press.

ALCOHOL TREATMENT PROGRAMS

Most state prisons and all federal prisons offer some type of substance abuse education or treatment programs to help inmates overcome their addiction to alcohol and other drugs. It is thought that these programs may also help to reduce recidivism. With 36.41% of all men and 27.86% of all women in prison reporting alcohol use leading up to or during their offense, it seems that there may be a connection between drinking and crime. Nonetheless it is unclear whether prison-based alcohol treatment programs are effective, since less than 25% of both state and federal prison inmates take part in them.

TYPES OF ALCOHOL TREATMENT

There are several different types of alcohol treatment available in correctional settings. While some individual and family counseling may be offered, the vast majority of treatment occurs in group settings because it is more cost effective. In addition,

some alcohol treatment programs combine various treatment modalities, but most are based on disease, educational, or social learning/cognitive behavioral models. These models are discussed in turn below.

Disease Model

Proponents of the disease model believe that alcoholics have a disorder rendering them incapable of controlling their drinking. Unlike nonalcoholics, they cannot drink in moderation. Treatment from this perspective is designed to teach alcohol abusers to recognize their disease and its consequences. Abstinence is considered the only appropriate strategy.

Self-help and "12 step" programs are based on the disease model. Participants in these types of programs generally attend group sessions a few times a week. Treatment length may range from a few weeks to a year, and individuals are persuaded to avoid environments conducive to drinking and encouraged to use their support systems when faced with difficult situations. Support from other recovered alcoholics is an important element to this category of therapy.

Evaluations of the disease model are generally mixed. While some research supports this treatment modality, the majority of research and meta-analyses suggest it is not very effective. For example, one of the most common treatments based on the disease model is Alcoholics Anonymous (AA). Many prisons contain AA programs, and some courts offer "good time" credit to inmates for successfully completing an AA program. Still, data indicate there is a low rate of program completion and that offenders who are coerced into entering AA programs to gain good time or other rewards often have worse outcomes than those who received no treatment. However, results are more promising for offenders who join AA groups because they are earnestly looking for treatment.

Educational Model

Alcohol treatment programs based on educational models have their foundation in the idea that people drink to excess because they are unaware of the damaging effects of alcohol. Educational programs seek to inform offenders about harmful health and behavioral consequences of alcohol use with the goal of preventing relapse upon release. These types of alcohol programs are found in all federal prisons and many state prisons. They are usually conducted in group meetings, and treatment length varies.

Overall, studies show that education-based substance abuse programs are less effective with higher-risk offenders, because their focus is on informing participants of the destructive effects of alcohol rather than teaching them how to change behaviors and thought patterns. However, like those based on the disease model, evaluations of educational treatment programs have produced mixed results. Results range from no effect to some evidence of success. One educational program demonstrating evidence of some effect is the In-Focus day treatment program, which was implemented at an Oregon women's prison. While this program contains a strong substance abuse education component, it also contains other elements such as basic life skills training and relapse prevention.

Social Learning/Cognitive Behavioral Models

Some of the most promising approaches to alcohol treatment are based on social learning and cognitive behavioral models. Treatment from these perspectives is based on the notion that behaviors and the thoughts associated with them are learned not only directly but also vicariously by watching and imitating others.

Goals of social learning and cognitive behavioral treatment include teaching offenders more prosocial skills, behaviors, and cognitions. The new behaviors and ideas are then reinforced, often through the use of contingency contracts or token economies, in which participants earn rewards and praise for demonstrating the desired action. Successful programs generally adhere to the principles of effective reinforcement in which it is thought that rewards should be consistent, immediate, and contingent on the desired behavior.

Most cognitive behavioral programs also use role-playing and practicing. These exercises allow participants to become more comfortable with new behaviors so they will be more likely to employ them in their natural environments. Evaluations of properly implemented social learning/cognitive behavioral programs—those based on the principles of effective correctional intervention—consistently reveal high levels of success as compared to other types of treatment. The majority of these types of prison-based programs are set in therapeutic communities.

THERAPEUTIC COMMUNITIES

Therapeutic communities (TCs) are another way of dealing with alcohol (and substance) abuse. TCs seek to change the viewpoints and even personality of offenders by group therapy and occupational improvements. The primary agent of change is the community of offenders. A therapeutic community may utilize any number of the above treatment modalities. One of the most common is a combination of the self-help and cognitive-behavioral approaches (e.g., relapse prevention).

Most prison therapeutic communities have separate quarters, housing inmates in treatment away from the general population. This kind of physical barrier results in treatment participants interacting only among themselves. The environment in most communities is more like an inmate's life on the outside than the typical prison cell or dorm, and inmates usually have input into the operation of the program. Participants typically remain in therapeutic communities for 9 to 12 months, during which time they are constantly in treatment. There are several group meetings per week, and inmates are trained to confront and help each other at any time of the day or night.

Prison therapeutic communities have produced promising results for offenders when compared to milieu therapy, individual counseling, or no treatment at all. As with any type of program, results depend on the elements of each particular case study. Programs that incorporate some cognitive behavioral/social learning techniques appear to be most successful and cost effective. For example, the Amity Program, a therapeutic community in California, employed cognitive behavioral techniques and 12-step techniques. Evaluations of this program showed some effectiveness in reducing the number of rearrests and reincarcerations for participants.

CONCLUSION

Alcohol is a factor in the commission of many crimes, so it is important to offer effective treatment to offenders. There are a variety of possible approaches to dealing with alcohol abuse, each of which is derived from specific psychological and educational models. Regardless of the particular model of treatment administered in the program, the most successful programs share some common characteristics. For example, the most effective programs almost always include some cognitive behavioral and/or social learning techniques. Treatment should also be long term and targeted for high-risk and high-need offenders. Finally, alcohol treatment programs should include an aftercare component for the greatest chance of success.

—Kristie R. Blevins and Jennifer A. Pealer

See also Alcoholics Anonymous; Drug Treatment Programs; Federal Prison System; Group Therapy; Health Care; Individual Therapy; Medical Model; Rehabilitation Theory; Therapeutic Communities

Further Reading

Bureau of Justice Statistics. (1997). *Substance abuse and treatment, state and federal prisoners, 1997.* Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (1998). *Alcohol and crime.* Washington, DC: U.S. Department of Justice.

Miller, W., & Hester, R. (2002). Treatment for alcohol problems: Toward an informed eclecticism. In R. Hester & W. Miller (Eds.), *Handbook of alcoholism treatment approaches* (3rd ed.) (pp. 1–13). Boston: Allyn & Bacon.

Pearson, F. S., & Lipton, D. S. (1999). A meta-analytic review of the effectiveness of corrections-based treatments for drug abuse. *The Prison Journal, 79*, 384–410.

Phipps, P., Korinek, K., Aos, S., & Lieb, R. (1999*). Research findings on adult corrections programs: A review.* Olympia: Washington State Institute for Public Policy.

Van Voorhis, P., Braswell, M., & Lester, D. (Eds.). (2000). *Correctional counseling and rehabilitation.* Cincinnati, OH: Anderson.

Wexler, H. K. (1995). The success of therapeutic communities for substance abusers in American prisons. *Journal of Psychoactive Drugs, 27*, 57–66.

Wexler, H. K., Melnick, G., Lowe, L., & Peters, J. (1999). Three-year reincarceration outcomes for Amity in-prison therapeutic community and aftercare in California. *The Prison Journal, 79*, 321–336.

ALCOHOLICS ANONYMOUS

Alcoholics Anonymous (AA) was begun in 1935 in Akron, Ohio, by two men—a stockbroker (Bill W.) and a surgeon (Dr. Bob S.). By 1950, there were 100,000 recovering alcoholics in the AA organization worldwide. Today, the group has millions of members, and AA meetings are held in the community and in correctional facilities across the United States. Essentially, AA is a self-help and support group that views alcoholism as an incurable disease. Because it is thought that there is no cure for the condition, lifetime abstinence is the only alternative to progression of the disease.

AA MEETINGS AND IDEOLOGY

AA meetings are designed to enable those who wish to become and stay sober to convene with the purpose of discussing their drinking problems and telling their stories. AA meetings in the community are generally open to both men and women, while AA programs in correctional facilities are, for obvious reasons, limited to the single-sex members of the facility population. Most institutional AA meetings are composed of only males or females.

AA meetings may be open or closed. Open meetings are open to alcoholics, their families, and those interested in solving a drinking problem or assisting someone who has a drinking problem. In contrast, closed meetings are reserved for alcoholics to discuss problems related to their drinking and actions taken to maintain sobriety. Such closed meetings are commonly found in correctional facilities.

In addition to general discussions of problems and sobriety maintenance, participants also discuss the 12 steps of AA, which offer a way to live a sober life. Many AA meetings in correctional facilities discuss the 12 steps and how the steps can help them overcome their disease. A perusal of the 12 steps reveals the strong religious aspect of the program. For example, members must first admit that they are powerless over their addiction and in order to overcome the addiction, they must believe that a higher power will assist them in removing character flaws including the addiction. Furthermore, the members must maintain the relationship with the higher power through prayer and meditation and asking for forgiveness. The 12 steps are as follows:

1. Admitting they are powerless over the addiction.
2. Believing in a higher power.
3. Making a decision to turn life over to the higher power.
4. Making a moral inventory of ourselves.
5. Admitting our wrongs.
6. Being ready to have the higher power remove character flaws.
7. Asking the higher power to remove the flaws.
8. Make a list of people we have wronged.
9. Make amends to people we have wronged without causing additional suffering.
10. Continue taking personal inventory and admitting any wrongdoings.
11. Through prayer and meditation improve our relationship with the higher power.
12. Convey these messages to other alcoholics and practice these principles in our lives.

AA AND OTHER TREATMENT PHILOSOPHIES

While AA does not view itself as a psychological model of therapy, there are some therapeutic goals embedded within its traditions. For example, members must deal with denial, find healthy role models through AA sponsorships, and develop coping techniques. In addition, AA meetings challenge members' "stinkin' thinkin'" or antisocial thoughts.

Thus, while the AA organization seeks to remain nonprofessional, there are some remnants of other treatment modalities (e.g., behavioral and cognitive approaches) found within some AA programs.

AA IN PRISONS

The Federal Bureau of Prisons and many state departments of corrections offer AA groups in their penal institutions as a supplement to other programs in cognitive and behavioral interventions for alcohol abuse. Typically, AA sessions are either self-directed by a "model" inmate (i.e., one who has been through treatment and AA and has been sober for a number of years) or offered by an outside provider.

As with outside AA groups, prison inmates must find a sponsor to assist them through the 12-step programs and to act as a role model. Usually, the sponsor is a recovering alcoholic and has been sober for a number of years. He or she may be in or outside the prison. If a member of the outside community, this person can be especially important when the inmate is released.

CONCLUSION: THE EFFECTIVENESS OF AA

While many correctional facilities continue to adhere to the 12-step model of AA, research on its effectiveness has not been promising. A recent meta-analysis of 355 published studies and 48 dissertations on AA found that those who participated in AA were significantly less likely to be abstinent than those who did not participate in treatment. Furthermore, the study found that individuals who were coerced into AA, as many offenders are, have worse outcomes than if they had not received treatment. More promising results were found for those who joined AA voluntarily. Accordingly, forcing offenders into AA as a condition of their sentence, or to earn "good time" credit, may be doing more harm than good. Other types of alcohol treatment programs, such as those based on cognitive behavioral models, have proven to be more successful with offenders.

—Jennifer A. Pealer and Kristie R. Blevins

See also Alcohol Treatment Programs; Group Therapy; Individual Therapy; Narcotics Anonymous; Rehabilitation Theory; Relision; Therapeutic Communities

Further Reading

Kownacki, R. J., & Shadish, W. R. (1999). Does Alcoholics Anonymous work? The results from a meta-analysis of controlled experiments. *Substance Use & Misuse, 34*, 1897–1916.

Latessa, E. J. (Ed.). (1999). *Strategic solutions: The International Community Corrections Association examines substance abuse.* Arlington, VA: Kirby Lithographic.

Van Voorhis, P., Braswell, M., & Lester, D. (Eds.). (2000). *Correctional counseling and rehabilitation.* Cincinnati, OH: Anderson.

White, R., Ackerman, R., & Careveo, L. E. (2001). Self-identified alcohol abusers in a low-security federal prison: Characteristics and treatment implications. *International Journal of Offender Therapy and Comparative Criminology, 45*, 214–227.

ALDERSON, FEDERAL PRISON CAMP

The Federal Industrial Reformatory and Industrial Farm for Women at Alderson was opened in 1927 in 200 acres in the hills of West Virginia under the administration of warden Mary Belle Harris and a dedicated staff of women. Set in an open rural area, it had 14 "home-like" cottage-style buildings, each of which housed 30 women and a live-in warder. There was also a prison nursery. According to a detailed classification scheme, inmates were employed in an "industrial" farm and power sewing room and offered educational and treatment programs developed by and for women. They were also allowed to participate in inmate-led clubs. During its first years, Alderson became not only the showpiece women's reformatory, visited by Eleanor Roosevelt and other dignitaries, but also an example of broader progressive prison reform. It was viewed by many as providing a national and international model for women's reformatories. It is presently used by the Federal Bureau of Prisons (BOP) as a minimum-security camp for women.

BACKGROUND

Prior to the establishment of Alderson, the federal government contracted with other jurisdictions to house women convicted of federal crimes. Despite earlier efforts to provide prison space at the federal level for women, contracting remained the policy until a series of legislative acts significantly increased the number of women in federal courts. For example, the Selective Service Act of 1917, criminalizing prostitution near U.S. Army camps, brought new prisoners and federal funds for women's institutions. Likewise, the Harrison Drug Act and the Prohibition Amendment led to unexpected numbers of women being sentenced to federal prison.

During this period, a number of influential women were imprisoned for prohibited suffrage protests or, in the case of Kate Richards O'Hare, for violating the Espionage Act of 1917. Their subsequent public appeals for reform of women's prisons strengthened the efforts to open a model women's reformatory at the federal level. Following the election of a Republican administration, aware of the role that the suffrage movement had played in their victory, Mabel Walker Willebrandt was appointed the first woman assistant attorney general. With responsibility for federal prisons, Willebrandt moved to provide not only a central administration for the male federal prisons, but, joined by a coalition of women's organizations, prison reform groups, and a network of influential women who administered state boards of corrections and reformatories, she successfully brought legislation for the construction of Alderson through Congress on June 5, 1924. With the gift of land at Alderson, provided in the hope that a model prison run "entirely by women" would bring thousands of visitors to West Virginia (including "experts from abroad"), the $2.4 million prison construction began with the aid of male prison labor.

MARY BELLE HARRIS

Mary Belle Harris, named in 1925 as superintendent, was responsible for the construction and development of the reformatory and remained its articulate defender for 16 years until her retirement in 1941. Harris, a graduate of the University of Chicago with a doctorate in Sanskrit and philology, had been recruited after a career of teaching by Katharine Davis, a fellow graduate, to be superintendent of the women at the New York Workhouse, and subsequently superintendent of New Jersey's state reformatory for women. With the passage of Selective Service Act, Harris became the assistant director of the Section on Reformatories and Houses of Detention, responsible for the women and girls convicted and detained as prostitutes.

DEVELOPMENT

Almost from the beginning, Harris found herself in conflict with Sanford Bates and James Bennett, the male directors of the BOP, who saw women as an "insignificant" but continuing problem in a male-dominated correctional system. The relative autonomy of Alderson and its influential supporters threatened their efforts to develop uniform BOP policy and control. Harris, in her reports, not only defended Alderson's programs but also complained, for example, when the BOP adopted her classification methods but attributed them to others. She argued for the reformative value of Alderson's progressive programs against the assertion that Alderson's programs were not adequate for "gun molls," "madams," and "confirmed drug users," who required the steel cells and armed guards of male maximum-security facilities. Harris's approach was continued until 1949 by her replacement Helen Hironimus, her former secretary, who included pictures of babies in her reports to remind the central office of the "other" inmates at Alderson, maintained Alderson's tradition as a reformatory by and for women.

However, by the 1950s, administered by women wardens without Harris's vision, Alderson was described by an inmate as "just another penitentiary." Efforts were limited to maintain a progressive "women's world" at Alderson against the pressures for uniform BOP policies that reflected dominant male perceptions of correctional needs and concerns. Other dimensions of the movements for women and civil rights also affected the institution. The 1950s

struggle for equal pay for equal work and a 40-hour workweek resulted in the elimination of the live-in warders positions and the development of the staffing and housing patterns of male institutions. Civil rights decisions put an end to racial segregation in Alderson's cottages. In response to overcrowding, the cottage kitchens and dining rooms were replaced by a central facility. With equal employment opportunities, positions in other BOP facilities opened for women, but in turn a man was appointed warden of the BOP's "women's institution" in 1976.

Over time, the public view of Alderson shifted from that of a "grand experiment" to an institution that housed notorious women. Infamous prisoners included the widow of Machine Gun Kelly, Axis Sally, and Tokyo Rose, all of whom were sentenced for treason after World War II, as well as the accused communist Elizabeth Gurley Flynn. Alderson came into view again with the media coverage of the escape of Lynette "Squeaky" Fromme, the failed assassin of U.S. President Gerald Ford, from Alderson's open grounds.

CONCLUSION

With the present classification of Alderson as one among a number of minimum-security camps governed by uniform policies and practices, women have become increasingly treated "like men." Harris's assertion that Alderson's policies and programs, while developed by and for women, were models for wider progressive penal reform came to little. Alderson's subsequent history reflects the changing political realities that have shaped correctional policies and practices as well as the perceptions, presence, and position of women within those realities.

—Esther Heffernan

See also Sanford Bates; James V. Bennett; Celebrities in Prison; Classification; Cottage System; Katharine Bement Davis; Federal Prison System; Elizabeth Gurley Flynn; Mary Belle Harris; History of Prisons; History of Women's Prisons; Kate Richards O'Hare; Prison Farms; Prison Nurseries; Sex Offenders; Mabel Walker Willebrandt; Women Prisoners; Women's Prisons

Further Reading

Brown, D. M. (1984). *Mabel Walker Willebrandt: A study of power, loyalty and law.* Knoxville: University of Tennessee Press.

Flynn, E. G. (1963). *The Alderson story: My life as a political prisoner.* New York: International Publishers.

Giallombardo, R. (1966). *Society of women: A study of a women's prison.* New York: John Wiley.

Harris, M. B. (1936). *I knew them in prison.* New York: Viking.

Heffernan, E. (1994). Banners, brothels, and a "ladies seminary": Women and federal corrections. In J. Roberts (Ed.), *Escaping prison myths: Selected topics in the history of federal corrections*. Washington, DC: American University Press.

Lekkerkerker, E. C. (1931). *Reformatories for women in the United States.* Batavia, Holland: Bij J. B. Wolter's Uitgevers-Maatschappij.

SchWeber, C. (1982). The government's unique experiment in salvaging women criminals: Cooperation and conflict in the administration of a women's prison—The case of the Federal Industrial Institution for Women at Alderson. In N. H. Rafter & E. A. Stanko (Eds.), *Judge, lawyer, victim, thief: Women, gender roles and criminal justice*. Boston: Northeastern University Press.

AMERICAN CIVIL LIBERTIES UNION

The American Civil Liberties Union (ACLU) is a nonprofit, nonpartisan organization founded in 1920 by Roger Baldwin, Crystal Eastman, and Albert DeSilver. It was created to protect the liberties granted by the U.S. Constitution's Bill of Rights, plus the 13th, 14th, 15th, and 19th Amendments. These civil rights amendments generally protect and provide for freedom of speech, association, and assembly; freedom of the press; and freedom of religion. The Bill of Rights also established the right to equal protection under law that includes equal treatment regardless of race, sex, religion, or national origin and the right to due process characterized by fair treatment by the government whenever loss of liberty or property is at stake. Finally, the right to privacy includes freedom from unwanted government intrusion into private and personal affairs.

HISTORY

The formation of the ACLU coincided with a range of social issues that arose from U.S. involvement in World War I. One of the most pressing issues was over conscription. It soon became clear that a draft was inevitable, raising the problem of how to deal with conscientious objectors. Different organizations attempted to aid the nonexempted conscientious objectors, many of whom received harsh treatment in prison and had their mail censored by the postmaster general. Further legal scrutiny came as the Espionage Act limited or outlawed such constitutionally protected issues as freedom of the press and association.

After World War I, the ACLU shifted its effort and concern from conscientious objectors to protecting labor. Specifically, leftist movements including the communist party, the socialist party, the unions, and also mainstream labor movements were now seen as a threatening move toward the entrenched political mainstream. Roger Baldwin, who had been involved in protecting the rights of conscientious objectors and had even served jail time himself for refusing to submit to the draft, decided that organizations that once focused on the war now must focus on labor. It was at this point in 1920 that Roger Baldwin with Albert DeSilver formed the ACLU.

Fear of growing numbers of Communists and other people with political associations considered radical combined with a series of mail bombs drove Attorney General A. Mitchell Palmer to provide legislation that would justify government actions known as "Palmer raids." Palmer raids were conducted on groups or individuals with radical political association where property or persons were detained without ever being charged or having seen a judge or jury. At first, the public appeared to support Palmer raids, but after the newly formed ACLU published accounts of them and accused the government of violating the Fourth, Fifth, Sixth, and Eighth Amendments of the Bill of Rights, public support diminished. Although the ACLU initially formed to protect labor, it became readily apparent that the ACLU would soon work to protect the rights of people whose constitutionally protected freedoms were being violated.

CRIMINAL JUSTICE

The ACLU tackles many general issues under the umbrella of criminal justice including but not limited to juvenile justice, the death penalty, indigent defense, racial bias, police practices, search and seizure, sentencing, prisons, prisoner rights, and the war on drugs. The wing that deals specifically with prisons is known as the National Prison Project.

From their first protests against the Palmer raids of the 1920s, the ACLU has ranged widely in its legal activities constantly dealing with topical subjects. In 1925, in what is known as the *Scopes* case, for example, the ACLU secured a lawyer to defend a Tennessee biology teacher charged with violating a ban prohibiting the teaching of evolution. In the 1930s, the ACLU had two major cases including the *Ulysses* case and also the case against "Boss" Hague. The *Ulysses* case forced an anticensorship ban that resulted in the ban of James Joyce's novel *Ulysses* to be lifted while the "Boss" Hague case found that a ban on union organizers' meeting in Jersey City was unconstitutional. During World War II, the ACLU stood against the internment of Japanese Americans, and during the Cold War it battled against loyalty oaths. The ACLU was active in the civil rights movement as early as 1954 when it joined the fight for school desegregation that ultimately resulted in the *Brown v. Board of Education* decision, which declared segregated schools to be a violation of the 14th Amendment. In 1973, the ACLU supported the decriminalization of abortion in *Roe v. Wade*, and in 1997 in *ACLU v. Reno* it managed to have the Communications Decency Act struck down after it was found to violate free speech. Currently, the ACLU is actively involved in challenges against the Prison Litigation Reform Act, the USA PATRIOT Act, and the incarceration of suspected Al-Qaeda operatives at U.S. Naval Base Guantánamo Bay.

While these are some of the most well-known cases, the ACLU constantly addresses ongoing issues such as AIDS, capital punishment, lesbian and gay rights, immigrants' rights, prisoners' rights, reproductive freedom, voting rights, women's rights, and workplace rights. It also defends controversial groups including American Nazis, the

Ku Klux Klan, and the Nation of Islam in order to prove that the freedoms of the U.S. Constitution apply to all U.S. citizens.

CONCLUSION

The ACLU is the nation's largest public interest law firm. It is run by a national board of directors, who set policy for a 50-state network of staffed, autonomous affiliate offices. The national office in New York coordinates the efforts of more than 60 ACLU staff attorneys and 2,000 volunteer attorneys who handle approximately 6,000 cases a year. Any individual or group can contact the ACLU if the person or group feels civil liberties have been violated. With the exception of the Department of Justice, the ACLU appears before the Supreme Court more than any other organization.

—Lori Brennan

See also Citizens United for Rehabilitation of Errants; Enemy Combatants; National Prison Project; November Coalition; Prison Litigation Reform Act 1996; Prisoner Litigation; Prisoner of War Camps; USA PATRIOT Act 2001

Further Reading

American Civil Liberties Union. (2004). ACLU home page. Retrieved from www.ACLU.org

Donohue, W. A. (1994). *Twilight of liberty: The legacy of the ACLU.* New Brunswick, CT: Transaction Publishers.

Garey, D. (1998). *Defending everybody: A history of the American Civil Liberties Union.* New York: TV Books.

Walker, S. (1999). *In defense of American liberties: A history of the ACLU.* Edwardsville: Southern Illinois University Press.

AMERICAN CORRECTIONAL ASSOCIATION

The American Correctional Association (ACA) is the official organization devoted to overseeing the development and implementation of improved correctional methods and operational standards. It has more than 20,000 members globally. To achieve its goals, the ACA works with practitioners, academics, and the state. Each year, it holds two annual conferences. It also publishes a directory of facilities, regular reviews of "best practice" in the United States, and two journals: *Corrections Today* and *Corrections Compendium.* In addition, the ACA hosts on-site training sessions and offers insights and input on policy decisions and recommendations to the state. Most important, the ACA is the only institutional accreditation body in the field of U.S. correctional operations.

HISTORY

In 1870, the predecessor to the ACA, the American Prison Association, was established by what was then called the National Prison Association and elected future U.S. President Rutherford B. Hayes as its first president. Highlighting a broadening conception of punishment, in 1954 the Congress of Correction adopted the current title emphasizing a new preoccupation with improving inmates and returning an altered, more adjusted citizen back to communities. This shift reflected a growing liberalization toward punishment that encouraged academics, policymakers, and (to a lesser extent) practitioners to view the potential benefits of incarceration for both society and inmates. Indeed, this thought began to balance more punitive sorts of punishment and displaced dominant trends that merely sought to warehouse and punish law violators.

At the founding meeting in 1870 in Cincinnati, Ohio, and through collaboration between national and international correctional experts, the American Prison Association created the Declaration of Principles. These principles, according to the ACA, clearly "state the beliefs and values underlying the practice of their profession." The central focus for correctional services was identified as the *moral regeneration* of the criminal. In the original statement, these early correctional leaders recognized the importance of returning well-adapted—or, as it was hoped, resocialized—offenders to society possessing the *individual will* to refrain from criminal opportunities and redirect their energies toward more industrious endeavors. From its origins, members of the organization saw the potential for reducing

recidivism (i.e., reoffending) by strengthening attachments between inmates and several social institutions such as the family, education, religion, and community.

ACCREDITATION AND THE DECLARATION OF PRINCIPLES

While the originators of the ACA made significant developments to the delivery of punishment, current members are continually working to improve correctional policy and service. With such improvements in mind, the ACA renewed and revised the Declaration of Principles (revisions completed in 1930, 1960, 1970, 1982, and 2002) to lead rational practices, clarify philosophical goals, and encourage multijurisdictional cooperation (i.e., local, state, national, and international).

In the Declaration of Principles, the ACA includes seven foundational concepts to direct "sound corrections policy and effective public protection." The seven principles are humanity, justice, protection, opportunity, knowledge, competence, and accountability, and taken cumulatively they serve as professional beacons steering practitioners to better understand and execute their purpose and mission. The ACA, in an effort to ensure compliance to these principles, offers an accreditation program (by the Standards and Accreditation Department) to evaluate and upgrade correctional administration, programs, and services. For a correctional facility to be accredited by the ACA, it must submit to a four-prong process, centered on a comprehensive on-site, official ACA audit. More than 1,500 facilities have successfully passed through this process since 1978.

The accreditation program offers correctional facilities several benefits. Through accreditation, facilities receive improved training and development, receive assessment of program strengths and weaknesses, receive protection from lawsuits, increase staff morale and professionalism, and establish standardized measurable criteria for evaluation and improvement. Correctional facilities must be a recognized government agency or private entity conforming to appropriate regulations. All agencies seeking accreditation must meet a series of institutional requirements. The agencies are facilities confining pretrial or presentenced adults or juveniles, sentenced adults or juveniles, or supervision of adults or juveniles sentenced to community corrections and have a single administrative official accountable for all agency operations. ACA principles and the accreditation program, therefore, work to ensure that correctional facilities emphasize due process, fairness, public safety, and humane conditions.

CONCLUSION

The ACA develops, evaluates, and adjusts correctional policy in the United States and abroad. It is working hard to instill a professional attitude combined with an ever-vigilant eye toward ensuring the moral/ethical foundation for current punishment strategies. Though not all correctional facilities have been accredited by the ACA, most strive to meet its goals. As a result, the ACA creates a standard that penal administrators try to meet.

—Richard Tewksbury and Matthew T. DeMichele

See also Accreditation; Governance; Managerialism; Rehabilitation Theory; Staff Training

Further Reading

American Correctional Association. (2004). ACA home page. Retrieved from www.aca.org

ANGOLA PENITENTIARY

The Louisiana State Penitentiary (LSP) at Angola houses approximately 5,000 men and is arguably the South's most infamous prison. Commonly called Angola, this prison was one of the South's most cruel and brutal prison farms in the 19th and early 20th centuries. More recently, it has become the oldest maximum-security prison ever accredited by the American Correctional Association.

Angola is a prototype of the Southern plantation model of imprisonment. It was first used as a prison

in 1880 when the prisoner lessee S. L. James purchased the land from Isaac Franklin's widow and transferred prisoners there from the old walled penitentiary in Baton Rouge. Franklin had been one of the largest slave traders in the South. Angola was only one of seven plantations in the estate at the time of the purchase; the estate consisted of 10,015 acres. Although it is commonly thought that the Louisiana State Penitentiary was named Angola because the original slaves who worked the property came from Angola, Africa, there is no documentation to support this belief. Still an operating farm today, Angola occupies 18,000 acres and is the largest maximum-security prison in the United States. Requiring no walls, it is surrounded on three sides by the Mississippi River and on the fourth by the rugged Tunica hills. It has been home to a former university president, famous prisoner musicians, and an award-winning prison journalist.

HISTORY

After the Civil War, Louisiana turned to a lease arrangement for many of its convicts, most of whom were black former slaves. By the end of 1866, 75% of all Louisiana prisoners were black, and as of July 1, 2002, the proportion remained at this level. Mark T. Carleton (1971) observes that from the early lease system, through state control until the 1970s federal court intervention, race and profit were the defining factors of Louisiana's philosophy of punishment. S. L. James reputedly became one of the richest men in Louisiana from the lease profits. The state resumed control of the institution with an eye toward those same profits.

Under the lease system, which expired in 1901, convicts worked on private property—both Major James's and that of other plantation owners who subcontracted their labor—for the profit of the lessee, Major James. They worked the land, farming and cutting timber, performed as household servants, and repaired and built levees in the never-ending struggle to contain the Mississippi. They were contracted to railroad companies to rebuild the lines destroyed during the Civil War. Consequently—and contrary to public belief—the majority of prisoners were not housed at Angola but were located throughout the state.

Although today it is an institution only for men, women were the first prisoners transferred to Angola after S. L. James purchased the property in 1880. Women worked in the fields during the James lease and did domestic work in the employees' households. They remained part of the prison until 1961.

STATE CONTROL

When the convict lease expired in 1901, the state resumed control of the prisoners and immediately built new housing, consisting of wooden cabins. The women's quarters were built in the center, at least one mile from other structures in compliance with the Board of Control regulations providing for the separation of males and females. At the time of transfer, there were 1,142 prisoners. Well into the 1920s and 1930s, not more than 25% to 30% of all state prisoners were housed at Angola. Throughout those years, men and some women were working at levee camps, road camps, and other plantations around the state.

The resumption of state control was probably not obvious to inmates since their daily work life changed little and most officials and employees of the James era were retained. The state also pursued the profit motive using primarily black convicts for farming, timber operations, and working on the various levee camps and road camps that the state eventually contracted. As well, the state maintained three other plantations some distance from Angola. White male convicts and all female convicts were sent to Angola except those few of the former who were sent to the camps for clerical or "mental" work. Women continued to do field work under state control, hoeing sugar cane and sorting tobacco. The tobacco barn was located next to the women's quarters, thereby expediting those tasks. There was no effort to rehabilitate inmates due to the underlying assumption that it was neither necessary nor possible to so transform black men and women.

A succession of wardens and general managers struggled to make Angola a profitable enterprise by getting the most out of its inmate labor force. Henry

Fuqua, general manager, fired most of the professional guards and instituted convict trustees in their place in 1917. As salaries for officers and guards constituted almost 50% of the 1913 budget, Fuqua's action was certainly cost efficient. In comparison, supervision costs for the 2002–2003 budget are projected at 63.9% for a typical adult institution.

Due in part to decisions like Fuqua's, Angola gained a national reputation as the worst large prison in America. Newspapers described floggings administered to prisoners to make them work harder and more efficiently. Women were not excluded from such punishments and sometimes received as many lashings as any of the men. A 1951 incident in which 37 white inmates slashed their Achilles tendons focused national attention on Angola's problems and brought about a brief period of reform under the direction of Governor Robert Kennon. The main prison complex (still in use today) was constructed replacing the wooden out-camp buildings, many dating to the turn of the 20th century. A new reception center was built, along with quarters for women inmates, and professional penologists brought modern ideas to penitentiary operations. Convict trusty guards were greatly reduced for a few years, and the basics of rehabilitation were initiated. The women were finally moved to St. Gabriel in 1961.

A severe budget cut in 1962 ended most of these reforms and took Angola back to the conditions of earlier times. By the early 1970s, Angola once again became known as the bloodiest prison in America. This time, reform came through federal court intervention. Judge Gordon West's court order of June 10, 1975, mandated sweeping changes in all aspects of Angola's operations—population, security, classification, discipline, medical care, housing, physical plant, and mental health.

Under federal court supervision for almost 25 years and with the necessary legislative support, Angola was finally turned into a relatively safe, secure, and productive maximum-security prison. In 1975, at the time of the court order, Angola was one of two state prisons in Louisiana. It is now part of a system of state institutions, including medium-security prisons and parish jails holding shorter-term inmates.

CONTEMPORARY ANGOLA

Angola is the only maximum-security prison in Louisiana. Home to 90 men on death row, Angola is also Louisiana's official execution site. In 2001, approximately 3,300 of Angola's population were serving life without parole, and another 1,400 were "virtual" lifers with sentences longer than they can live to serve. Due to the length of their sentences, the majority of men presently housed at Angola will likely die there. To care for the old and dying, Angola has developed a Hospice Program that is purportedly a model for other prisons. In it, prisoner volunteers perform hospice functions for their dying convict friends.

Since most Angola prisoners never leave, the prison provides a variety of vocational, religious, recreational, and self-help programs. Newly arrived prisoners are required to do 90 days of agricultural work in the fields and many of them do so for decades. Other employment includes maintaining day-to-day operations of the institution, work at the (license) tag shop, silk screen shop, print shop, metal fabrication shop, and the mattress, broom, and mop factory.

Education programs include basic literacy, general equivalency diploma (GED) preparation, vocational education (culinary, auto mechanics, body and fender repair, carpentry, and graphic arts), and the New Orleans Baptist Theological Seminary (NOBTS), Angola Campus, that offers associate and bachelor degrees. NOBTS is the only college program offered to prisoners in Louisiana (other than correspondence) and as of 2002, NOBTS has awarded degrees in Christian ministry to more than 100 convicts since 1995. The graduates are then sent out to other state prisons to minister to their fellow convicts.

The prison sponsors approximately 30 self-help organizations including Toastmasters, Jaycees, Vets Incarcerated, and the Lifers' Organization in addition to a variety of faith-based and religious programs. Boxing, volleyball, softball, football, and basketball are just some of the intramural athletic activities. Angola also has the sole surviving prison rodeo in the United States, the only licensed prison

radio station in the nation, and the only prison museum in the southern United States operated within an active prison.

CONCLUSION

The Louisiana correctional system has improved greatly since the intervention of the federal courts in 1975. Ironically, as Angola has become a much safer prison than it ever was, Louisiana's incarceration rate has skyrocketed to the highest in the nation and the Western world. Almost coterminously with the federal court's intervention, Louisiana eliminated the possibility of parole for lifers. The war on drugs and the state's partnership with federal authorities require Louisiana to make violent offenders serve 85% of their time. The unanticipated impact on Angola is that it is becoming the most expensive state-run old-age home in the United States. Inmates seldom leave Angola. Most of the men presently confined at Angola will face the convict's worst nightmare: They will die there.

—Marianne Fisher-Giorlando

See also African American Prisoners; Convict Lease System; Elderly History of Prisons; Inmates; Hospice; Labor; Plantation Prisons; Prison Farms; Prison Movies; Prison Music; Racism; Slavery

Further Reading

Bergner, D. (1998). *God of the rodeo: The search for hope, faith, and six-second ride in Louisiana's Angola Prison*. New York: Crown.

Butler, A., & Henderson, C. M. (1990). *Angola: Louisiana State Penitentiary. A half-century of rage and reform*. Lafayette: Center for Louisiana Studies, University of Southwestern Louisiana.

Butler, A., & Henderson, C. M. (1992). *Dying to tell: Angola crime, consequence, conclusion at Louisiana State Penitentiary*. Lafayette: Center for Louisiana Studies, University of Southwestern Louisiana.

Carleton, M. T. (1971). *Politics and punishment: The history of Louisiana State penal system.* Baton Rouge: Louisiana State University Press.

Foster, B., Rideau, W., & Dennis, D. (Eds.). (1995). *The wall is strong: Corrections in Louisiana.* Lafayette: Center for Louisiana Studies, University of Southwestern Louisiana.

Louisiana Department of Public Safety and Corrections, Corrections Services. (2002). *Institutions: Louisiana State Penitentiary at Angola.* Retrieved from http://www.corrections.state.la.us/LSP/

Prejean, H. (1993). *Dead man walking. An eyewitness account of the death penalty in the United States.* New York: Random House.

Rideau, W., & Wikberg, R. (Eds.). (1992). *Life sentences: Rage and survival behind bars*. New York: Times Books.

Sinclair, B. W., & Sinclair, J. (2000). *A life in the balance: The Billy Wayne Sinclair story*. New York: Arcade.

Tattersal, P. (n.d.). *Conviction: A true story*. Montclair, NJ: Pegasus Rex.

ARGOT

Argot is a 19th-century French word originally derived to classify meaning or jargon among criminals. Beggar and thieve guilds used this type of language to communicate within their particular subgroups. More generally, argot is a vocabulary and group of idioms, with semantic meanings used by a specialized group of people, within a social system. These are organized, professional groups, particularly members of the criminal subculture who operate outside the boundaries of the law. This language is not considered part of the standard cultural vocabulary. It is determined by social factors and used with the specific intention to render communications unintelligible to those outside the group.

PRISON ARGOT

Prison argot is a complex and ever changing vocabulary that is used by inmates or former inmates to communicate both inside and outside the prison walls. Examples of this language can be demonstrated in terms such as *crushing* or *crushing out*, which were coined for escapees in the years 1904 and 1925, respectively. Another phrase,"back-gate parole," from 1929, refers to an inmate who died in prison.

Argot is a shared meaning among the prisoners sanctioning their relative status and rights similar to that of a guild. Secrecy can be maintained from the prison staff and other inmates outside the group. Not all of these terms remain secret as demonstrated above, in fact, many would be recognizable to people with no real connection to the correctional system. However, there are multitude of phrases, terms, and symbols unknown to those outside prison. Even those who are within the system, such

as guards and other inmates, may be unaware of the complex language system being used.

IDENTITY AND LANGUAGE

Prison argot varies both regionally and ethnically within prison populations. Due to the ethnic variations in the United States, prison populations house differing percentages of inmates from varying regional and ethnic backgrounds. This leads not only to East Coast, Midwest, and West Coast variations in prison argot but also to differences in language between ethnic groups. Furthermore, subgroups or gangs within those prison populations can have more specific vocabularies and symbols. It is an assimilatory process for the prisoners combining argot terms with their language (most generally English, Spanish, Native American, and black English) creating a comprehensible language that is both lexically and grammatically particular.

Prison argot performs important tasks for the inmates by establishing identity and allegiance to other inmates allowing them to communicate privately, even while under surveillance. It creates clear and observable social types that have defined roles. For example, in one Santa Fe, New Mexico, prison, there are approximately 88 terms describing prisoners both inside and outside the prison walls. In the eyes of the inmate, it is very important to know exactly who another person is. Eighteen of these terms were specific in relationship to race—Anglo, Chicano, and so on.

When a prisoner arrives at the correctional facility all possessions are stripped away. The argot term that is associated with him or her is important in establishing an identity and allegiances. An inmate can discern another in a variety of ways, through tattoos, hand symbols, gang symbols, and argot terms. The distinct language of argot brings cohesiveness into prison life through specific word patterns and placements. While there is cohesiveness for the individual in particular groups, argot also contributes to the segregation and exclusion of other inmates.

Beyond establishing identity and allegiance, prison argot aids prisoners to operate their "business" privately without interference from prison staff or other inmates. Those partaking in ventures that are illegal or that break prison rules may use prison argot in an attempt to keep secret their affairs. Subgroups, cliques, or gangs in the prison population, such as the Bloods or Crips, can maintain this secrecy even further by keeping their codes private and by using *cants*. Cants are vocabulary normally associated with gangs and are similar to and employed along with argot, but the language is temporary, changes abruptly and is modified as needed. This ensures the safety and secrecy of the vocabulary of the language by having the capability to change significantly important words. If the interpretation of a word becomes known by one outside the group, the group can either change the meaning of the word altogether or establish a new word as a replacement. Argot vocabulary changes may also arise out of heightened security within the prison walls.

CONCLUSION

Prison argot can result in and is attributed to poor communication among prisoners and staff. It has been the cause many dilemmas inside the correctional facility including, but not limited to, racial problems, murders, employee unrest, major security violations, riots, and inmate assaults. Prisons have currently seen an increase in argot languages, as more subcultures bring their symbols and dialects into correctional facilities and the prison population expands, these distinct argot languages will continue to increase along with the possibility of increased problems such as the ones mentioned above.

—Mike Macaluso

See also Aryan Brotherhood; Aryan Nations; Bloods; Donald Clemmer; Crips; Deprivation; Gangs; Rose Giallombardo; Importation; John Irwin; Prison Culture; Prisonizations Riots; Resistance; Gresham Sykes; Tattooing

Further Reading

Encinas, G. (1984). *Prison argot.* Lanham, MD: University Press of America.

Mauer, D. (1964). *Whiz mob.* New Haven, CT: College & University Press.

Wittenberg, P. (1996). Language and communication in prison. *Federal Probation, 60*, 45–50.

ART PROGRAMS

Art programs have long been a component of correctional recreation and a significant part of prison culture. Programs include self-directed hobby shop projects, formal arts and/or crafts programs, art therapy, and education-oriented art classes. Benefits of art programs include reduced idleness and disciplinary infractions as well as the opportunity for self-expression. They are beneficial to correctional management and offender adaptation, rehabilitation, and reintegration.

HISTORY AND CURRENT PRACTICE

The history of prison art is largely undocumented, but it is likely that prisoners have produced art since the earliest forms of confinement. The first recreation and art programs in the United States were offered at the Elmira Reformatory in 1876. In the late 19th through mid-20th centuries, art programs existed in U.S. prisons but were atypical. Following World War II, the American Correctional and National Correctional Recreation Associations acknowledged the significance of prison recreation. With the rise of correctional rehabilitation in the 1960s and 1970s, art programs flourished as a component of the leisure education model, which viewed recreation as therapeutic/rehabilitative. Programs were supported by the National Endowment for the Arts Artist in Residence Program and Project CULTURE (Creative Use of Leisure Time Under Restrictive Environments), administered through the American Correctional Association and funded by the Law Enforcement Assistance Administration (LEAA).

Today, art programs are offered in county, state, and federal correctional facilities in the United States and around the world, though the "get tough" approach in the 1980s and 1990s, rising incarceration rates, and diminished resources have reduced the number of programs in U.S. prisons. Most art programs are sustained through outside grants, artist-in-residence programs, and volunteers.

TYPES OF PROGRAMS

Correctional art programs offer a broad range of activities including fine arts, crafts, ceramics, jewelry making, wood carving, horse hair weaving, mural painting, poetry, creative writing, drama, music, dance, and in some prisons, public art, video production, and photography. Some programs offer opportunities for prisoners to exhibit and/or publish their work. Correctional art programs can be categorized into four general (non-mutually exclusive) types: (1) self-directed hobby shop projects; (2) formal creative arts and/or crafts programs; (3) art therapy; (4) education-oriented art classes tied to correctional education departments. Many prisons have a hobby shop in which prisoners may (usually for a monthly or quarterly fee) engage in individual and/or supervised projects in conjunction with or independent of formal art programs.

PROGRAM BENEFITS

Prison art programs, in conjunction with other factors and opportunities, are associated with reduced recidivism and disciplinary infractions, increased self-esteem, development of life skills, and reduction of idleness. Studies suggest that art programs provide a means through which prisoners can constructively serve their time, develop positive leisure activities and habits, and learn skills beneficial to institutional adaptation, rehabilitation and reintegration process. Art programs serve a correctional management function in that prisoners who are involved in art activities are less idle and less likely to be involved in institutional misconduct.

CONTROVERSY AND CHALLENGES

Several issues have hindered the proliferation of art programs in prison. First, the "principle of least eligibility"—the idea that prisoners should not be offered the opportunity to engage in leisure activities—has ensured that art programs are the first to be cut during budget crises. Second, many art supplies, materials, and tools are considered contraband and/or are threats to institutional security and management. It is a challenge for prisoners and art instructors to reconcile creativity and institutional constraints, and for correctional managers to balance the costs (control of contraband) and benefits (reduction of idleness) of art programs with respect to security and management.

Institutional constraints, the prison subculture, and the human desire to produce art have created a unique genre of "outsider" art involving the use of unorthodox materials. These materials may include soap, cigarette ashes, shampoo, bible pages, melted chess pieces, toilet paper, cigarette packages, matches, wood scraps, hair, and potato chip bags. Art may also be used as a commodity, for example, trading drawings, cards, poems, decorative envelopes for cigarettes, services, and other items. While seen as innovative by the art community, the use of certain materials and the practice of trading artifacts challenges correctional security and management.

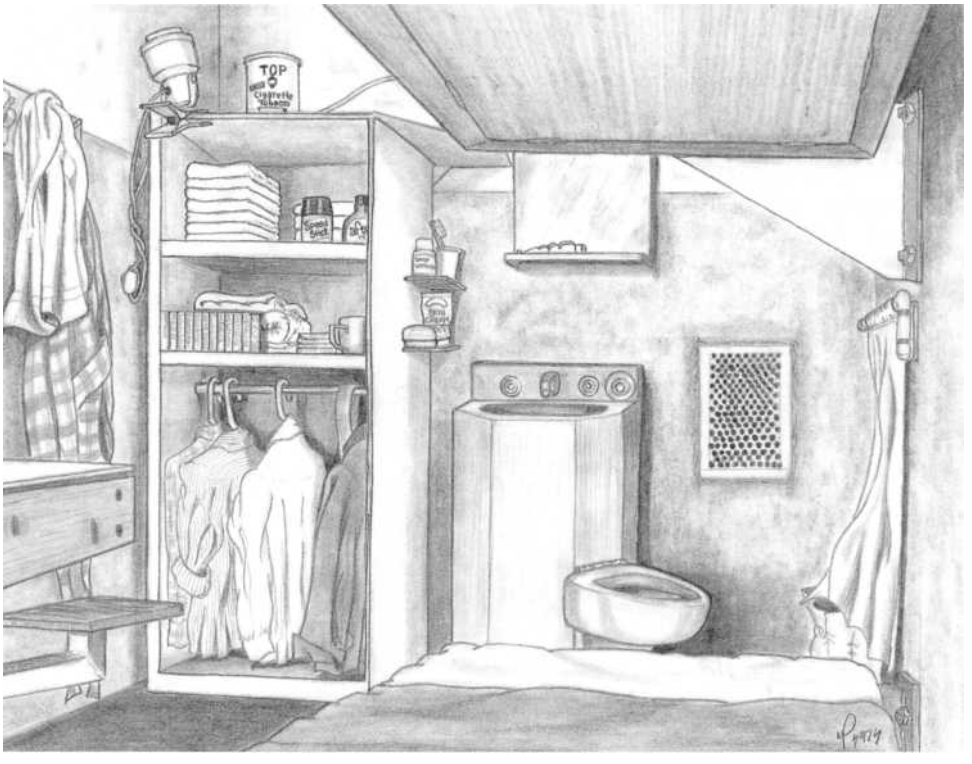

Figure 1 *"My World": 6 ×9 of Concrete and Steel*

SOURCE: Illustration by Martin Potter (1997).

Many art programs provide outlets for prisoners to sell and/or exhibit their work. This practice has also generated controversy, specifically in the case of high-profile serial killers such as John Wayne Gacy, Arthur Shawcross, and Richard Ramirez, who have sold and exhibited their work. As a result, some art exhibits in museums and galleries have banned or cancelled art shows featuring the work of violent offenders, some programs no longer allow violent offenders to show/sell their work, and in cases where prisoners are allowed to sell their work a portion or all of the proceeds are donated to crime victim advocacy agencies.

CONCLUSION

With or without formal art classes, prisoners will find ways to produce art. Programs provide prisoners with a constructive outlet and life skills, which, in turn, enable them to adapt better to the prison environment, to do time constructively, to deal with emotions, and to reintegrate upon release. Correctional art programs supplement work, education, and other available recreational activities to provide a range of options for prisoners. Most departments of corrections in the United States and around the world recognize that such options are beneficial to prison staff and offenders because they provide a constructive outlet for prisoners and are an important part of programming and institutional management.

—Jacqueline B. Helfgott

See also Creative Writing Programs; Drama Programs; Education; Literature; Prison Culture; Prison Music; Recreation Programs; Rehabilitation Theory; Resistance

Further Reading

American Correctional Association. (1996). *Creative therapies and programs in corrections.* Lanham, MD: Author.

Gussak, D., & Virshup, E. (1997). *Drawing time: Art therapy in prisons and other correctional settings.* Chicago: Magnolia Street Publishers.

Kornfeld, P. (1997). *Cellblock visions: Prison art in America.* Princeton, NJ: Princeton University Press.

Szekely, G. (1983). Art education in correctional settings. *Journal of Offender Counseling, 6,* 5–28.

Taft, P. B. (1979). The alchemy of prison art. *Corrections Magazine, 3,* 13–19.

Williams, R. M. (2002). Entering the circle: The praxis of arts in corrections. *Journal of Arts Management, Law, and Society, 31,* 293–303.

ARYAN BROTHERHOOD

The Aryan Brotherhood is a violent, male white supremacist prison gang that is affiliated with the national hate-based organization Aryan Nations. The gang is said to follow the principles of "Identity" or "Christian Identity." Proponents of Christian Identity believe that Armageddon is either upon us or fast approaching when whites and nonwhites must fight to the death in an ultimate "race war."

Aryan Brotherhood members are involved in extortion and drug operations, predominantly selling methamphetamines in prison. Aryan Brotherhood violence and criminal activity, however, does not just occur behind prison walls. Members of this gang were involved in the murder of James Byrd in Jasper, Texas, the killing of Saselzley Richardson in Elkhart, Indiana, and the dog mauling death of Diane Whipple in San Francisco, California. In prison, as well as posing a risk to others, primarily nonwhite inmates, members of Aryan Brotherhood are also known to be violent toward staff members.

OVERVIEW OF HISTORY AND BELIEFS

The Aryan Brotherhood is believed to have begun in San Quentin Prison, California, during the 1960s. Since then, membership has spread nationally with known groups in Texas, Florida, Montana, New Mexico, and various other states. The most notorious of them all is the Aryan Brotherhood of Texas, or ABT. Aryan Brotherhood members follow a system of rules and regulations, which are set out by the leadership, or "commissions." Groups known as "councils" oversee daily gang operations.

All members of the Aryan Brotherhood are Caucasian and are either serving or have completed some sort of prison sentence. Many sport neo-Nazi symbols as tattoos including the swastika, Nazi lightning bolts, "AB" (for Aryan Brotherhood), and the number "88" (for "Heil Hitler–since "H" is the eighth letter of the alphabet). Some men also may be tattooed with shamrock clover leafs, and various Celtic symbols to symbolize their Anglo-Saxon roots.

Members of the Aryan Brotherhood believe that whites are superior to all others. They base their ideas in Christian Identity, which they claim is an alternative "religion" based on five main propositions: (1) White people are the Israelites of the Old Testament; (2) those of Jewish descent are the direct offspring of a mating of Eve and Satan; (3) Adam and Eve were the first *white* people; (4) all nonwhites are an entirely different species than whites; and (5) the war between whites and nonwhites, Armageddon, is in the foreseeable future.

HOW DOES THE ORGANIZATION WORK?

It is difficult to join the Aryan Brotherhood. Those who wish to take part in the gang are placed on probation for approximately one year. They must also take a "blood in, blood out" oath that usually requires them to commit a violent act such as an aggravated assault or murder in order to be initiated into the gang. Once an individual has joined, he is a member for life. Blood must spill in order to be admitted and released from membership.

There are numerous "outreach" programs funded by other white supremacy groups, which provide smuggled literature to Aryan Brotherhood inmates. These publications include *The Way,* published by the Aryan Nations; *Taking Aim,* published by the Militia of Montana; and *Jubilee,* an Identity-affiliated publication. White supremacy and Christian Identity reading material is widely traded throughout prisons, and members are encouraged to recruit and convert as many white inmates as possible. There are even internal publications penned by inmates for other inmates preaching white supremacy, such as *Thule* and *Prisoner of War.*

THE FBI FILES AND PROSECUTIONS

The FBI investigated the Aryan Brotherhood gang in the California penal system from 1982 to 1989 (FBI File No. 183–7396, 1982). The FBI files were

closed in 1989 when the U.S. Attorney in Los Angeles declined prosecution, in large part due to the difficulty of finding reliable witnesses. Prosecution of Aryan Brotherhood members would be hard to obtain with testimony from inmates who were subject to threats (and acts) of violence by gang members against "snitches." Moreover, it is difficult to find former members to speak out against the Aryan Brotherhood since the group subscribes to a "Blood in, Blood Out" code in which blood must be spilled to join or leave.

Yet in October 2002, a Los Angeles federal grand jury issued an extensive indictment against 40 Aryan Brotherhood members and associates, alleging violations of RICO (Racketeer Influenced and Corrupt Organizations Act), violent crimes, murders, drug trafficking, extortion, and gambling. Search warrants were executed in California, New York, Illinois, Colorado, Connecticut, Florida, Georgia, Louisiana, Massachusetts, Pennsylvania, Nebraska, and Washington in connection with Aryan Brotherhood activities. Thirty of the 40 individuals indicted were in prison, with the remainder conspiring with them from the outside, again, on a nationwide basis.

CONCLUSION: THE FUTURE OF THE ARYAN BROTHERHOOD

Prisons, by nature, are filled with strife and conflict among individuals with violent tendencies. As a result, there are many perceived benefits for inmates to affiliate for social contact, exploitation, and personal protection. As long as these needs are met through gang affiliation, prison gangs such as the Aryan Brotherhood likely will continue to flourish in American prisons.

—Carrie A. Heege and Bryan D. Byers

See also Aryan Nations; Bloods; Crips; Gangs; Prison Culture Timothy McVeigh; Racism; Violence; Young Lords

Further Reading

Anderson, H. (2002). *Feds charge 40 Aryan Brotherhood figures*. Retrieved from www.upi.com

Anti-Defamation League. (2002). *Anti-Defamation League: Fighting anti-Semitism, bigotry and extremism since 1913*. Retrieved from www.adl.org

Christian Apologetics. (2002). Christian Apologetics home page. Retrieved from www.apologetics.com

Convicts and Cops. (2002). Convicts and Cops home page. Retrieved from www.convictsandcops.com

FBI Files, No. 183–7396, Aryan Brotherhood. (1982). Paperless archives home page. Retrieved from www.paperlessarchives.com/ab.html

Montana Human Rights Network. (2002). Montana Human Rights Network home page. Retrieved from www.mhrn.org/news/898pris

Pelz, M. E. (1988). *The Aryan Brotherhood of Texas: An analysis of right-wing extremism in the Texas prisons.* Unpublished doctoral dissertation, Dissertation Abstracts International.

Pelz, M. E., Marquart, J. W., & Pelz, C. T. (1991). Right–wing extremism in Texas prisons: The rise and fall of the Aryan Brotherhood of Texas. *The Prison Journal, 71*(2), 23–37.

Yang, D. W. (2002, October 17). *Racketeering indictment targets Aryan Brotherhood.* United States Attorney, Central District of California press release. Retrieved from http://www.atf.treas.gov/press/fy03press/field/1018021a_racketeering.htm

ARYAN NATIONS

Founded in the mid-1970s, Aryan Nations, until recently, occupied a settlement in Hayden Lakes, Idaho, where its leader, Richard Girnt Butler, propagated his theological hate ideas. In the 1960s, Butler built a church on his 20-acre compound, equipped with a church-school and paramilitary training ground. He named it the "Church of Jesus Christ Christians," and it attracted a small congregation. These days, Aryan Nations is estimated to have about 1,000 supporters nationwide. Former Silicon Valley entrepreneurs Carl Story and Vincent Bertollini have been its primary financiers.

IDEOLOGY OF HATE

Butler's theology is typical of Identity preachers. He openly adulates Hitler, aligning Aryan Nations with other white supremacists and neo-Nazi groups. According to Butler, Jews are not the true descendants of the Biblical Israelites; rather, that distinction belongs to persons of Northern European ancestry. Known as the British theory, the Christian Identity movement purports that Aryans, not Jews, are God's chosen people. The vilification of Jews

and blacks constitutes further characteristics of the theology of hate.

The Aryan Nations is also antigovernment. It promotes the use of violence as the means to make America a promised land reserved for the Aryan people. Paramilitary violence can be equally used to establish Christ's kingdom in the national racist state of America. It proposes to eliminate what has been labeled ZOG—Zionist Occupation of Government. In addition, it believes that the United Nations will take over the American government and establish a world government under the supervision of the world body.

The Turner Diaries

During the 1980s, under the leadership of Butler, supporters of Aryan Nations merged with members of the neo-Nazi National Alliance and some Ku Klux Klan splinter groups to establish the Silent brotherhood, known generally as the Order. The Order, a right-wing white supremacy group, may have taken its name from the *Turner Diaries.* In the futuristic novel, the hero's supporters were largely responsible for planning and executing an attack aimed at crippling the American government, in hopes of creating a sovereign Aryan homeland to be established in the Pacific Northwest. In December of 1984, the Order's plans were halted due to the death of its leader, Robert J. "Bob" Mathews, who died during a confrontation with federal agents on Whidbey Island, Washington.

The murderous violence associated with groups such as Mathews's the Order is not typical of Aryan Nations. For example, Butler has taken pains to disassociate himself and Aryan Nations from militant activity. However, all right-wing groups have similar ideologies and are philosophically bound by religious beliefs. The basic principle of the Identity movement and those within the extreme right include the doctrine of the intrinsic superiority of the white race

PRISON ACTIVITIES

White supremacy groups have been at the forefront of the rise in race-based violence in U.S. prisons. Among the most notorious is a group known as the Aryan Brotherhood. Surfacing at California's San Quentin Penitentiary during the 1960s, this group has strong ties to Aryan Nations. Today they are present in prisons throughout America. In addition to perpetrating racial violence, they purportedly are also involved in extortion and drug trafficking.

Members of the Aryan Brotherhood are usually extremely violent. Examples of such individuals include John Stojetz, who was convicted in 1997 for the murder of a 17-year-old African American inmate. Likewise, Donald Riley, who was convicted in 1994 for the killing of an African American marine, was also a veteran of the Desert Storm war in Iraq. Finally, there is reportedly strong evidence suggesting that six of the eight inmates who have been murdered by other inmates at Pelican Bay State Prison in California since 1996 were part of a dispute that developed within the Aryan Brotherhood.

CONCLUSION

In 2000, Butler and his organization lost a major legal battle, which not only bankrupted Aryan Nations but also forced its leadership to sell the group's compound and name. In September 2001, the group named Harold Ray Redfeairn to succeed the aging Butler. It also announced that the organization would relocate its headquarters to Ulysses, Pennsylvania, where its director of information, August Kreis, lived.

The Anti-Defamation League (ADL), an organization that monitors hate groups and their activities, has warned that the new brand of Aryan Nations constitutes a significant threat because of its public call to violence. Since Butler's demise, nascent groups are struggling for power and to prove their right to the leadership inheritance. They have intensified their anti-Semitic, homophobic, and racist rhetoric that have been the bedrock of their philosophy. One such group, Church of Jesus Christ Christian/ Aryan Nations in Ulysses, Pennsylvania, has openly favored the use of violence to achieve the Aryan Nations ideology. Led by August Kreis, the Pennsylvania faction scheduled a July 26–28, 2002, Aryan Nations Congress, which included speakers such as James Wickstrom, Gary Blackwell, Barry Harris, and Hal Turner.

The new trend in Aryan Nations movement violence is rooted in the Christian Identity movement of Phineas Priests. According to the ADL, the Phineas Priesthood is not a formal organization, but rather it is used by individual extremists to describe themselves in order to neutralize their prior criminal activities. Richard Kelly Hoskins, a believer in the anti-Semitic culture, borrowed the idea from the biblical Phineas, who murdered an Israelite and Midiante who had consummated together. This theology of hate is interpreted by Hoskins and others to mean that they have been divinely given the mission to kill Jews and non-white people.

—Ihekwoaba D. Onwudiwe and Thomas S. Mosley

See also Aryan Brotherhood; Deprivation; Gangs; Importation; Timothy McVeigh; Racism; Violence

Further Reading

Anti-Defamation League. (1982). *Hate groups: A record of bigotry and violence.* New York: Author.

Anti-Defamation League. (2002). ADL home page. Retrieved from www.adl.org/presrele/extremism_72/4178_72.asp

Ridgeway, J. (1990). *Blood in the face: The Ku Klux Klan, Aryan Nations, Nazi skinheads, and the rise of a new white culture*. New York: Thunder's Mouth.

Simonsen, E. S., & Spindlove, J. R. (2000). *Terrorism today: The past, the players, the future.* Upper Saddle River, NJ: Prentice Hall.

Smith, L. B. (1994). *Terrorism in America: Pipe bombs and pipe dreams.* Albany: State University of New York Press.

White, R. J. (1991). *Terrorism: An introduction*. Belmont, CA: Wadsworth.

ASHURST-SUMNERS ACT 1935

The Ashurst-Sumners Act of 1935 barred the sale of prison goods in interstate commerce, preventing states from selling goods produced from inmate labor to customers in other states. It sought to stop inmate-manufactured goods from flooding the market and undermining free labor. It also required that any products prisoners made would be marked accordingly for outside places that permitted their importation. Though the laws regulating inmate labor have changed since the act was implemented, many of the issues it raised remain relevant today.

HISTORY

From 1929, a series of federal laws was introduced that restricted prison labor. Before that time, states were entitled to regulate their own inmate workforce. For example, many states in the early 19th century contracted inmates to local farmers and industries in exchange for money and goods under a system known as convict leasing. These women and men worked for no pay. Though initially such programs were popular with the public, they were eventually abandoned due to numerous criticisms. In particular, outside laborers who felt unable to compete with the cheap inmate labor force began to organize to end the leasing system. By 1891, a number of states to regulate the utilization of prison labor for revenue. Likewise, by 1894, prison contract labor as well as the practice of leasing inmates to private industries had largely been regulated.

In 1929, the federal government responded to pressure to end prisoner labor by introducing the Hawes Cooper Act. This act introduced some restrictions on the sale of inmate goods. However, it stopped far short of a total ban, permitting instead each state to determine whether or not it wanted to ban the sale of goods made by prison labor. It was not until 1935, with the passage of the Ashurst-Sumners Act, that Congress managed to regulate inmate-manufactured goods in some detail.

THE ACT

The Ashurst-Sumners Act was divided into two sections: (1) the illegal shipment of inmate-manufactured goods and (2) goods to be marketed. In the first section, the act specified:

> It shall be unlawful for any person knowingly to transport or cause to be transported . . . merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, or in any penal or reformatory institution, from one State . . . into any State . . . where said goods, wares, and merchandise are intended by any person interested therein to be received,

> possessed, sold, or any manner used, either in the original package or otherwise in violation of any law of said such State. . . . Nothing herein shall apply to commodities manufactured in the Federal penal and correctional institutions for use by the Federal government. (18 U.S.C. 396c [1935])

By prohibiting the selling or transfer of inmate-made goods for profit or trade, this part of the act made it difficult for states to employ their inmates at work other than that required for institutional maintenance.

The second section of the act set up strict guidelines for how those institutions that continued to manufacture goods by inmates could dispose of their products to foreign buyers:

> All packages containing any goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convicts . . . when shipped or transported in the interstate of foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, and nature of the contents, and the name and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such packages. (18 U.S.C. 396c [1935])

Despite the restrictions set in place by the Ashurst-Sumners Act, many labor organizations and business leaders felt it did not go far enough. In response to their concerns, Congress amended the Ashurst-Sumners Act in 1940, renaming it the Sumners-Ashurst Act. This act made it a federal crime to transport convict-made goods in interstate commerce for private use, regardless of laws in the states. It continued to allow, however, for inmate manufactured goods either to be bought by the state where they were made or to be purchased by other state agencies for state use.

CONCLUSION

Since 1979, Congress has granted exemptions to the restrictions on interstate commerce of inmate-manufactured goods through the Justice System Improvement Act of 1979 for "Prison Industry Enhancement" pilot projects. Earlier, it made an exception during World War II by enacting an emergency clause to the Ashurst-Sumners Act that allowed the manufacture and transfer of inmate goods to the military and those abroad.

These days, the shape of prison labor is in flux. Many states now require that inmates work. Though inmates mainly produce items for state purchase, some work for private companies, producing a range of goods from underwear to furniture. Outside labor organizations still fear the negative impact such programs could have on them, while others still debate the various merits of employing inmates at all. Much, in other words, has changed, while also remaining the same.

—Kristi M. McKinnon

See also Hard Labor; Hawes-Cooper Act 1929; Labor; Prison Industrial Complex; Prison Industry Enhancement Certification Program; Privatization; UNICOR

Further Reading

American Correctional Association. (1986). *Study of prison industry: History, components, and goals.* Washington, DC: National Institute of Corrections.

Ashurst-Sumners Act/Sumners-Ashurst Act, 18 U.S.C. 1761 (1935/1940).

Bureau of Justice Assistance. (2001). *Emerging issues on privatized prisons*. Washington, DC: Office of Justice Programs.

Durham, A. M. (1989). Origins of interest in the privatization of punishment: The nineteenth and twentieth century American experience. *Criminology, 27*(1), 107–139.

Foner, P. S. (1955). *History of the labor movement in the United States*. New York: International Publishers.

Hawes Cooper Act, 49 U.S.C. 60 (1929).

ASIAN AMERICAN PRISONERS

Asian Americans are one of the smallest minority groups in U.S. prisons. Statistical analyses show they are often included in the "other" category with Native Americans and Alaska Natives. Regardless, Asian Americans must be studied because of their increasing involvement in crimes, and their growing numbers behind bars.

WHO ARE ASIAN AMERICANS?

Asian Americans in the United States include Asian Indians (which embraces the countries of

Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka, and Tibet), Cambodians, Chinese, Filipinos, Indonesians, Japanese, Koreans, Pacific Islanders (combined from the Polynesian Islands, such as Guam, Hawaii, Samoa, Tahiti, and Tonga), Thai, and Vietnamese. Even though there are enormous differences between these groups in their histories, cultures, and beliefs, the criminal justice system combined these populations to be treated as one ethnic group. Overall, Asian Americans account for 4% of the population in the United States.

HISTORY

Since the 1800s, Asians have emigrated to the United States from their separate countries in large clusters. All groups suffered various forms of discrimination. In 1882, for example, the U.S. government denied Chinese immigrants access to the United States through the Chinese Exclusion Act, only abolishing the Act in 1943 when the two nations became allies in World War II. Further laws were established to prohibit Asians from marrying individuals from another ethnicity, restricting the amount of land they could own, and assessing additional state and local taxes against them. Finally, the U.S. government responded to the bombing of Pearl Harbor by forcing Japanese Americans to leave their homes and businesses for internment camps for the duration of World War II.

CRIME

Asian Americans involved in illegal activities are often part of organized crime and gangs. The illegal activities of these groups include gambling, prostitution, extortion, money laundering, counterfeiting, and robberies. Crimes in Asian American communities are believed to be underreported for a variety of reasons. Recent immigrants may be reluctant to report crimes based on their own experiences in their homeland because of corruption in their homeland's criminal justice system, while victims may fear retribution for reporting the crime. The police in many cities, particularly those with large Asian populations such as New York City and San Francisco, have instituted a range of outreach programs to try to combat these problems. Most agencies, however, are hampered by language problems, inadequate community relations, and limited resources.

PRISON STATISTICS

There have always been very few Asian American prisoners in the United States. For example, in 1880, of the 12,681 foreign-born prisoners only 526 were Chinese. In the past 20 years, Asian Americans continuously have had the least number of inmates in both federal and state prisons in the United States of all the minority groups. The *Sourcebook of Criminal Justice Statistics* in 1980 reported that of the more than 300,000 prisoners in the United States, only 699 prisoners were Asian Americans. In 1985, this number had more than doubled to reach 1,575. By 1990, there were 464 Asian Americans in the federal prisons and 2,016 in the state prisons out of a total of more than 700,000 prisoners in the United States. While in 1995 of the more than 1 million prisoners in the federal and state prisons in the United States, Asian Americans accounted for around 6,000 prisoners. Finally, the 2000 *Sourcebook of Criminal Justice Statistics* reported that more than 8,000 prisoners in the federal and state prisons were Asian Americans, yet the total number of prisoners in the United States reached more than 2 million.

CONCLUSION

It is important to remember that the groups that are combined as Asian Americans are not homogeneous in their histories, cultures, or beliefs; rather, these populations have their own autonomy. Still, more research needs to focus on Asian Americans because of their mounting involvement in criminal activities, thereby increasing the number of Asian Americans in U.S. prisons. For example, from 1980 to 2000, the number of Asian American prisoners jumped from almost 700 prisoners to more than 8,000 prisoners in both the federal and state prisons in the United States.

—Kathryn E. Martin

See also African American Prisoners; Gangs; Hispanic/Latino(a) Prisoners; History of Prisons; Immigrants/Undocumented Aliens; Native American Prisoners; Prison Culture; Race, Class, and Gender of Prisoners

Further Reading

Chin, K. (1996). *Chinatown gangs.* New York: Oxford University Press.

Christianson, S. (1998). *With liberty for some: 500 years of imprisonment in America.* Boston: Northeastern University Press.

Hendricks, J., & Byers, B. (Eds.). (2000). *Multicultural perspectives in criminal justice and criminology.* Springfield, IL: Charles C Thomas.

Huff, C. R. (Ed.). (2002). *Gangs in America* (3rd ed.). Thousand Oaks, CA: Sage.

Kleinknecht, W. (1996). *The new ethnic mobs.* New York: Free Press.

Russell, K. (1998). *The color of crime.* New York: New York University Press.

Tarver, M., Walker, S., & Wallace, H. (2002). *Multicultural issues in the criminal justice system.* Boston: Allyn & Bacon.

ATTICA BROTHERS LEGAL DEFENSE FUND

The Attica Brothers Legal Defense Fund was formed by a group of political activists and attorneys who banded together to help the prisoners charged with criminal offenses in the wake of the infamous Attica Prison riot. The riot, which began on Thursday, September 9, 1971, ended four days later when the state of New York opened fire for six minutes, killing 29 prisoners and 10 employee hostages, six of whom were officers, and wounding 140 others. The shooting occurred when 1,200 inmates gathered in the D-yard of Attica State Prison, holding 38 prison officials hostage.

EVENTS LEADING UP TO AND DURING THE RIOT

In July 1971, just two months before the riot, inmates at Attica had sent a manifesto, which demanded humane treatment, to the governor and the Corrections Commissioner of New York. The commissioner responded that month by visiting the prison and sending a prerecorded speech that promised reform. However, many speculate that this response was too late and that the mounting tensions had already made the prison disturbance inevitable. Although it is unclear whether the riot had been prearranged, many prisoners had been organizing and planning nonviolent protests such as a prisonwide sit-down strike.

After the riot, 250 prisoners were held in solitary confinement and 1,200 were beaten and/or denied medical treatment for their participation in the uprising, though all deaths were a result of the state's shooting. According to Richard X. Clark (1973), a former inmate and a leader in the Attica revolt, none of the hostages were badly injured during the riot itself.

THE COURTS' RESPONSE TO THE ATTICA RIOT

In December 1972, the state of New York handed out the largest series of inmate indictments seen to date, totaling 42 in all. Sixty-two inmates were charged with 1,489 felony counts in connection with the riots, including kidnapping, assault, sodomy, and murder. In striking contrast, the original grand jury did not indict any correctional officers, state troopers, or state officials for the way in which the riot was handled. The New York State Special Commission, nine citizens appointed by Chief Judge Stanley Fuld of the New York Court of Appeals and the presiding justices of the four Appellate Division Departments, was asked to investigate the underlying causes and consequences of the Attica riot. The commission, which was funded through the state government, did verify that prison officials were physically and emotionally retributive toward the inmates immediately following the riot, yet there were no immediate charges filed for these reprisals.

THE FOUNDATION AND WORK OF THE DEFENSE FUND

The purpose of the Attica Brothers Legal Defense Fund was to support and defend the inmates who

were thereafter indicted by the state of New York. Appalled by this seemingly inconsistent behavior, and in support of the inmates' call for prison reform, more than 75 lawyers from across the nation rallied to defend the inmates who came to be known as the "Attica Brothers." The collaboration of these attorneys, first called the Attica Defense Committee and later renamed the Attica Brothers Legal Defense Fund, was formed by October 1, 1971. Some of the fund's lawyers were appointed by the state and received payment through the state, while others worked *pro bono.* Expenses were eventually covered by civilian contributions that were solicited through direct mail.

In all, the indictments resulted in eight trials, seven acquittals, and only one conviction. The Attica Brothers Legal Defense Fund estimates that the prosecution spent at least $4 million by 1974 alone. In all, the state spent $189 million investigating and prosecuting the Attica incident. Ten of the inmates charged with felonies pleaded guilty, but eventually most of the original 1,489 charges were dropped. On December 31, 1976, New York Governor Hugh Carey granted pardons and clemency to all 62 of the inmates who had been charged with a crime. While this was a victory for the Brothers of Attica, the Defense Fund felt that it was not enough and claimed that the prosecution should have put some focus on the criminal acts of state officials as well. Consequently, a whistle-blowing attorney managed to document the inequitable behavior of the prosecution and, as a result, a second grand jury indicted Gregory Wildredge, a state trooper. Governor Carey also pardoned Wildredge in 1976 before he went to trial.

After the Defense Fund's success, five of the fund's lawyers—Elizabeth Fink, Joseph Heath, Dennis Cunningham, Michael Deutsch, and Daniel Meyers—continued to work on a federal civil rights action that would eventually reward the Attica Brothers with a settlement of $12 million, the largest inmate settlement that the United States has ever seen. This settlement was won in 2000, more than 30 years after the riot. Many of the inmates named in the suit did not live to receive their portion of the settlement.

CONCLUSION

The lawyers who were the Attica Brothers Legal Defense Fund distributed financial advice to the Brothers before disbanding in 2000, shortly after the awards from the settlement were distributed. They left behind a significant legacy. The landmark decision in the case against the Attica prisoners changed the way that the state of New York deals with hostage situations as well as affecting how calls for prison reform were heard across the country.

—Emily Lenning

See also ACLU; Activism; Attica Correctional Facility; Litigation Riots; Violence

Further Reading

Clark, R. X. (1973). *The Brothers of Attica.* New York: Links Books.

New York State Special Commission on Attica. (1972). *Attica: The official report of the New York State Special Commission on Attica.* New York: Praeger.

Wicker, T. (1994). *A time to die: The Attica Prison revolt.* London: University of Nebraska Press.

ATTICA CORRECTIONAL FACILITY

Attica Correctional Facility, a maximum-security state prison for male inmates, is located in rural upstate New York, not far from the city of Buffalo. Opened in 1931, Attica is best known for the September 1971 riot that resulted in the death of three prisoners and one correctional officer, and more important for the forcible retaking of the prison in which state law enforcement officers caused the deaths of 10 employee hostages—6 of whom were correctional officers—and 29 inmates.

The Attica riot was a crucial event in U.S. penal history for three reasons. First, the reform efforts by prisoners, many of which were later implemented by correctional officials nationwide, led to significant changes in ideas about prison management and prisoner rights. Second, the massive use of force by the state in retaking the prison was an exceptional show of strength and brutality that revealed the

Photo 2 *Attica*

stark power relations underlying corrections in the United States. Finally, a large and complex body of litigation arose in response to the riot and the state's retaking of the facility. These civil suits wound their way through the courts for more than 30 years due to the perseverance of prisoners, hostages, and their families in using the courts as a means of redress. In short, the 1971 events and their aftermath raise important questions about use of force by agents of the state and about the legitimacy of the criminal justice system and the legal process.

THE 1971 RIOT

At 8:50 A.M. on Thursday, September 9, 1971, a group of Attica prisoners broke through a security gate and gained control of part of the prison. In the process, they assaulted and fatally injured a correctional officer. They took 43 officers and prison staff hostage and established residence in a large, enclosed yard. At the time of the riot, the prison held 2,243 mostly black and Latino inmates, 1,281 of whom were in the yard during the four-day uprising.

Throughout the four-day occupation of the yard, inmates sought to have their grievances heard by prison administrators and state officials. They drew up a list of politicians, journalists, and religious leaders thought to be sympathetic to their concerns, and they asked that persons on the list be brought to Attica to act as observers. Corrections Commissioner Russell G. Oswald repeatedly entered the prisoner-held yard to hear their demands and inform them of his willingness to grant as many as possible. Representatives of the 33-member observers group also entered the yard to discuss the inmates' concerns.

After several days of negotiations with state officials, the concerns of the prisoners culminated in "15 Practical Proposals" that included such issues as

> minimum wage for prisoner labor,
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> freedom of religious and political activity,
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> an end to censorship of mail,
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> increased rehabilitation programs,
>
> a healthier diet,
>
> better medical care,
>
> a formal procedure for hearing inmate grievances,
>
> better recreational facilities and equipment, and
>
> an end to solitary confinement punishment.

Even as negotiations were proceeding, state law enforcement officials prepared for a possible forcible retaking of the facility. The observers committee, sensing a breakdown in the negotiations, and becoming concerned about the large number of heavily armed state police officers massing outside the prison, publicly appealed to Governor Nelson Rockefeller to come to Attica. Several influential observers who knew the governor on a professional basis spoke to him by telephone at his Hudson Valley estate, beseeching him to come to the prison to forestall a potentially large loss of life. The governor refused.

RETAKING THE PRISON BY FORCE

At 7:40 on the morning of September 13, 1971, Commissioner Oswald issued an ultimatum to the prisoners in D-yard. He gave the prisoners one hour

to release all of the hostages and convey their willingness to assist in restoring order to the prison, noting that he had personally listened to their demands and agreed to many of them. At 9:00 A.M., prisoners brought eight hostages to the catwalk surrounding the yard, with knives held to their throats. Word was received at 9:30 A.M. that the prisoners in the yard had rejected the commissioner's ultimatum.

Sixteen minutes later, at 9:46, tear gas was dropped on the yard from a helicopter. New York State Police officers—along with correctional officers, deputy sheriffs, and state park police—began firing from the catwalks overlooking the inmates and hostages. Riot-equipped state police officers armed with shotguns entered the yard and began shooting even though their visibility was restricted by clouds of tear gas and by the gas masks worn over their faces. The melee lasted for approximately six minutes. In this time, 450 shots were fired, striking 128 persons. When the shooting stopped, 10 hostages and 29 inmates were dead or dying. Scores more were injured, many seriously.

Prisoners were made to strip naked and lie on the ground. Some were beaten, tortured, or shot. The naked inmates were forced to run a gauntlet of officers, who beat them with clubs as they passed through the rows.

In the aftermath of the retaking, state officials initially reported that the rioting prisoners had caused all the deaths and injuries. However, medical officials soon contradicted this view, by claiming that deaths and injuries occurring during the retaking had resulted from gunshot wounds fired by state troopers and other law enforcement officers. In addition, few provisions for medical care had been made, which greatly delayed any treatment of the injured.

CRIMINAL AND CIVIL LITIGATION

A large body of criminal and civil litigation resulted from the Attica riot and the subsequent retaking of the facility by the state: criminal prosecutions of prisoners involved in the riot and of officers involved in the retaking, an early round of civil suits by inmates, civil damage suits by hostages and their families, inmate wrongful death and injury suits, and a federal class action civil rights suit brought by inmates.

It first appeared that many inmates and law enforcement officers had committed criminal offenses during the riot and retaking. Prisoners faced charges of assault, kidnapping, and murder for abduction of the hostages, the death of the correctional officer who received fatal injuries early in the uprising, and the killing of three prisoners during the four-day siege. Many of the police and correctional officers who had participated in the retaking were charged with assault and murder for their part in the shootings and for beating and torturing of inmates. State police were also accused of allegedly obstructing investigation of the shooting by destroying and withholding evidence.

Sixty-two prisoners were subsequently indicted, of whom eight were convicted. One was convicted of murder and sentenced to 20 years to life for the fatal assault on the correctional officer in the first moments of the riot. One correctional officer was indicted but the charges were dismissed.

In December 1976, New York Governor Hugh Carey announced his decision to "close the book" on Attica by terminating all criminal prosecutions. The governor stated that the prosecutions had been one-sided and that the state had failed in conducting the criminal investigations. He noted that the retaking of the prison had been improperly planned and carried out and that the state had failed to properly collect evidence and investigate all crimes allegedly committed by inmates and law enforcement agents. "The state itself should not sanction the maintenance of legal proceedings out of harmony with the principles of equal justice," he wrote. The governor pardoned the seven indicted inmates and commuted the sentence of the prisoner who had been convicted of murder. In addition, he announced that there would be no further prosecution of state police or other officers for their part in the forcible retaking of the facility.

With the criminal cases out of the way, attention was directed once again to the civil litigation. Prisoners had filed several civil suits soon after the 1971 events. In the most important of these, *Inmates of Attica Correctional Facility v. Rockefeller,* the U.S. Court of Appeals for the Second Circuit ruled that

the actions of police during and after the retaking constituted cruel and unusual punishment in violation of the Eight Amendment to the Constitution of the United States. In a round of other civil suits resolved in later years, the courts awarded $1.5 million to nine inmates or their estates. Resolution of some of these cases was not achieved until nearly 20 years after the event.

Twenty-eight former employee hostages and their families also filed civil damage suits against the state in the New York State court of claims. In 1981, the state court of appeals dismissed all but one of the hostage suits because the hostages or their families had accepted workers' compensation checks soon after the 1971 events. In the remaining case, the widow of prison clerk Herbert Jones was awarded $1.62 million in 1981.

Finally, in what was to become one of the longest-lasting civil suits in American legal history, inmates filed a class action suit in U.S. district court in 1974 (an earlier class action suit filed in 1971 had been dismissed). The suit alleged that prison officials, police, and Governor Rockefeller had violated the civil rights of prisoners during the retaking of the prison by using excessive force and inflicting unnecessary suffering and death. The class action suit was not resolved until 25 years later when a U.S. federal judge ruled in January 2000 that New York State must pay 502 prisoners or their estates $8 million for death or injuries incurred during the 1971 retaking of the prison.

Even after the resolution of the inmate class action suit, other concerns remained. In 2001, Governor George Pataki announced the creation of a bipartisan task force to study complaints by former Attica employees or families of employees who had been killed or injured during the riot and retaking. As of 2003, the task force had not issued a report.

CONCLUSION: THE LEGACY OF ATTICA

The 1971 events at Attica Correctional Facility are commonly referred to as the "Attica riot." However, the primary reason that Attica is remembered today is the many deaths and serious injuries that resulted from the massive use of force by state law enforcement officers in retaking the prison from the inmates. Prisoners had rioted many times before in American history, but never had there been such a concentrated barrage of firepower used by officials to quell an uprising, and never before had there been such a large loss of the lives of prisoners and prison employees. Subsequent judicial rulings have affirmed that the force used by the state in retaking the prison was excessive and that acts of brutality and racism occurred. In addition, the torturous process of criminal and civil litigation arising from the Attica events casts doubt on the legitimacy of the legal process.

—Stephen C. Light

See also Attica Brothers Legal Defense Fund; Correctional Officers; Discipline System; History of Prisons; Jailhouse Lawyers; Leavenworth U.S. Penitentiary; Legitimacy; Litigation; Managerialism; Marion, U.S. Penitentiary; Prisoner Litigation; Racism; Resistance; Riots; San Quentin State Prison; Sing Sing Correctional Facility; Violence

Further Reading

Bell, M. (1987). *The turkey shoot: Tracking the Attica cover-up*. New York: Grove.

Hill, M. (2003, April 17). 32 years later, Attica victims say they wait for justice. *Boston Globe Online*. Retrieved from http://www.boston.com/dailynews

Light, S. C. (1995). The Attica litigation. *Crime, Law & Social Change, 23*, 215–234.

New York State Special Commission on Attica. (1972). *Attica: The official report of the New York State Special Commission on Attica*. New York: Bantam.

Weiss, R. P. (Ed.). (1991). Attica: 1971–1991, a commemorative issue. *Social Justice, 18*(3).

Wicker, T. (1975). *A time to die*. New York: Quadrangle.

AUBURN CORRECTIONAL FACILITY

Auburn Penitentiary, which gave its name to the "Auburn system" of imprisonment that influenced penal regimes throughout America and the world, opened in Auburn, New York, in 1819. Today, it is one of the 71 state prisons in New York. Until the 1970s, it was called Auburn Prison but is currently known as the Auburn Correctional Facility.

HISTORY

William Brittin was hired to oversee the building of the facility, and, upon its opening, became the warden. Its architecture resembled that of the first New York state prison, Greenwich Village's Newgate, with large rooms housing 8–12 inmates instead of singular cells. By 1817, the main building and the south wing were complete and ready to accept prisoners. These early prisoners were put to work finishing the construction of the remaining sections of the building.

Eventually, Captain Elam Lynds, a veteran from the War of 1812, was hired as principle keeper at Auburn. While Lynds was well liked by prison authorities, prisoners objected to his strict military-style rule. Discontent grew to such an extent that, in 1818, the inmates rioted and the military had to be called in to quell the rebellion. This riot led to new state legislation, enacted in 1819, that, ironically, authorized much harsher treatment of prisoners, including flogging. In addition, the legislation called for the construction of a north wing at Auburn to be composed of small cells to be used for solitary confinement. The government then appointed three men to run Auburn: William Brittin, the agent and keeper of Auburn; John Cray, the overseer of discipline and police; and Elam Lynds, the head of finances. While all three men agreed that the prison should be self-supporting, their philosophies of punishment varied greatly, which led to conflicts among them. By 1821, Brittin became ill and left Auburn. Conflicts led Cray to resign, thus leaving Lynds as the sole agent and keeper of the prison.

Around this time, New York State was developing a new plan for the organization of prisons based on a philosophy of solitary confinement and silence, using the Pennsylvania prison model. The legislature decided that prisoners would be separated into three classes with the most troubling offenders placed in solitary confinement. By the end of December 1821, some of the solitary cells in the north wing of Auburn were complete and 80 prisoners were moved in. The cells were 3 feet wide and 7 feet long. Prisoners were kept in complete isolation and were not permitted to work or speak. Their only distraction was a Bible. Within one year's time, 5 of these men had died and over 40 were declared mentally ill.

THE RISE OF THE SILENT CONGREGATE SYSTEM

After the year's experiment with solitary confinement, there was a general consensus that this type of imprisonment did not work. New programs were created by New York State that allowed prisoners to work together during the day and to be confined in isolation at night. The system was based on the belief that through isolation, quiet reflection, and hard work, prisoners could reform. Silence was required so that prisoners could not exchange criminal ideas.

The new system, implemented under Lynds, was very regimented. The prison was run on a strict schedule and the rules of silence were stringently enforced. Six days a week, prisoners marched in lockstep (a march which involved a shuffling slide step with one hand on the shoulder of the next man, with all heads turned toward the keeper in order to maintain silence) from their cells to a common dining room, where a small meal was eaten, and then to the prison workroom. After a full day of silent work, prisoners returned to their cells for a solitary dinner. On Sundays, prisoners left their cell only to attend church services. Otherwise, they were left to reflect in solitary confinement and were allowed to speak only to the prison chaplain. Rule breakers were subject to severe punishments; Lynds was partial to flogging and he and his staff all carried leather whips. Inmates were not allowed any contact with the outside world. Efforts to make the prisoners as indistinguishable as possible included dressing them all in the same black-and-white striped uniform, and identifying them only by their numbers.

Because of the congregate style of the workroom, supervision became a challenge. Corridors were constructed around the workrooms. The walls separating the workroom and the corridors had small holes and slits in them so that the guards could stand in the corridors and see the activity in the room without being seen. These corridors also served another purpose as they permitted outsiders

to come to the prison and, for a small fee, wander through the corridors to view the prisoners, thus creating an extra source of revenue for the prison.

Elam Lynds's system of silent congregate labor became a model for other prisons, gaining popularity for two reasons. Not only was silent congregate labor consistent with the philosophy of silence of the Pennsylvania prison system, but the congregate workshops made the labor economical. Manufacturers began contracting for labor with Auburn and other prisons like it. This arrangement benefited both industry and the prison; that is, industry got cheaper labor and the prison acquired work for prisoners to do. Auburn became self-sufficient, and sometimes even able to produce a profit. Only in later years, as local laborers and unions protested the use of cheap prison labor, did the labor component become less successful. By 1890, Auburn switched from the contract system to the state use system, whereby the inmates produced supplies for use within the prison and other state facilities.

PRISON REFORM

In 1913, Thomas Mott Osborn was appointed to lead a commission on prison reform in New York State. Osborn determined that to understand the workings of a prison, it was necessary to live there. He voluntarily committed himself to Auburn prison for a week, living under the same conditions as the prisoners. At this time, silence and strict discipline were still used as the main components of prison life. The week left Osborn with many new ideas about running a prison. He concluded that the current prison system only damaged the inmates. Believing that inmates should have as much freedom as possible within the prison, Osborn advocated for a system of self-government. He also felt prison society should be as close to regular society as possible to teach inmates how to live in a civil society. Osborn was very critical of Auburn and the silent congregate labor system. Instead of instilling a sense of responsibility and initiative, he was convinced that Auburn's system created tensions and encouraged bad behavior. He recommended closing Auburn and implementing a new system of indeterminate sentencing.

Auburn was not shut down but instead became the location for an experiment in a new type of prison. Osborn worked with the warden and other staff, helping the prisoners to create a Mutual Welfare Inmate League, a type of self-government within the prison. As a result, prisoners participated in group activities such as concerts and sports. Prisoner grievance committees were established to deal with internal problems. The experiment at Auburn led to the establishment of similar programs at other prisons, which, for the most part, resulted in failure. Furthermore, once Osborn was no longer at Auburn the self-government system collapsed under criticism that the prison lacked adequate control over inmates. The Mutual Welfare Inmate League at Auburn was disbanded in 1929 after a prison uprising.

WOMEN

In the first years of Auburn, while the state concentrated on how to deal with male offenders, women were housed in the attic where the windows had been sealed, leaving the area with little light and air. For the most part, the women were left to their own devices and did not have to conform to the silent system. They were employed to do tasks such as spinning and knitting. By 1832, female offenders were moved to the remodeled south wing of Auburn. Women continued to be housed in very poor conditions until they were transferred out of Auburn to a new female unit at Sing Sing.

THE MODERN ERA

One hundred years after it first opened, the facility at Auburn remained largely the same as when it was first constructed. Auburn was marked by substantial overcrowding and idleness, the latter due to a decline in the amount of work available for prisoners. Poor living conditions led to riots breaking out at Auburn in 1921 and in 1929. Riots once again broke out in 1970 after the prisoners' request to conduct a Black Solidarity Day, a result of the civil rights movement, was denied. A number of the inmates who were involved in this riot were sent to Attica Prison and later were involved in the devastating riot that occurred there.

During the 1920s, Auburn started producing license plates for the New York Department of Motor Vehicles, a practice that continues today. Today, this workshop generates about $9,000,000 a year, which helps offset the cost of running the prison. In addition, over the years, Auburn has developed other academic and vocational instruction, such as industrial training through Corcraft Industries. The correctional facility also has counselors to help inmates deal with drug and alcohol problems.

CONCLUSION

Auburn Penitentiary shaped policy and practice in prisons in the United States and throughout the world. Best remembered for the congregate system, Auburn was also noteworthy for opening the State Lunatic Asylum for Insane Convicts in 1859 that was specifically designed to house mentally ill convicts. In addition to being the first prison to have an insane asylum for convicts, Auburn is also credited with being the first prison in the world to have an electric chair. The first execution took place on August 6, 1890. More than 50 men and women were executed at Auburn, with the last execution taking place in 1963.

Today, none of the original 1800s structures of the Auburn Penitentiary remain, even though a prison continues to operate on the same site. At present a maximum-security prison, Auburn houses about 1,800 men. In addition to holding long-term prisoners, Auburn has recently become a transfer facility for inmates moving between facilities. Auburn is a central feature of the surrounding community; since the 1820s it has provided one of the main sources of employment in the town. While many changes in the way prisons are run have occurred, the influence of Auburn still can be seen in the administration of modern prisons.

—Laura Jean Waters

See also Auburn System; Campus Style; Cottage System; Convict Leasing; Hard Labor; High-Rise Prisons; History of Labor; History of Prisons; History of Women's Prisons; New Generation Prisons; Newgate Prison; Panopticon; Pennsylvania System; Rehabilitation Theory; Sing Sing Correctional Facility; Telephone Pole Design; Walnut Street Jail

Further Reading

Christianson, S. (1998). *With liberty for some: 500 years of imprisonment in America*. Boston: Northeastern University Press.

Eriksson, T. (1976). *The reformers: An historical survey of pioneer experiments in the treatment of criminals* (C. Djurklou, Trans.). New York: Elsevier Scientific.

Miskell, J. N. (1991). *Auburn? The relationship between Auburn and the prison.* Paper presented to the members of the Cayuga County Historical Society at Cayuga. Retrieved from the New York Correction History Society Web site, http://www.correctionhistory.org/auburn&osborn/miskell/miskell_index.html

Shichor, D. (1995). *Punishment for profit: Private prisons/public concerns.* Thousand Oaks, CA: Sage.

AUBURN SYSTEM

The Auburn system refers to a 19th-century model of penal discipline in which penitentiary inmates worked together in silence. This strategy of prison management competed with, and ultimately replaced, the earlier Pennsylvania system in which prisoners were kept in solitary confinement for the duration of their sentence.

During the day in the Auburn system, inmates were employed in prison industries where they worked collectively. At night, they were kept in separate cells. This approach is often referred to as the congregate or silent system. It was based on the belief that hard labor and silence would help offenders reform. In penitentiaries run using this strategy, prisoners caught trying to communicate were punished harshly by the prison keepers.

HISTORY

Overcrowding at the Newgate Prison in New York led the legislature in 1816 to approve the building of a new state prison in Auburn. Originally, Auburn was designed as other prisons with congregate sleeping. However, concerns over a lack of discipline at Newgate led to the legislature authorizing a new punishment for the most violent inmates. As in the Pennsylvania system, these men would be locked up in solitary cells where they could not communicate with one another. Unlike the

Pennsylvania system, where inmates worked at handiwork in their cells, individuals in solitary confinement at Auburn were not permitted to do anything at all. Within two years, however, prison officials became concerned about the high rates of insanity and suicide they were witnessing. The situation became so bad that the prisoners held in solitary were pardoned and released by the governor. Twelve of these men soon committed new crimes and were convicted and returned to the prison. Solitary confinement, it seemed, did not work. As a result, prison administrators began to reconsider how the institution should be run.

In 1831, a new warden of Auburn, Elam Lynds, and his deputy, John Cray, instituted an alternative system of management called the congregate system. The congregate or Auburn silent system of prison management was seen as a rival to the Pennsylvania or separate system even though it incorporated some of its strategies. Like the Pennsylvania system, for example, no communication between inmates was allowed at Auburn. However, while prisoners in the Pennsylvania system were kept completely separate from one another, in the Auburn system, men worked and ate together. They were simply not permitted to speak to one another or to communicate in other ways. Administrators of both systems believed that silence would not only prevent inmates from influencing one another, but it would also help reform them. It was believed that silence and hard work would make them think about the crimes they had committed and help them repent and turn to God.

To maintain the silence, harsh discipline was used in the Auburn system. Any infraction was punished immediately by flogging. Individuals who denied that they spoke would be flogged for lying. Still, guards had to be ever vigilant to keep prisoners from talking. At night, the guards would remove their shoes and tip toe up and down the cellblocks listening for whispering among the inmates. In addition, John Cray, Warden Lynds's deputy, designed the "lockstep" as a way to allow the guards to better prevent talking and thus maintain discipline. The lockstep was a formation for marching inmates through the prison. Each inmate had to walk with a shuffling side step lined up one behind the other with his hand on the shoulder of the man in front of him and turned toward the guards with his eyes cast down. The lockstep march allowed the guard to enforce silence because he could see the face of each inmate. Inmates were monitored nearly constantly or so they may have thought. Officials even watched prisoners from a 2,000-foot passageway through peepholes behind the workshops at Auburn to be sure they worked hard and refrained from talking or other communication.

The men worked in silence from sunup until sundown every day except Sunday. On Sunday, still silent, they were required to attend chapel followed by dinner and returned to their cells. In their cells, they were to remain silent with only a Bible to distract them unless they were lucky enough to receive a visit from the chaplain.

WOMEN

While the male inmates were held to the strict silent system at Auburn, penal administrators did not enforce it as stringently with the women prisoners. It was commonly believed that it would be much more difficult to keep women from speaking to one another. Furthermore, women, it was thought, were naturally more sociable and keeping them silent might damage their nervous systems. As a result, though women were required to work at tasks such as knitting and spooling wool, silence was not strictly imposed.

Even though the women at Auburn were not prohibited from speaking, observers have noted that the conditions of their confinement were much worse than those for men. Women were kept in an unventilated attic above the kitchen. In response to widespread criticism, a matron was finally hired in 1832 to oversee the female inmates, and four large apartments were constructed in the south wing of the prison for women. Female offenders lived here until a new wing for them was opened at Sing Sing in 1838.

RIVALRY WITH THE PENNSYLVANIA SYSTEM

Reverend Louis Dwight, the secretary of the Boston Prison Discipline Society, and others supported

the Auburn silent system against its rival the Pennsylvania separate system. Although physically harsher, the Auburn system proved to be much more successful and longstanding than the Pennsylvania system. The reasons for the success were primarily economic. In both systems, inmates were required to be industrious in silence, working six days a week for up to 10 hours a day. However, under the Auburn system, the silent inmates were forced to work together in what were essentially prison-run factories that helped support the costs of the prison. Inmates housed under the silent system made everything from boots, harnesses, carpenters' tools, buckets, and brooms to clocks, wagons, buttons, carpets, and rifles. The prison managers would take bids on the convict labor to companies, which would supply raw material for the inmates to use to make goods that the companies would sell. By paying the inmates little or nothing for their work, the prison managers could cover the cost of the prisons and had the potential to make the prison a profitable enterprise.

CONCLUSION

The profitability of the Auburn system contributed to its implementation in many prisons throughout the world during the 1800s. The silent system was adopted by Coldbath Fields Prison in England during the 19th century. Other prisons were built as congregate prisons including Sing Sing in New York, which opened in 1825, and Kingston Penitentiary in Ontario, which opened in 1835.

While silent congregate labor was adopted by many prisons including Eastern Penitentiary, which had practiced the separate system, the Auburn system eventually died out as well. In 1894, the New York legislature ended contract labor system for inmate work in New York. By the early 1900s, inmates were permitted to speak, and the striped inmate uniforms and lockstep were gone. Still, today though, we see remnants of this system in current ideas about inmate labor and the specialized uniforms required in some prisons.

—Kim Davies

See also Auburn Correctional Facility; Convict Leasing; Eastern State Penitentiary; Hard Labor; History of Labor; History of Prisons; History of Women's Prisons; John Howard; Labor; Newgate Prison; Pennsylvania System; Quakers; San Quentin State Prison; Sing Sing Correctional Facility

Further Reading

Clear, T. R., & Cole, G. F. (1992). *American corrections.* Belmont, CA: Wadsworth.

Nagel, W. G. (1973). *The new red barn: A critical look at the modern American prison.* New York: Walker.

New York State Department of Correctional Service. (1998, April). Auburn Correctional Facility. *Docs Today.*

Teeters, N. K., & Shearer, J. D. (1957). *The prison at Philadelphia Cherry Hill.* New York: Columbia University Press.

Tewksbury, R. (1997). *Introduction to corrections.* New York: McGraw-Hill.

Zedner, L. (1998). Wayward sisters: The prison for women. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 329–362). New York: Oxford University Press.

AUSTRALIA

Australia is a member of the Commonwealth. Between 1788 and 1829, Britain annexed the whole continent. In 1901 the various colonies united in a federation but retained important links with Britain. The British monarch remains Australia's head of state, a largely ceremonial position. The Australian Federation has six states and two territories, all of them self-governing. The six federating states have a different status constitutionally, from the territories, since they originally derived their power from acts of the British Parliament. These six states, when agreeing to form a nation, delegated certain powers to a central federal Australian parliament: for example, they delegated their external affairs powers but retained their criminal justice powers. There are eight separate criminal justice systems, eight different police forces (the Australian Capital Territory, however, is policed by the Australian Federal Police), and eight separate correctional systems.

STRUCTURE

Correctional systems are the responsibility of state and territory governments, not the federal government.

There are no federal prisons in Australia as there are in the United States. Instead, the small number of federal prisoners who exist are housed in state prisons.

There are many regional and administrative differences and variations between each of the eight correctional systems in Australia. However, in general, each state or territory government has either a government department or a separate government-funded agency that undertakes the administration of corrections, both custodial and community, for that state or territory.

In 2001, the year for which the most recent figures are available, national expenditure on corrective services was $1.46 billion Australian dollars (AUD). Of this total, $1.3 billion (87%) was spent on prisons and correctional centers. Costs per prisoners are different for each jurisdiction, but in 2001 they ranged from $195.90 (AUD) to $108.40 (AUD) per prisoner, per day.

That same year, there were 119 operational adult correctional facilities in Australia that together held an average of 21,138 people per day. A further 1,178 people were serving periodic detention orders, which usually consists of weekend detention only. This practice allows certain prisoners to live at home and maintain work commitments during the week.

Australian prisons hold those awaiting trial or sentence (on remand), as well as those who have been sentenced to a period of incarceration, frequently within separate parts of the same facility. After arrest, offenders can usually only be held for a certain period of time by police until they must be brought before a court. If a court decides to deny them bail and remand them to custody, they will then be moved to a prison. There is no equivalent to the American jails in the one-tiered Australian correctional system.

JUVENILE JUSTICE

In all Australian states and territories, juvenile justice is the responsibility of a separate government department, which usually also administers any custodial facilities for young offenders. In most cases, the juvenile justice systems service offenders aged between 10, which is the age of criminal responsibility in Australia, and 17 years. Eighteen years is the age of legal adulthood in Australia, when persons can vote, consume alcohol, and drive a car. In some jurisdictions, offenders aged 18 years are also held in juvenile detention facilities if they were sentenced prior to turning this age. In some jurisdictions, juveniles may be transferred to adult prisons upon reaching 18 years and in others offenders aged 17 years may be placed in adult prisons if serving a long sentence. There were 604 juvenile offenders detained in custody on June 30, 2001. Juvenile justice in Australia has a range of diversionary measures and policies, including imprisonment as a last resort, which ensures that only around 1% of juveniles in contact with the criminal justice system are actually imprisoned.

HISTORY

Australia was inhabited for thousands of years by the indigenous peoples, Australian Aboriginals, who lived a nomadic and tribal existence with strong connections to the land. They had a complicated system of tribal law and wide and varied communities and languages. Australia was then settled by Europeans, primarily the British, in the 18th century.

From the mid-17th century, British prisoners were transported to America. When the American War of Independence caused the cessation of transportation, British prisoners were housed in disused ships due to the crowding within British prisons. As these "hulks" also became too crowded, it was agreed to commence transportation to the new colony of New South Wales.

British transportation of prisoners to Australia occurred from 1787 to 1868, and included men, women, and children. Though some free settlers came with the first fleet as soldiers, ministers, and so on, most only began to arrive in increasing numbers from 1793. As an incentive to emigrate, these settlers were entitled to apply for a convict on arrival, although this appears not to have occurred until sometime in the early 1800s. Despite the harsh

conditions in the new colony, once convicts had served their sentence many elected to remain in Australia as settlers, either because they could not afford the cost of the travel back to Britain or because of better opportunities in the new land.

Australian correctional systems developed from a transplanted system of British criminal justice. Despite having autonomy for their own system since federation in 1901, prisons and their administration in Australia have continued to mirror the development of corrections in the United Kingdom; however, increasingly, Australian policy is also influenced by practices in the United States.

DEVELOPMENT OF CORRECTIONS, 1970s–1990s

Since the 1970s, Australia, like many countries in the world, has experienced significant growth in the use of imprisonment. At the same time, there has been a continuing controversy over the effectiveness of imprisonment as a method of dealing with crime.

During the 1970s, prisoners' rights and public information of what was occurring behind the walls of the prisons became important issues. There were a number of governmental inquiries during this time as well as a substantial number of prisoner riots throughout all of the nation's correctional systems. A number of prisoners and ex-prisoners also made their grievances known through litigation.

In the mid-1970s, prisoners in many Australian states fought successfully to retain their status as citizens while incarcerated, to be permitted to marry, to hold bank accounts, to vote in elections, and to sue and be sued. Administrative law provisions were also strengthened during these years through the appointment of Parliamentary Commissioners (ombudsmen), who could examine the actions of correctional officials either on their own account or following complaints from prisoners. The first of these ombudsmen were appointed in Western Australia in 1972. These commissioners created a powerful check and balance on the exercise of power within correctional institutions. Recently, Western Australia has appointed a prison inspector (based on the United Kingdom model) with additional powers designed to increase oversight of correctional administration, practice, and process. Queensland, too, has recently instituted an external body, the Crime and Misconduct Commission, to oversee staff conduct.

In the 1970s and 1980s, women correctional officers began to be employed in prisons for men and social workers and welfare officers were introduced to all penal institutions. During this time, although there was an abandonment of the aim of rehabilitation, correctional centers began to emphasize accountability and humane containment in prisons. These ideals were challenged, however, with the advent of the HIV/AIDS epidemic and a significant rise in deaths in custody in the mid- and late 1980s. As a result of the noticeable increase of deaths in custody, the Australian governments agreed to the formation of the Royal Commission Into Aboriginal Deaths in Custody (RCIADIC), which had significant implications in the development of the various correctional systems.

Finally, the 1990s saw the reemergence of punitiveness in punishment, resulting in rising incarceration rates. Privatization of corrections has been the most visible response to increasing imprisonment rates. Five of the eight jurisdictions currently operate private prisons in Australia. Currently, approximately 17% of Australia's correctional centers are privately operated.

PRISON DEMOGRAPHICS

Every year on June 30, each state and territory in Australia undertakes a national prisoner census. Each state supplies the centralized Australian Bureau of Statistics (ABS) with a range of information on prisoner demographics, including characteristics related to most serious offense and length of sentence. The ABS then outlines the number of prisoners in custody on that night, by state and correctional center as well as daily averages for each month in the preceding year (e.g., July 1, 2001, to June 30, 2002). These figures provide an excellent snapshot of changes in the Australian correctional system over time.

Gender

Currently, the majority of prisoners, 93% (20,960), in Australia are male. The imprisonment rate for men is currently 285 per 100,000 adult male population and for female prisoners is 20 per 100,000 adult female population. While males continue to dominate the prison population globally, the proportion of prisoners who are female has increased in Australia in the past 10 years from 5% in 1991 to 7% in 2001.

There are now separate prisons for women in all states. However, given the small number of women incarcerated in each Australian jurisdiction, there are generally only one or two options in terms of where they can be housed. As a result, in most cases, women's prisons are built to accommodate all security levels within the one center. Also, due to the large geographic areas of some states, some prisons house both males and females, albeit in segregated areas.

Women are generally incarcerated for shorter periods of time than men. In most Australian jurisdictions, women have the right to have their children remain in custody with them from birth until a designated age—generally this is somewhere from three years to five years old. The correctional centers often have designated living units for these women with larger cells to accommodate a cot.

Type of Prisoner

Eighty-one percent (18,123) of all Australian prisoners are serving a sentence, and 19% (4,335) are remanded in custody either awaiting or involved in a trial or awaiting sentencing. Thirty-five percent of sentenced prisoners are serving a fixed-term sentence. Fifty-three percent are serving a maximum-minimum sentence, that is, those prisoners are eligible for release after serving a minimum term (set by the court) in custody and who must be released once the maximum term (also set by the court) has been served.

Most Australian prisoners are sentenced under the laws of the state or territory where the offense was committed. Only about 5% of all Australian prisoners are federal prisoners held under Commonwealth laws. Most of these are imprisoned for offenses relating to drugs, particularly trafficking and importation offenses.

Indigenous Imprisonment

Indigenous people are overrepresented in the nation's prison systems and are a significant factor in rising incarceration rates. They are estimated to be 2.4% of Australia's total population but make up 20% of the country's prison population. There are currently 4,445 indigenous prisoners in Australia. They are approximately 15 times more likely to be imprisoned than nonindigenous people. They have an imprisonment rate of 1,829 prisoners per 100,000 adult indigenous population compared to an imprisonment rate of 150 per 100,000 for nonindigenous persons. After substantive and ongoing research in this area, it is now more widely recognized that the overrepresentation of Aboriginal people in the Australian criminal justice system is the result of underlying structural issues, including racism, poverty, and destruction of their culture.

Imprisonment Rates

The prisoner population in Australia increased by 50% between 1991 and 2001. The adult imprisonment rate increased from a national average of 117 to 150 per 100,000. Within Australia, in the six states and two territories, imprisonment rates vary substantially, with some jurisdictions below the national average and others well above.

Offense Composition

Nearly half (48%) of all currently sentenced prisoners are convicted of offenses involving violence or the threat of violence, including murder (7%), other homicide (3%), assault (11%), sex offenses (10%), other offenses against the person (1%), and robbery (13%). Sentenced prisoners convicted of a property offense as their most serious offense currently represent 26% of all sentenced prisoners, including 12% for break and enter. A further 9% are serving sentences for drug offenses as their most

serious offense and 4% of sentenced prisoners were convicted and incarcerated for driving offenses.

GENERAL PRISON CONDITIONS

Each jurisdiction has its own correctional legislation and policies relating to the administration of punishment. However, there is also a national body, the National Correction Minister's Council, with a representative from each of the states and territories as well as New Zealand, that meets annually to discuss issues of concern, exchange ideas, and review existing national guidelines. This national body allows for some degree of standardization across the country particularly in relation to the maintenance of national guidelines and various international obligations.

Australia is a signatory to some of the United Nations conventions relating to punishment and has developed its own Minimum Standard Guidelines. These guidelines are based on the United Nations Standard Minimum Rules for the Treatment of Prisoners and related recommendations as well as the Council of Europe Standard Minimum Rules. They do not have the status of legislation, and the level of implementation is debatable. Court action has been attempted by inmates relying on the Standard Minimum Rules regarding time out of cell, exercise, standard of food, and overcrowding, but all cases have been unsuccessful as the courts have ruled that the Minimum Standard Guidelines are guidelines only and are not legally enforceable.

Housing

There are two types of custody in Australia, open and secure. Open custody is generally where prisoners are accommodated in very low security facilities. Most of the low/open security facilities are called "prison farms" and are generally located in geographically remote areas. They are usually not surrounded by fences, other than normal stock fencing, or locked in cells/units. Prisoners in these institutions are free to come and go within most areas of the facilities and are placed there on a trust basis because they are not considered a risk to themselves, other prisoners, staff, or the wider community. Secure custody refers to more traditional prisons and correctional centers that are surrounded by walls, fences, and electronic security, within which movement is strongly curtailed by staff. In these, prisoners must usually be escorted from one part of the prison to another or prisoner movement is electronically controlled by opening and closing various gates and doors and the provision of airlocks.

In general, most prisoners in Australia occupy a one- or two-person cell. In most jurisdictions, shower/toilet facilities are located within each cell. There remain some dormitory-style accommodations with shared shower facilities in various correctional centers in some of the more remote centers. Most inmates are expected to complete their own washing, cooking, and cleaning within their living areas and cells. Living arrangements vary from individual small huts on many of the prison farms to secure units, which range from 4 to 50 cells. Each unit generally has a kitchen and communal living and exercise areas. Some have individual laundry facilities as well. Most prisons also have staff administration areas, sporting facilities, and separate facilities for education, prison industries, and religious services. They also offer correctional programs such as anger management, sex offender treatment programs, and the like and individual therapy such as counseling. Many of the proffered programs are now being adapted for various discrete groups such as indigenous persons and those of non-English-speaking background.

Clothing

Prisoners are supplied with clothing by the prison for the duration of their term, including footwear. Usually, they are supplied with shorts, T-shirts, underwear (although some women's prisons allow women to purchase their own underwear), tracksuits for winter, and one pair of canvas sneaker type shoe. Usually, these are in one designated color, for example, in one state all male prisoners wear brown, in another green. If prisoners damage the clothing, they are generally responsible for replacing it at their own cost.

Food

In most jurisdictions, the type of food is related to the level of security in which prisoners are housed. However, it is now common that each living unit has its own kitchen and ingredients are supplied for prisoners to make their own meals. Often a prisoner will be assigned the role of unit cook and expected to prepare and cook for the others in that unit. In higher-security units or older centers without individual-unit kitchens, meals may be delivered precooked usually by the central prison kitchen, staffed by prisoners.

Prison Industries

The majority of correctional centers now have designated prison factories. Industries that exist in secure custody include bakeries, laundries, woodworking, metal working, and tailor shops. Industries in open custody include nurseries, dairies, and farming. These prison factories often generate income for the prison. The money either becomes part of that center's individual budget (offsetting other expenditure) or is returned to the central department that oversees that state's correctional facilities and is reallocated as part of the larger overall correctional funding for that state. There is, however, strict legislation in most states/territories that monitors the types of industries prisons are able to undertake and how they can be run. Prison factories must not compete with other industries in the general community.

Money in Prison

The wages prisoners earn as a result of employment within the prison industries vary, depending on the jurisdiction and the type of work in which they are involved. Inmates can also study full time in some jurisdictions and are given a small wage as a full-time student. If they do not choose to work or if the prisons are unable to provide employment for all who request it, prisoners receive a small amount of unemployment funding. Prisoners have an account at the prison and, in most jurisdictions, family members are allowed to deposit up to a certain amount of money each month. Prisoners are expected to buy some food, beverages, cigarettes, and personal hygiene items with this money and there is a limit on what can be spent each week. In some centers, prisoners can buy a TV or radio for their cells from this money.

Staff

There are no nationally collated numbers of staff who work in corrections currently available in Australia. Each state and territory is responsible for the recruitment, selection, and training of its staff. Recently, nationally endorsed competency standards have been developed for correctional employees throughout Australia but how each state incorporates these competency standards into its own training is quite individualized.

Apart from the normal staff associated with a prison, there are also external personnel who provide assistance. These include teachers, who may come to the prison for a set number of weeks to offer a particular course; prisoner support organizations, for example, indigenous elders/mentors; and official visitors such as ombudsman or the prison inspector, who arrive to discuss concerns or grievances with prisoners.

NATIONAL ISSUES OF CONCERN

While there is much variance in Australian corrections there are also matters that cross over all jurisdictions due to their importance or commonality. Issues of national concern in recent history include deaths in custody, mandatory sentencing, and privatization. These issues have resulted in practical changes across Australian correctional systems, although the implications and associated implementation are often different for each jurisdiction.

Deaths in Custody

Australia remains the only Western country to have established at the highest level (national) an inquiry into deaths in custody. Known as the Royal Commission Into Aboriginal Deaths in Custody (RCIADIC), this inquiry was established following a rapid increase in Aboriginal deaths in custody in the mid-1980s. Despite the focus on indigenous

deaths, the inquiry has had wide-ranging implication for the handling of all deaths in custody. A key recommendation of the RCIADIC was that all deaths in custody should be monitored and that data should be routinely collected about them. Indeed, there have been remarkable advances made in the recording and reporting of deaths in custody as well as changes to organizational processes and architectural design that seem to have reduced the number of deaths. For example, the total custodial deaths in Australia in 1987 were 93 compared to a total of 56 people dying in prison custody in 2001. However, there has been little research that has analyzed the wider *national* social, structural, and organizational issues concerning the prevention of further deaths in custody rather than at a jurisdictional level. In particular, many deficiencies remain in police, correctional, and coronial practices.

Mandatory Sentencing

Mandatory sentencing first occurred within Australia in the late 1990s following international trends, particularly from the United States. It was introduced within the Northern Territory and Western Australia in relation to property offenses, especially break and enter offenses; however, there remained extensive debate throughout Australia about the introduction of such laws. The legislation within the Northern Territory was repealed after a change of government in early 2000, and the Western Australian legislation was also recently amended due to perceptions that such legislation continued to exacerbate the overrepresentation of indigenous Australians within Australian criminal justice systems.

Privatization

The decade of the 1990s saw the reemergence in Australia of organizations providing correctional programs for governments in Australia. While the private provision of correctional programs, especially medical services and some specialist rehabilitation programs, had been occurring for some time, it was in 1990 that Australia's first privately operated prison (Borallon) commenced operation.

Since then approximately 10% of Australia's prisoners have been incarcerated in privately managed prisons. The private operators are responsible for the full range of prisons from high- to medium- and low-security facilities. Three major companies are involved: Corrections Corporation of Australia (CCA), Australasian Correctional Management (ACM), and Group 4 Securitas (Group 4). The first two companies are consortia with strong U.S. connections, and Group 4 Securitas is European. All three have access to advice and information about the private operation of prisons from their overseas operations. There are no wholly owned Australian companies operating private Australian prisons.

Until very recently, the detailed contracts between state governments and the private providers have not been accessible to the public because of commercial-in-confidence provisions that make it impossible to know precisely how much the state pays private corporations to run its penal facilities. This has made discussion about the relative cost advantages of the private operators compared with government operations extremely difficult. Administrative integration of a multioperator system is an ongoing challenge and has produced problems of controlling the appropriate flow of information about prisoners through the correctional system.

There have, however, also been some advantages. The introduction of newer and different models of prisoner management, modeled on the overseas experiences, has meant that many older prisons within Australia have been closed and that many of the public correctional systems have adopted similar models of prisoner management. In particular, unit management and the wider provision and utilization of prison industries have occurred within publicly owned prisons since privatization.

CONCLUSION

Australian corrections remain a somewhat fragmented system. Australian correctional systems have only recently come together to share information on what works and what does not. Recent innovations, including large-scale capital works and increased demands for accountability in state

criminal justice systems, have substantially changed penal practice to the point where, while continuing to mirror overseas development, Australian corrections is now developing its own unique processes and structures.

—Anna Alice Grant

See also Canada; Contract Facilities; England and Wales; Federal Prison System; Food; Jails; Juvenile Justice System; Labor; Native American Prisoners; New Zealand; Private Prisons; Race, Class, and Gender of Prisoners; State Prison System; Suicide; Truth in Sentencing; Wackenhut Corporation; Women Prisoners; Women's Prisons

Further Reading

Australian Bureau of Statistics. (2004). Australian Bureau of Statistics home page. http://www.abs.gov.au/

Bevan, C. (Ed.). (1984). *Minimum standard guidelines for Australian prisons.* Canberra: Australian Institute of Criminology.

Carcach, C., & Grant, A. (1999). Imprisonment in Australia: Trends in prison populations and imprisonment rates 1982–1998. In *Trends and issues in crime and criminal justice No. 130.* Canberra: Australian Institute of Criminology.

Dalton, V. (1999). Australian deaths in custody & custody related police operations. In *Trends and issues in crime and criminal justice No. 105.* Canberra: Australian Institute of Criminology.

Dawes, J., & Grant, A (2000). An expensive decision: Corrections in Australia. In Australian Institute of Criminology, *Handbook of Australian criminology.* Cambridge, UK: Cambridge University Press.

Finnane, M. (1997). *Punishment in Australian society.* Melbourne: Oxford University Press.

Harding, R. (1997). *Private prisons and public accountability.* Buckingham, UK: Open University Press.

Johnston, E. (1991). *Royal commission into Aboriginal deaths in custody, national report, Volumes 1–5.* Canberra: Australian Government Publication Service.

Roche, D. (1999). Mandatory sentencing. In *Trends and issues in crime and criminal justice No. 138.* Canberra: Australian Institute of Criminology.

Royal Commission Into Aboriginal Deaths in Custody. (J. H. Muirhead, chair). (1991). *Interim report.* Canberra: Australian Government Publication Service.

Productivity Commission. (2002). *Report on government services.* Canberra: Australian Government Printer.

Wimshurst, K., & Harrison, A. (2000). The Australian criminal justice system: Issues and prospects. In D. Chappell & P. Wilson (Eds.), *Crime and the criminal justice system in Australia: 2000 and beyond.* Sydney: Butterworths.

B

BATES, SANFORD (1884–1972)

Sanford Bates was one of the preeminent penologists in the United States. He was particularly known for his support of rehabilitation and many related reforms and innovations. He had more than 50 years administering local, state, and federal prison and parole systems, including a stint as director of the Federal Bureau of Prisons from 1930 to 1937.

BACKGROUND

Sanford Bates, born July 17, 1884, practiced law from 1906 to 1918 in Boston and served two 2-year terms in the Massachusetts legislature. He entered penology reluctantly. First, the Republican administration in Boston persuaded Bates to act as street commissioner. A few months later, the city needed a commissioner of penal institutions and appointed Bates, over his objections. By the time he retired as commissioner of the New Jersey Department of Institutions and Agencies in 1954 at the age of 70, Bates had served successively as penitentiary commissioner of his native Massachusetts (appointed by then-Governor Calvin Coolidge), and parole commissioner of New York State and superintendent of Federal Prisons. He was director of the Federal Bureau of Prisons from 1930 to 1937, and then went on to serve as executive director of the Boys Clubs of America, Inc. until 1940.

His performance earned him a reputation both nationally and internationally. For example, he was elected president of the American Prison Association as well as the International Penal and Penitentiary Commission. He headed a five-year survey of sentencing, probation, and parole in connection with the American Bar Foundation's study of criminal justice. President Harry Truman appointed Bates to the U.N. Commission on Crime Prevention. Bates died on September 8, 1972, at the age of 88.

CONTRIBUTIONS

Bates's 50 years of service left a mark on the study and practice of penology. While commissioner of penal institutions in Boston, he introduced a prison school and partial self-government for inmates. During his decade as commissioner of the Massachusetts State Department of Correction, Bates revised the parole system, introduced printing and foundry work to the available prison industries, established merit pay for prison employees and a state wage for prisoners, founded model institutions for male and female "defective delinquents," and created the first crime prevention bureau connected with a prison department. He also offered inmates university

extension courses and arranged for county prisoners to be examined by state psychiatrists.

During his seven-year tenure of director of the Federal Bureau of Prisons, 15 institutions were added to the system, including not only Alcatraz (a famous maximum-security prison) but also libraries, medical departments, bureaus of social work, and training programs for guards. In both New York and New Jersey, Bates established model parole systems. In New Jersey, he transferred many prisoners from maximum-security prisons to work farms and experimented with using inmate labor on public outdoor projects.

One of Bates's most significant contributions was ridding the penal system of politics. At the time he became director of the federal prison system, federal prisons were, as one scholar observed, "virtual hostages of the patronage process." Wardens were lightly supervised by the Department of Justice while dedicated to maintaining good ties to their sponsors in Congress to whom they owed their jobs. By contrast, Bates sought to base hiring and promotion on merit, not patronage. While he recognized the importance of maintaining good ties with Congress, he noted in a March 26, 1929, letter to Attorney General William D. Mitchell that "I should confidently expect the backing of my superiors in withstanding that happily infrequent kind of pressure which comes sometimes from the unreasonable demands on persons whose chief aim in life is political." His position was particularly noteworthy given that he himself had been a politician in a state known for its patronage.

In his book *Prisons and Beyond*, articles, and letters, Bates articulated a guiding philosophy for the management of prison inmates. Although seeing inmates as individuals and advocating a humane system of incarceration and parole seem unremarkable today, at the time this view was unusual. Bates's philosophy reflected not only his commitment to reformation but also his belief that the Bureau of Prisons should be a role model for other states to emulate. His accomplishments prompted the Chairman Wickersham of the president's law enforcement commission to voice regret that the commission's last report had not differentiated between federal and state institutions when it denounced the present prison system as antiquated, inefficient, and failing either to reform offenders or to protect society. Wickersham acknowledged that the revolutionary changes Bates had introduced in the system of penal management, control, custody, and training of offenders were inadequately recognized.

CONCLUSION

Sanford Bates shaped ideas about and practices of punishment in the United States during and after his lifetime. As director of the Federal Bureau of Prisons, he left his mark on a national system of prisons that itself guided many state systems. A lifelong civil servant, he demonstrates the impact one individual can have on broader policies and procedures. To that end, he is one of a number of prison reformers and workers who have shaped the current U.S. penal system

—Jeanne Flavin

See also Alcatraz; James V. Bennett; Zebulon Reed Brockway; Katharine Bement Davis; Federal Prison System; Kathleen Hawk Sawyer; Rehabilitation Theory; Mabel Walker Wildebrandt

Further Reading

Bates, S. (1934, February 4). The prison: A complex problem. *New York Times,* p. SM1.

Bates, S. (1936). *Prisons and beyond*. New York: Macmillan.

Keve, P. (1991). *Prisons and the American conscience*. Carbondale: Southern Illinois University Press.

Keve, P. (1994). The sources of excellence. *Federal Prisons Journal, 3*(3), 11–14.

BECCARIA, CESARE
(1738–1794)

Cesare Bonesana Marchese Beccaria, was a key figure in the history of criminology and in the field of punishment. Typically, he is identified as the founder of the classical school of criminology, and as one of the first modern proponents of deterrence. In 1764, he anonymously published his ideas in a treatise titled *Dei Delitti e delle Pene* (*On*

Crimes and Punishments). This text subsequently influenced the development of systems of punishment in most contemporaneous European nation states, and in the United States as well. It was translated into French in 1766 and a later edition, with an introduction by Voltaire, found its place in the salons and courts of Europe within movements of reform identified with the rising bourgeoisie and "enlightened" aristocrats. Praised for its clarity, eloquence, and humanity, *On Crimes and Punishments* was translated into English in 1767. Beccaria's views were hailed by Jeremy Bentham as the foundation of his work and were cited as an influence on the thought of William Blackstone. In the newly forming United States, John Adams, Benjamin Franklin, James Wilson, Thomas Jefferson, and others recorded the use of Beccaria's insights in their efforts to shape both the federal constitution and new state judicial and criminal legislation and penal sanctions.

Along with many of his contemporaries, Beccaria believed that members of a society were bound by a social contract that legitimated laws for the security of their persons and property. He also argued that human behavior was driven by a utilitarian approach in which people sought to avoid pain and seek pleasure and happiness. His own summary of his views, as a "general axiom," was that "in order that punishment should not be an act of violence perpetrated by one or many against a private citizen, it must be essential that it be public, speedy, necessary, the minimum possible in the given circumstances, proportionate to the crime, and determined by the law" (Beccaria, 1995, p. 113). His eloquent arguments against the use of torture and for the abolition of capital punishment were widely quoted in his day and retain their relevance today.

Somewhat ironically, more recent neoclassical criminology has been identified with a "get tough on crime" stance that only partially reflects Beccaria's initial plea for penal reform. Thus, contemporary scholars stress the role of rational choice in criminal behavior, the use of determinant rather than discretionary sentencing, and the deterrent rather than rehabilitative function of corrections.

BACKGROUND

Beccaria was born into an aristocratic Milanese family of moderate wealth. After graduating from the University of Pavia with a doctorate in law in 1758, he joined a literary academy frequented by other young men from the Milanese elite. Subsequently, he followed his mentor and friend Pietro Verri into a new "Academy of Fists," whose members' heated debates on scientific, literary, social, and economic issues and reforms, stimulated Beccaria's interest in and writing on monetary reform. He later responded to Verri's suggestion that he turn his talents and eloquence to a study of the existing criminal law. With the supportive assistance of the members and following extensive editing by Verri, since initially Beccaria knew little about the criminal system, the manuscript developed from a pile of notes. Fear of the reaction of the authorities to his critique led to his decision to publish it anonymously at first. After the fame of his work spread there were demands for his presence, but after a short visit to Paris in 1766, where he was hailed as a benefactor of humanity, he returned to Milan where he remained, despite an invitation by Catherine the Great to implement his recommendations in Russia. Active first as a professor of economics, and later in a series of governmental positions in Lombardy, he continued to write on subjects in political economy and remained active until his death in 1794.

It was not until 1791, when Beccaria was appointment by Emperor Leopold II to a commission for the formulation of a new criminal code for Lombardy that he was involved directly in an effort to bring his recommendations into law. The members subsequently split over the question of the abolition of capital punishment, and after long debates and in the face of political instability after the French Revolution the commission's work was never implemented. Beccaria did not live to see his work bear fruit in his own land. However, in the new United States his work had greater impact.

PENAL REFORM

In an early edition of *On Crimes and Punishment,* an allegorical engraving shows Justice turning from

an executioner brandishing a shorn head to a pile of chains, a shovel, and a mallet resting at her feet. In his widely read and debated chapter on the death penalty when public executions or their threat were widely used as the punishment for crime, Beccaria (1995) argued that when "a man who sees ahead of him many years, or even the remainder of his life, passed in slavery and suffering before the eyes of his fellow citizens . . . the slave of those laws by which he was protected, [the example] will make a stronger impression on him than would a spectacle which hardens more than it reforms him" (pp. 70–71).

Even before the formation of the United States, John Adams, in his successful defense of the British soldiers tried after the Boston Massacre in 1770, quoted Beccaria: "If I can but be the instrument of preserving one life, his blessing and tears of transport shall be sufficient consolation to me for the contempt of all mankind" (Maestro, 1973, p. 137). Likewise, Beccaria's influence was apparent in the efforts to restrict the use of the death penalty in the new state codes and the apparent agreement, in a country where the institution of slavery was widespread and accepted, that penal slavery was an appropriate substitute for death.

In Pennsylvania, influenced by Beccaria's thought, Benjamin Franklin, Benjamin Rush, and others in 1786 revised the criminal code limiting the death penalty to murder, rape, arson, and treason and substituted in its place "hard labor, publically and disgracefully imposed." This practice, however, that placed chained prisoners with shaven heads cleaning and repairing the streets of Philadelphia evoked disturbances that led the authorities by 1790 not only to move the punishment from public view but also to substitute private solitary labor. With the construction of cells for solitary confinement, the Walnut Street Jail became hailed as the birthplace of the American penitentiary—a reversal of Beccaria's basic argumentation.

In Virginia, Thomas Jefferson with others began the revision of the criminal law in 1778 citing Beccaria's opposition to the death penalty and recommending the substitution of hard labor on public works. Their legislative efforts lost. When the bill limiting the death penalty to crimes of treason and murder successfully passed in 1796, following the experience in Philadelphia, the alternative punishment of "slavery and suffering" rather than death, led in Virginia to the construction and use of the prison rather than public works.

CONCLUSION

Beccaria's influence was not only felt during the classical period when many of his insights, summarized in his "general axiom," including the rule of law, judicial codes, and public trials, were embodied in legislative and judicial reforms following both the American and French Revolutions but also in continuing efforts in abolish capital punishment. In the United States, his arguments that public slavery at hard labor was a greater deterrent to crime than public executions became, in the twist of political events and control, the impetus for the development of the solitary cells of the penitentiary while retaining the goal of hard labor. Finally, in the more recent rational choice revival of neoclassical criminology the works and insights of Beccaria have again found their advocates.

—Esther Heffernan

See also Jeremy Bentham; Capital Punishment; Chain Gangs; Determinate Sentencing; Deterrence Theory; Hard Labor; Benjamin Rush; Slavery; Walnut Street Jail

Further Reading

Beccaria, C. (1963). *On crimes and punishments* (H. Paolucci, Trans.). New York: Bobbs-Merrill. (Original work published 1764)

Bellamy, R. (Ed.). (1995). *Beccaria: On crimes and punishment and other writings*. Cambridge, UK: Cambridge University Press.

Maestro, M. (1973). *Cesare Beccaria and the origins of penal reform.* Philadelphia: Temple University Press.

BEDFORD HILLS CORRECTIONAL FACILITY

In the world of corrections, Bedford Hills Correctional Facility, a maximum-security prison in

the state of New York, is well known for its historical past and the innovative correctional program it currently offers its inmates. However, Bedford Hills is relatively unknown to the general public, principally because its inmates are women.

HISTORY

In New York's earliest correctional history, women were housed at men's prisons or in local jails. Between 1838 and 1877, a building at Sing Sing Prison served as the state's women's facility. When overcrowding became an issue in the men's section of Sing Sing, women were moved to county jails in Brooklyn, Buffalo, and Rochester. The condition of women inmates did not improve in these places as local jails were hardly a suitable place for state-sentenced inmates facing years of confinement.

As reformatories were being established with the promise to salvage young men's lives through education and parole, legislators were pressed to give women the same consideration. Eleven years after the world-renowned Elmira Reformatory opened, the Hudson House of Refuge for Women opened in 1887. With the success of the Hudson House, in 1892, the New York State Legislature passed a bill authorizing a woman's reformatory in Westchester County, to be built at Bedford Station on the Harlem Railroad line.

Seven years later, the New York State Reformatory for Women at Bedford opened, with the first inmates arriving on May 11, 1901. The reformatory was to house women, aged 16 to 30, who had been convicted of minor offenses. Bedford was controlled by a Board of Managers, appointed by the governor. Dr. Katharine Bement Davis was named Bedford's first superintendent. Davis's innovations at Bedford won her national and international acclaim as a champion of women's suffrage.

The first inmates at Bedford Hills worked half a day cooking; making clothing, baskets, and hats; and working in the laundry building. The women milked cows, raised chickens and pigs, farmed in vegetables, planted trees, shoveled coal, painted cottages, and put up fences. They built an artificial pond and harvested the ice during winter. They also learned to make concrete, building thousands of square feet of walkways, stairways, and floors.

The other half of the day was spent in traditional education classes, as well as courses in carpentry, stenography, typing, chair caning, painting, mechanical drawing, cobbling, and bookbinding. Gymnastics classes, inmate productions of Gilbert and Sullivan musicals, and summer recreation were also a part of Davis's fresh-air treatment of the inmates.

In 1927, Bedford, as part of a reorganization of New York's state government, was placed under the newly created Department of Correction. In 1933, women from the state prison in Auburn were moved to a group of buildings adjacent to the reformatory. The entire complex was renamed the Westfield State Farm. Although the reformatory and prison were within one-quarter mile of each other, they operated as two distinct institutions separated by a road and fence.

In 1970, Westfield State Farm was reorganized as women were removed from the prison section and replaced with male inmates. The reformatory became a general confinement facility for women. This new complex constituted a single institution called the Bedford Hills Correctional Facility. The men and women inmates were separated with the exception of coed activities such as creative writing classes and dances.

In 1973, the male prison was administratively separated from Bedford Hills and was renamed Taconic. As the state female inmate population rose to unprecedented numbers, Taconic was converted to a medium-security prison for women, which remains today distinct from the Bedford Hills maximum-security facility.

BEDFORD HILLS TODAY

Today's Bedford Hills is dramatically different to its reformatory predecessor. Currently, Bedford Hills is the only maximum-security women's facility operating in the state of New York. In addition, it is the receiving and classification center for all women sentenced to prison.

Living conditions are different also. When reformatories were being built for women, the

architecture was soft, keeping with the image that women were passive and congenitally domestic. The original unfenced facility consisted of cottages, each with its own kitchen and flower garden. The women were placed in cottages according to age, marital status, and behavior.

Today at Bedford Hills, within the confines of massive security fencing, prisoners live in a variety of styles and ages of buildings. Some live in three-story brick buildings built in the 1960s, while others live in modern dormitories. Fiske Cottage, built in 1933 and a remaining link to the past, serves as an "honor house" with individual rooms to which the inmates hold the keys.

New mothers at Bedford Hills live with their babies in the Nursery, the oldest prison nursery in the United States, for up to 18 months. In addition, this is currently the only women's facility to offer its inmates a Family Reunion Program, consisting of overnight, private visits with spouses, children, and other family members of the inmates. The Children's Center is an innovative program designed to make children feel comfortable while visiting their mothers. Both the Nursery and the Children's Center are staffed by inmate child care workers. Other programs include education and advocacy in custody and foster care situations and education workshops to improve parenting skills.

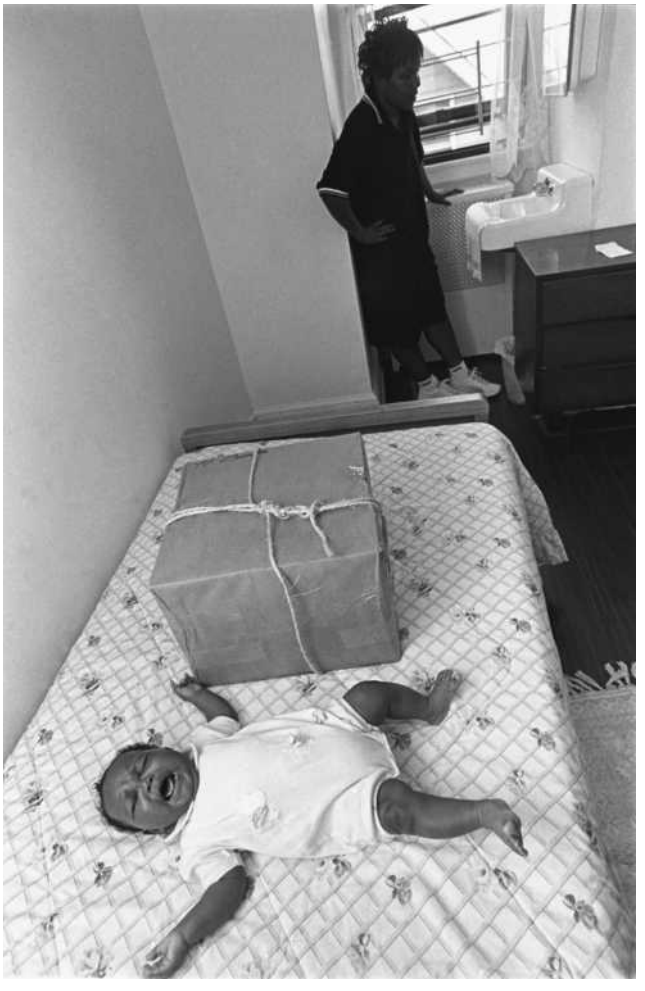

Photo 1 *Bedford Hills*

THE CHILDREN'S CENTER

The Children's Center offers a wide variety of services to women sentenced at Bedford Hills. The main goal of the center is to assist the women in strengthening and preserving their families, in particular their relationships with their children. The center is funded by the Department of Correctional Services and programs are administered by Catholic Charities, in the diocese of Brooklyn. Prisoners primarily conduct the programs, with responsibilities being to plan activities and arrange for workshops, as well as teaching and initiating the programs.

There are various centers within the broader scope of the Children's Center. These include the Children's Center, Parenting Center, Nursery, Infant Day Care Center, Prenatal Center, and Child Advocacy Office. Each of them will be discussed below.

The Children's Center consists of a well-equipped playroom, with games, age-appropriate toys, building blocks, easels for painting, and a children's library. During holidays, the center is seasonally decorated with matching craft activities. This is currently the only prison in the United States where children and their mothers may visit unescorted.

Within the Parenting Center are 20 different programs and services provided to the inmates. Programs include child development associate courses, where inmates earn credentials as child development associates to work in an accredited nursery school; mental hygiene programs; parenting courses; and bilingual parenting training.

Services include holiday activities, a mother's group, nursery aids, a transportation clinic, and a toy library.

Women who are pregnant upon arriving at Bedford Hills will deliver their children in a hospital located outside the prison and will then return to live with their children in the Nursery, located in the facility medical building. Keeping mother and child together has always been acknowledged and respected at Bedford Hills, understanding that the child's best interest is paramount. In addition, it is believed that inmates who maintain strong bonds with their families during their incarceration period have a greater chance of rehabilitation with a lower chance of recidivism. Parenting, educational, vocational, and substance abuse treatment programs in combination with bonding with their children help the women at Bedford Hills to establish a strong foundation for a lifestyle change.

In February 1990, the Infant Day Care Center opened at Bedford Hills. The purpose of this program is to care for children of inmates who are attending school or engaged in work assignments. This center is staffed by prisoners who have been trained through the child development associate courses. Outside volunteers, known as the "Grandmothers' Group," spend time in the center assisting staff and mothers.

The Prenatal Center was established as recognition of this most critical time in a woman's pregnancy. This center provides pregnant inmates with the opportunity to receive parenting classes and substance abuse classes, as well as sewing, crocheting, and other handwork/craft classes.

Finally, the Child Advocacy Office was established to address all child-related problems. Mothers meet individually with trained child advocates and contacts are made with family members, schools, and various social agencies. In addition, cases involving out-of-state transportation and other unusual problems are directed to this office.

CONCLUSION

Bedford Hills Correctional Facility has come a long way since its humble beginnings as a reformatory for New York's female misdemeanants. Today, as the state's only maximum-security prison for women, it functions as a caring community whose residents aid and support each other. Bedford Hills and its innovative programs, particularly the Children's Center with its various programs for mothers and children, have received numerous awards in recent years. Representatives from across the country, as well as China, England, France, and Scotland, have paid official visits to view firsthand the facility and programs.

—Deborah Mitchell Robinson and Douglas Neil Robinson

See also Alderson, Federal Prison Camp; Children; Katharine Bement Davis; Fathers in Prison; Gynecology; History of Women's Prisons; Maximum Security; Mothers in Prison; Parenting Programs; Prison Nurseries; State Prison System; War on Drugs; Women Prisoners; Women's Advocate Ministry; Women's Health; Women's Prisons

Further Reading

Family and Corrections Network. (1993). The children's centre—Bedford Hills Correctional Facility. In *Report from the Fourth North American Conference on the Family and Corrections, Quebec City, Quebec, Canada.* Palmyra, VA: Author.

McCarthy, T. C. (1997). *Correction's Katharine Bement Davis: New York City's suffragist commissioner.* Retrieved from http://www.correctionhistory.org/html/chronicl/kbd/kdb11.html

New York State Department of Correctional Services. (1998). Albion Correctional Facility. *DOCS Today, 7*(9), 22–25.

New York State Department of Correctional Services. (1999). Bedford Hills Correctional Facility. *DOCS Today, 2*(5), 12–15.

BENNETT, JAMES V. (1894–1978)

James V. Bennett was the second director of the Federal Bureau of Prisons (BOP), serving longer than any other (1937 to 1964). Bennett played a role in establishing the centralized bureaucracy for overseeing the operation of federal prisons, the BOP, while working for the U.S. Bureau of Efficiency. In 1928, he produced a report, *The Federal Penal and Correctional Problem,* that described the deteriorating

conditions caused by severe overcrowding at the three existing penitentiaries of the time—Leavenworth (Kansas), Atlanta (Georgia), and McNeil Island (California). He identified three acts taken after 1920—the Prohibition Act, the Harrison Narcotic Act, and the Automobile Theft (Dyer) Act—as contributing to the rising number of federal inmates. Instead of proposing to expand the three existing federal prisons, Bennett reasoned that additional federal prisons should be built to reduce transportation costs and to preserve prison sizes that could be managed easily by one warden.

Prior to joining the Bureau of Efficiency and later the BOP, Bennett had graduated from Brown University (1918) and served as a cadet aviator in the Army Air Corps during World War I. Bennett received his law degree in 1926 from George Washington University. He was hired by the first director of the BOP, Sanford Bates, in 1929, shortly after the formal establishment of the BOP.

Bennett argued in 1935 that one of the key issues facing prison management was inmate idleness. One of his key contributions prior to assuming the directorship of the BOP was serving as the initial commissioner of prison industries, which since 1978 has been known by the trade name UNICOR. Under his leadership, legislation was written and enacted by Congress that established Federal Prison Industries, Inc. as a separate corporate entity in 1934. As a corporate entity, prison industries had its own board of directors and working capital that was separate from the federal appropriations process. President Franklin D. Roosevelt and Sanford Bates established the policy that prison industries should be broadly diversified and provide little competition to any one industry in the private sector, and Bennett followed this policy as commissioner of prison industries and later as director of the BOP.

As director of the BOP, Bennett enacted a progressive philosophy regarding the treatment of staff and inmates, especially early in his career. Some of the accomplishments of Bennett may have been initiated during the Bates administration. For example, during the first month of Bennett's administration, all BOP personnel became part of the civil service. This replaced the political patronage system that had existed previously.

Bennett also established the BOP tradition of associating major job promotions with transfers in the 1940s. To combat local empire building and provincialism, as well as potential resistance to central office policy and directives, transfers were tied to accepting a position at a different prison. Some staff initially resisted. These days, however, it is commonly thought that the promotion-tenure link transformed the BOP from a collection of idiosyncratic prisons to a coordinated system under the control of central office.

Bennett and Bates opposed controlling inmates with the simple use of brute force. Sometime during the 1930s, either before or after Bennett assumed the directorship, the BOP disallowed the previous practice of allowing guards to carry billy clubs at penitentiaries. Bennett established the first halfway house used by a correctional agency in the United States to ease the adjustment of inmates back into society. Bennett also created the first "open prison" at Seagoville, Texas. This prison did not have a perimeter wall, fence, guard towers, or the other custody devices most typically associated with prisons. As Bennett noted in a paper delivered to the Institute of Illinois Academy of Criminology in 1955, "The emphasis throughout is on self-reliance, self-respect, and trustworthiness" (Roberts, 1980, p. 33).

Bennett took a leave of absence in 1945 to organize civilian German prisons for the American military at the end of European hostilities in World War II. He received numerous awards for his federal career, including the president's Award for Distinguished Federal Civilian Service, which was presented by President Dwight D. Eisenhower.

Bennett's last official day at the BOP was on his 70th birthday. Critics argue that Bennett became less effective in the latter stages of his career, and then-Attorney General Robert Kennedy had denied his request to extend his stay. Nonetheless, looking over his entire career at the BOP, Paul Keve (1991, p. 214) argued that he was a leader of integrity with sound management practices.

—Scott D. Camp

See also Ashurst-Summers Act 1935; Sanford Bates; Katharine Bement Davis; Federal Prison System;

Mary Belle Harris; Hawes-Cooper Act 1929; Kathleen Hawk Sawyer; History of Prisons; UNICOR; Volstead Act 1918

Further Reading

Bennett, J. V. (1964). *Of prisons and justice: A selection of the writings of James V. Bennett.* Washington, DC: U.S. Government Printing Office.

Keve, P. W. (1991). *American conscience: A history of U.S. federal corrections.* Carbondale: Southern Illinois University Press.

Roberts, J. W. (1980). View from the top: The Bureau of Prisons' five directors discuss problems and ethics in corrections. *Federal Prison Journal, 1*(4), 27–46.

The opinions expressed are those of the author and do not necessarily represent those of the Federal Bureau of Prisons or the Department of Justice.

BENTHAM, JEREMY (1748–1832)

Jeremy Bentham, credited for conceptualizing the "roundhouse" panopticon prison, was a philosopher and essayist whose contributions to criminal justice theory over 60 years extended far beyond his prison designs. A prodigious, even obsessive, author, Bentham wrote on numerous topics spanning criminology, moral philosophy, law, and politics. Born of wealthy parents in London, he studied to be a lawyer like his father and grandfather. However, he eventually discarded this plan and instead began to write social and political critiques. His wealthy background and a later substantial inheritance allowed him to pursue his interests in relative comfort.

Bentham wrote during a time of social upheaval, both in Britain and on the continent. The French and U.S. revolutions, expanding British imperialism, and the problems of crime in England in addition to what Bentham viewed as a breakdown in the moral fabric of society and law, stimulated much of his work. Considered both a philosophical and political radical, many of his reformist ideas were not accepted until the early 19th century.

BENTHAM'S PHILOSOPHY

Bentham is often considered to be one of the founders of Utilitarianism even though he did not originate the core ideas. Utilitarians argue that ethical behavior is determined by the consequences of an act. As a result, according to Bentham, both human actions and government policies should be guided by a "utility principle" in which actions should be intended either to produce good or to reduce harm. Such a view was not based simply on numbers or "majority rules." Rather, the goal or end of an act should be weighed with a calculus that, on balance, will result in the greatest social good or the least social harm, even if it causes individual discomfort. Ethical rules are derived from the principle of the greatest universal utility, summarized by John Stuart Mill (1957) after studying Bentham:

> Pleasure and freedom from pain are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for pleasure inherent in themselves or as means to the promotion of pleasure and the prevention of pain. (pp. 10–11)

Although recognizing and emphasizing the role of individual choice, Bentham did not believe that people should make choices simply on the basis of their own personal self-interest or pleasure. Rather, a society's "greatest felicity" occurred in conditions that required a shared moral climate, and individuals were obligated to make those choices guided by a common social good. To use a contemporary example, some observers have argued that, for utilitarians, if racism makes the majority of a society "happy," then it can be morally justified. However, this violates the fundamental premise of Utilitarianism, which is that principles of justice are a primary utility, and choices that violate this utility are unjust or immoral.

BENTHAM'S CONTRIBUTIONS TO CRIMINAL JUSTICE

Introductory criminology texts usually divide criminology of the later 18th and early 19th centuries into classical and neoclassical views, placing Bentham in the latter. Although somewhat arbitrary, the distinction is useful for two reasons. First, it helps us understand how writers in the first part of

the 19th century shifted from earlier 18th-century views of criminal law as primarily for punishment. Second, it illustrates how criminal law and correctional policies respond to social changes as they evolved.

The distinction between the two schools reflects an emphasis in application rather than any fundamental differences in philosophy. Both classical and neoclassical theorists attempted to examine crime in a way that would allow for a "rational" formulation of policy. The classical school is often associated with Cesare Beccaria (1819), who believed that "the degree of punishment, and the consequences of crime, ought to be so contrived as to have the greatest possible effect on others, with the least possible pain to the delinquent" (p. 75).

The intent of this "just measure of pain" was to deter the offender from future offenses as well as to prevent others from similar acts by indicating that punishment was swift and certain and "cost" more than gains from the crime itself. Both schools focused on crime as a violation of law, moving away from the view of crime as "sins against nature," which dominated criminal law well into the 18th century (and still guides some 21st-century thinking). Both held that the best way to reduce crime was to punish offenders, both for retribution and deterrence. Both opposed excessive punishment and, for the most part, capital punishment, corporal punishment, transportation and prison ships, and torture. Both also argued that the punishment must fit the crime and that punishments should be calibrated according to the nature of social harm of the offense.

The primary difference lies in Bentham's and his followers' reform-oriented views of how punishments should be applied. For Bentham and those influenced by his work, existing criminal law and corresponding punishments were unjust, because they did not account for individual differences. Unlike the classical school, which reacted to crime after it occurred by punishing offenders and thus reducing crime through deterrence, Bentham believed that society could proactively address crime before it occurred by emphasizing moral choices and creating a just system of laws. He advocated indirect means of preventing crimes, such as education, religious sanctions, discouraging "encouragement to crime," and promoting an enlightened, benevolent society (Bentham, 1843).

Like, Beccaria (1819), Bentham believed in the deterrent power of punishment. He felt that the severity of punishment should be increased as the deterrent value decreased. But Bentham also advocated alternatives to conventional punishment, arguing that not all offenses require incarceration or harsh responses. He suggested that "private punishment," or "forfeitures" and other restrictions could be a strong deterrent. Also, unlike classical theorists, who argued that all offenders should be treated alike, regardless of circumstance, Bentham suggested taking the context of a crime and the nature of the offender into account when inflicting punishment.

THE PANOPTICON

One of the key ways in which Bentham sought to deal with crime was through transforming prison policies. Over the decades, he specified a number of principles to guide sentencing and prison administration. Among these included holding wardens responsible for prisoner injuries by fining them for prisoner deaths, increasing sentencing latitude of judges, a presaging of bail and home confinement, and the recognition that some punishments, such as transportation, fell heaviest on the poor and lower classes.

In addition to such policy suggestions, Bentham is perhaps best known to criminology students for his design of the panopticon prison, a round, multitiered open structure with a guard tower in the center. He developed his ideas for this model following a trip to Russia with his brother in 1785 in a venture to help Empress Catherine the Great modernize the Russian government, including the penal system. In a series of letters and articles over the years (Bentham, 1970), Bentham conceptualized a single round building with a floor-to-ceiling guard tower in the center surrounded by tiers of cells. Each cell would have a window for fresh air and light and be easily and safely accessible to staff. Most significantly, this new technology would allow a single

guard to have visual access of every cell and prisoner. Keeping prisoners under surveillance, he believed, would make prison control safer, more effective, more humane, and efficient by increasing discipline while reducing staff resources required to maintain it. Prisoners in the panopticon would work rather than sitting idle, and, in the process, would not only learn the benefits of discipline but also make a profit for the prison itself.

Catherine ultimately rejected the idea, and no panopticons were ever built in England. Indeed, only a handful of true panopticons were ever constructed anywhere, although for many decades prison architecture was influenced by the radial design. In the United States, the Western Penitentiary in Pennsylvania was constructed in 1826 guided by Bentham's model. In 1925, Stateville Penitentiary opened with four panopticon units. A fifth was planned, but was replaced with a "long house," reportedly because of the cost of building the roundhouses. Three of Stateville's four panopticon units were torn down in the 1980s. The fourth was upgraded and remains functional, largely for historical reasons. It is reputedly the only remaining operational panopticon in the world.

CONCLUSION: THE LEGACY

Due to a number of problems with the panopticon design, particularly in the expense of building and maintaining it, Bentham's model never became the mainstream institution that he had hoped. This does not mean, however, that his ideas faded from either criminological imagination or from the realm of policy. Rather, the panopticon continues today to influence thinking and practice in a number of ways. In practical terms, constant surveillance, usually through technology, is crucial to most penal institutions. Likewise, labor remains a key part of many institutions. More conceptually, the panopticon was famously used by French philosopher Michel Foucault as an example of how power operates in modern society.

Bentham's other insights into prison construction and management provided the basis for reform well into the 19th century. His ideas of alternative punishments and reform laid out the philosophical framework for later development of probation and parole, advocating community responsibility for offenders. Although he is rarely read today by criminologists, his legacy remains. His view that social justice and just law are intertwined, and that both are necessary for humane and effective prisons, make him worth studying.

—Jim Thomas

See also Cesare Beccaria; Deterrence Theory; Michel Foucault; Elizabeth Fry; David Garland; History of Prisons; John Howard; Panopticon; Rehabilitation Theory; Stateville Correctional Center

Further Reading

Beccaria, C. (1819). *An essay on crimes and punishments.* Philadelphia: Philip H. Nicklin. (Original work published 1764)

Bentham, J. (1823). *An introduction to the principles of morals and legislation*. London: W. Pickering.

Bentham, J. (1843). *The works of Jeremy Bentham* (Vol. 1). Edinburgh, Scotland: William Tait.

Bentham, J. (1970). *The collected works of Jeremy Bentham* (J. H. Burns & H. L. A. Hart, Eds.). London: University of London–Athlone Press.

Bentham, J. (2001). *The panopticon letters.* Cartome Archives. Retrieved from http://cartome.org/panopticon2.htm

The Bentham Project. (2004). *Jeremy Bentham*. Retrieved from http://www.ucl.ac.uk/Bentham-Project/info/jb.htm

Foucault, M. (1979). *Discipline and punish: The birth of the prison.* New York: Doubleday.

The Internet encyclopedia of philosophy. (2001). Jeremy Bentham. Retrieved from http://www.iep.utm.edu/b/bentham.htm

Mill, J. S. (1957). *Utilitarianism*. New York: Bobbs-Merrill.

BISEXUAL PRISONERS

Bisexuality is defined as sexual attraction, potential attraction, or sexual behavior toward members of both sexes. Bisexuality, though, like homosexuality, remains an elusive term. Is a married man who engages in periodic homosexual activity gay? Does one incident of same-sex activity render a person gay? Defining bisexuality among prison inmates is especially challenging. Is sexual orientation defined by acts committed prior to incarceration or by acts committed during incarceration? If someone

engages in same-sex sex during incarceration, but returns to heterosexuality upon release, is that person gay or bisexual?

ATTITUDES TOWARD BISEXUALS IN PRISON

Much like the outside society, attitudes toward bisexuals in prison are typically unfavorable. One recent study has shown that male inmates tend to be more homophobic than women and that black inmates are more tolerant toward homosexuality than whites. Some facilities may segregate the more effeminate male homosexuals from the general population for their own protection or to discourage sexual behavior. This is because homosexual inmates have been found to be at greater risk of sexual victimization than heterosexual inmates. Due to actual or perceived potential victimization, some homosexual and bisexual prisoners may request protective custody to avoid harassment or assault from other inmates.

METHODOLOGICAL PROBLEMS

Numerous methodological challenges arise when studying sexuality among prisoners. Using a narrow, essentialist definition of bisexuality may not capture the full scope of sexual identity. Likewise, focusing on sexual behavior alone may not reveal desires that are unrequited. Gauging sexual behavior among inmates requires self-report or observational data. Yet observational data may be problematic since observations alone cannot reveal the sexual orientation of the participant, but only their behavior. In addition, it may be difficult to distinguish between consensual or coerced sex. Researchers have found that when interviewed, correctional officers claim they cannot always differentiate between consensual and nonconsensual sex because extortion techniques employed by inmates may not be immediately apparent. For example, an inmate may "willingly" engage in sexual activity as a means of survival or protection from other inmates, with such behavior appearing to the correctional officer as a consensual act.

Self-report measures also have some problems. Due to the stigmatizing nature of homosexuality and bisexuality, many people will underreport their sexual orientation or desire. Inmates may be reluctant to admit engaging in sexual activity for various reasons such as embarrassment or fear of being taken advantage of by other inmates. In attempting to gauge sexual orientation, more comprehensive studies have addressed sexual behavior prior to incarceration as well as behavior engaged in while incarcerated.

BISEXUALITY AMONG MALE INMATES

Due to the difficulty in defining homosexuality and bisexuality, the estimated number of homosexual and/or bisexual prisoners varies. Estimates of the number of male bisexual prisoners range from 11% to 15% while the proportion of male homosexual prisoners is thought to fall somewhere between 6% and 10%. Perhaps most confoundingly of all, the overall percentage of male inmates in medium-security facilities reported to engage in consensual homosexual activity in prison ranges from 2% to 65%. While in one study, only 2% reported engaging in same-sex behavior themselves, the vast majority of inmates indicated that it is their perception that consensual sex occurs every day.

BISEXUALITY AMONG FEMALE INMATES

As with men, there are no accurate estimates of bisexual female inmates. Early studies claimed that women establish "pseudo-family" or friendship relationships that center on emotional attachment and may involve sexual activity. In contrast to men's sexual behavior in prison, which is often characterized by domination and aggression, women were thought to reproduce the gender roles of the outside society. Those involved in a pseudo-family may take on either the "masculine" or "feminine" role within the relationship. The relationships are viewed as intimate, with each partner providing companionship and emotional support.

More recent studies indicate that women prisoners involved in sexual relationships do not adhere to any particular gender roles. In fact, like many male prisoners, the impetus for sexual involvement is often the economic exchange for food or other commissary

items. The study concludes that mistrust leads to reluctance to become involved with other inmates.

CONCLUSION

Few studies explicitly address bisexuality in prison. Notwithstanding the methodological concerns involved in identifying bisexual prisoners, continuing research is necessary to develop practical policy recommendations that address the dangers and consequences of coercive sexual behavior as well as health concerns rising from unprotected sex among inmates. Understanding prisoners' sexuality will also help explain the prison experience more clearly.

—Nickie Phillips

See also Homosexual Prisoners; Homosexual Relationships; Lesbian Prisoners; Lesbian Relationships; Prison Culture; Rape; Resistance; Sex—Consensual; Transgender and Transsexual Prisoners Violence

Further Reading

Alarid, L. (2000). Sexual orientation perspectives of incarcerated bisexual and gay men: The county jail protective custody experience. *The Prison Journal, 80*(1), 80–95.

Bisexual Resource Center. (2003). *Bisexuality*. Retrieved from http://www.biresource.org/pamphlets/bisexuality.html

Donaldson, S. (2001). A million jockers, punks, and queens. In S. Sabo, T. Kupers, & W. London (Eds.), *Prison masculinities* (pp. 118–126). Philadelphia: Temple University Press.

Eigenberg, H. (2000). Correctional officers and their perceptions of homosexuality, rape, and prostitution in male prisons. *The Prison Journal, 80*(4), 415–433.

Faith, K. (1993). *Unruly women: The politics of confinement and resistance.* Vancouver: Press Gang.

Greer, K. (2000). The changing nature of interpersonal relationships in a women's prison. *The Prison Journal, 80*(4), 442–468.

Hensley, C. (2000). Attitudes toward homosexuality in a male and female prison: An exploratory study. *The Prison Journal, 80*(4), 434–441.

Hensley, C. (2001). Consensual homosexual activity in male prisons. *Corrections Compendium, 26*(1), 1–4.

Hensley, C. (2002). *Prison sex: Practice & policy.* Boulder, CO: Lynne Rienner.

Kunzel, R. (2002). Situating sex: Prison sexual culture in the mid-twentieth-century United States. *GLQ: A Journal of Lesbian and Gay Studies, 8*(3), 253–270.

Saum, C., Surratt, H., Inciardi, J., & Bennett, R. (1995). Sex in prison: Exploring the myths and realities. *The Prison Journal, 75*(4), 413–430.

Wooden, W., & Parker, J. (1982). *Men behind bars: Sexual exploitation in prison.* New York: Plenum.

BLACK PANTHER PARTY

The Black Panther Party (BPP) was formed in October 1966, in Oakland, California, by Huey P. Newton and Bobby Seale. At the time, it was the most prominent revolutionary black power organization. At its peak, the BPP maintained between 10,000 and 30,000 members across more than 30 chapters in North America.

The BPP stressed black cultural pride and promoted educational programs and other community activities. Its political and economic ideology rested on Marxist revolutionary tenets that called for black power, armed resistance, the release of all blacks from jails, and payment of compensation to African Americans for centuries of exploitation.

Early BPP members sought to protect blacks against the police's unnecessary punitive use of force. Members patrolled urban ghetto areas with firearms and law books to prevent police brutality and petit-apartheid practices such as police harassment, illegal arrests, stop and frisks, selective enforcement of the law, racial profiling, and so on. Conflicts between the BPP and the police in the late 1960s and early 1970s led to armed confrontations in California, New York, and Chicago and the arrest and imprisonment of Huey Newton, who was accused of murdering a police officer. The Federal Bureau of Investigation (FBI) engaged in a massive campaign against the BPP, which promoted internal quarrels within the organization and finally led to its demise. While the national influence of the BPP began to wane after 1971, its organizational life span continued until 1982.

THE BPP AND IMPRISONMENT

Between 1967 and 1970, the FBI used state and local police departments, illegal wiretaps, and agent provocateurs to penetrate and destabilize the BPP. In 1967, one of the key BPP leaders, Huey Newton, was jailed on charges of killing an Oakland policeman. In New Haven, Connecticut, the FBI rounded up 14 Panthers including Bobby Seale and Erika

Huggins and charged them with conspiracy and murder, kidnapping, and conspiracy. Other members of the BPP jailed between 1971 and 1982 include Mumia Abu-Jamal, Sundiata Acoli, Herman Bell, Marshall Eddie Conway, Mark Cook, Bashir Hameed, Robert Seth Hayes, Teddy Jah Heath, Mundo We Langa, Abdul Majid, Russell Shoats, Jalil Abdul Muntagin, Baba Odinga, Ed Poindexter, and Albert Nuh Washington.

Angela Davis, a black radical activist and scholar and member of the BPP, was also incarcerated in connection with an armed takeover of a California courtroom in 1970. In 1970, Geronimo ji Jaga Pratt, a decorated war hero received a sentence of 25 years to life in prison on charges of murdering a white couple. He served 27 years before his sentence was overturned. The police had withheld information that the victim had actually accused another man of the offense and Pratt was innocent.

Ironically, incarcerating such people often provided them the opportunity to read widely and sharpen their ideologies. It also enabled the party to recruit new members from among the other prisoners. There was, in other words, a relationship between activists inside and beyond the prison walls, which sentences of confinement could not disrupt.

THE ROLE OF WOMEN IN THE BPP

Black women in the United States have a long history of participation in community-based political and civil rights movements. The BPP was no exception, and women played significant roles and held leadership positions in it until 1981 when the BPP's last Oakland-based community program shut down. According to a 1969 survey, about two-thirds of the general membership of the BPP were women. As early as 1970, the BPP formally called for equality and liberation of women.

Some of the women party members included Kathleen Neal Cleaver, Matilaba, Connie Mathews, Assata Shakur, Zayd Shakur, Shelley Bursey, and Erika Huggins. Each played significant roles in national leadership positions. For instance, Shelley Bursey worked with the newspaper; Kathleen Cleaver, a communications director, ran for state political office on the auspices of the BPP, and Matilaba published drawings in the newspapers. Others like Connie Mathews became the international coordinator, Assata Shakur was exiled in Cuba, while Erika Huggins served jail time.

In the black communities, women were actively responsible for running freedom schools established by the BPP. They also ran the organization's free health clinic, antidrug campaigns, and community-run Breakfast for Children Program. The last of these community programs closed in Oakland in 1981.

THE DEMISE OF THE BPP

Most scholars of American social movements have attributed the decline of the BPP and other social movements of the 1960s to multiple factors that include internal disputes, state political repression, ideological errors, an inexperienced and youthful membership, strategic mistakes, and the cult of authoritarianism. Some argue that the BPP eventually collapsed in part because of oligarchization in which there was an unequal organizational relationship and misuse of power and control by a numerical minority. Tensions between the leadership over the proper direction for black liberation, the role of the armed struggle and electoral politics, the issue of alliances with white radicals, and competing visions of political ideology all served to divide members from one another. The party was also split over organizational strategy and how best to associate with other black organizations. Some scholars estimate that, by the middle of 1971, BPP membership had declined to merely 1,000.

In addition to internal quarrels, the BPP was further eroded by the combined repression of the local, state, and national governments. In 1968, FBI Director J. Edgar Hoover described the BPP as the greatest internal threat to American security. During the COINTELPRO era, the FBI sought to shut the BPP down and more than 300 of its members were jailed or forced into exile. David Hilliard reports the significance of the FBI in his 1993 autobiography: "They employ every kind of deviousness to put us at one another's throat, make us appear like gangsters and thugs, niggers killing niggers" (Hilliard & Cole, 1993, p. 221). The FBI's COINTELPRO was instrumental in using various tactics of "repressive

acts of barbarism" such as harassment, arrest and detention, surveillance, snick-jacketing, forged letters, paid informants, and undercover police agents to suppress the members of the BPP that eventually led to the assassination of party leaders (see Jones, 1998, p. 371).

CONCLUSION: THE LEGACY OF THE BPP

As a leading black leftist revolutionary organization in the liberation struggle in America, the BPP captured the imagination of many young people in the United States and in other oppressed revolutionary groups abroad. The legacy of the BPP can be seen in four major areas: the saliency of armed resistance, a tradition of community service, a commitment to the self-determination of all people, and a model of political action for repressed people.

The BPP demonstrated a willingness to have alliances with other leftist organizations and maintained a desire to incorporate women into the organization's hierarchy. Even in its embryonic stage, the BPP advocated for the rights of women and homosexuals. In short, the BPP represented an early model of multiculturalism in American history. Its impact transcended American borders as its tactics, ideology, and politics became a frame of reference for others and were embraced by oppressed movements in both domestic and international arenas.

Despite its ultimate demise, due to internal disputes and government repression, the BPP contributed politically, socially, and economically to the American political landscape. Party members led the movement to squash police brutality, which resulted in the emergence of civilian police review boards. The Black Panthers' ideas, such as free breakfast programs, may have contributed to the policy of free meals to poor children in American schools today.

—Ihekwoaba D. Onwudiwe and Emmanuel C. Onyeozili

See also Abolition; Activism; Critical Resistance; Angela Y. Davis; George Jackson; Nation of Islam; Political Prisoners; Racism; Resistance

Further Reading

Campbell, K. (1996). Where are the civil rights icons of the '60s? *Ebony*, *51*(10), 108–112.

Cleaver, K. N. (1999). Women, power, and revolution. *New Political Science*, *21*(2), 231–236.

Freedman, J. (1983). *Social movements of the sixties and seventies*. New York: Longman.

Herb, B. (1995). *Black Panthers for beginners.* New York: Writers and Readers Publishing.

Hilliard, D., & Cole, L. (1993). *This side of glory: The autobiography of David Hilliard and the story of the Black Panther Party*. Boston: Brown.

Johnson, P. (1997). The last revolutionary. *Essence, 28*(7), 103–106.

Johnson, R. A. (1975). The prison birth of black power. *Journal of Black Studies, 5*(4), 395–414.

Jones, E. C. (1998). *The Black Panther Party reconsidered.* Baltimore, MD: Black Classic.

Knapper, K. (1996). Women and the Black Panther Party. *Socialist Review, 26*(1/2), 25–31.

Robert, M. (1962). *Political parties: A sociological study of the oligarchical tendencies of modern democracy.* New York: Free Press.

BLOODS

The "Bloods" gang was founded by Sylvester Scott and Vincent Owens in Piru Street, Compton, Los Angeles, in the 1960s in response to another group known as the "Crips." As a criminal organization, the Bloods are known to be involved in murder, theft, robberies, extortion, and drug sales. Originally consisting mostly of African Americans and some Latinos, the group evolved to include a full range of ethnicities including white, Asian, and Caribbean persons.

Individuals who wish to join the Bloods must "Blood in" by either spilling their own blood or that of someone else. This must be done by some violent act including battle between the recruit and another gang member or by an act against a non–gang member. As in any organization, a recruit must demonstrate loyalty and obedience to the group starting with this first act.

INTERNAL ORGANIZATION AND COMMUNICATION STRATEGIES

The Bloods are part of separate cliques or "sets" depending on where they are located and their

primary goals. In this way, they compare to the college fraternity system, which has a national charter and many different chapters across the country.

Organizational communication within a complex group such as the Bloods is paramount. Traditionally, street gangs communicate through graffiti as well as through other signals and markings. These markings can include specific tattoos, hand gestures, and language. The most common tattoo is two burned dots over a single burned dot to resemble a dog's paw in blood. Blood members may also call one another "dog." The hand gestures can vary by "set" or when members are under legal supervision to deny affiliation and divert attention and trouble for the gang by law enforcement.

As with other gangs, the Bloods also identify themselves through a particular color: red. Gang colors can be displayed through hats, bandanas, and most commonly, a beaded necklace displaying a pattern with the appropriate colors. The word *Blood* has even been turned into and acronym the reads: Blood Love Overcomes Our Depressions.

BLOODS IN PRISON

Having started as a street gang, the Bloods are now an important prison organization, where they provide group safety and identity for their members as well as an outlet for aggression and criminal activity. As with other prison gangs, Bloods engage in various forms of violence, including physical assaults on corrections officers and sexual assault. They also seek to intimidate rival gang inmates in order to establish a sense of fear and territory. Much of their activity in prison centers on assuming and maintaining control of certain businesses particularly drugs and other forms of contraband.

The prison provides a fertile recruitment site for the street gangs. Indeed, although prisons attempt to control gangs they often facilitate their growth. Traditional methods of control drive gang recruitment underground rendering staff unable to protect inmates from threats and intimidation to join a particular gang. Drug trade inside prison expands the gang's reputation and wealth, thus strengthening its position and power both on the street and behind the walls. Bloods have long used the drug industry to fund their activities on the streets, and easily adapt it to the prison situation.

Due to the current war on drugs, increasing numbers of Bloods are entering prison. When incarcerated, these men often form "super gangs" such as the United Blood Nation (UBN) that started in Riker's Island Detention facility. This set includes independent Bloods from California, as well as members of New York sets including Nine Trey Gangsta Bloods (NTG), Miller Gangsta Bloods (MGB), Valentine Bloods (VB), Mad Dog Bloods (MDB), One Eight Trey Bloods (183), Mad Stone Bloods (MSB), Gangsta Killer Bloods (GKB), and Blood Stone Villains (BSV). The super gangs are controlled by a strict code of conduct. Bloods require that all members come to the aid of a fellow Blood above all other actions. They have a hierarchy for control that resembles the institutional hierarchy. There is a leader in the prison as well as in cellhouses. People known as enforcers keep members in line at the tier level.

CONCLUSION

Initially formed in Los Angeles to combat their rivals the Crips, Bloods have migrated to major cities throughout the United States including Chicago, New York, Philadelphia, Miami, and cities in Texas. Blood activity in Texas and Florida—especially Miami—rose very quickly because these states border Mexico, Central America, and South America, which are major distribution centers for drugs in the United States. Bloods are also concentrated in parts of New York City and certain parts of New Jersey. Because New Jersey and New York have so many different ports and many ways for the importation of narcotics through various drug cartels or organizations, the Bloods are able to grow and move the drugs on the street. Jersey City, Newark, and Camden are a few of the major Blood territories that resulted from the rise of the UBN

Once thought to be a criminal organization primarily aimed at counterbalancing their rivals, the Crips, the Bloods have expanded to the major urban areas

across the country. Their strength and power are increasing and present a formidable challenge to prison authorities. Latest estimates are that 25% of state correctional facilities have members of the Bloods organization, and that number grows annually.

—Patrick F. McManimon Jr.

See also Aryan Brotherhood; Aryan Nations; Crips; Deprivation; Gangs; Importation; Prison Culture; Racial Conflict Among Prisoners

Further Reading

Moore, J. W. (1978). *Gangs, drugs and prison in the barrios of Los Angeles*. Philadelphia: Temple University Press.

Sanders, W. B. (1994). *Gangbangs and drive-bys: Grounded culture and juvenile gang violence.* New York: Aldine de Gruyter.

Silberman, M. (1995). *A world of violence: Corrections in America*. Belmont, CA: Wadsworth.

BOOT CAMP

Boot camps were first established in the United States in 1983 as an alternative to traditional forms of incarceration. Most are residential facilities for juvenile delinquents or adult criminals with military-style structure, rules, and discipline. Boot camp programs are expected to reduce prison crowding and related costs. They are also intended to reduce recidivism and antisocial behavior. Finally, it is commonly believed that they can deter individuals from future offending while also helping to rehabilitate them through the imposition of discipline.

THE CURRENT SITUATION

There are currently more than 75 juvenile boot camps and military-structured programs in 39 states (Rogers, 2002). Modeled after boot camps for adult offenders, the first juvenile boot camps emphasized military discipline and physical conditioning. Offenders often enter the programs in groups and are commonly referred to as platoons or squads. While in the program, they are required to wear military style uniforms and engage in strenuous physical fitness activities, educational programs, treatment programs, and military drills (Mackenzie, Gover, Armstrong, & Mitchell, 2001). Offenders sentenced to boot camps are generally young, first-time, nonviolent felons. Most states, for example, restrict participation to offenders between the ages of 17 and 25, although a few have maximum age limits of between 25 and 30 years of age.

In general, boot camps are selective about the type of offenders admitted into the program. Juveniles undergo psychological, medical, and physical evaluations to determine eligibility. In their study, Mackenzie et al. (2001) found that the majority of the juveniles are young men around 16 years of age. On average these young offenders had been only 13 years when they were first arrested. Most had previously been committed to institutions.

DO BOOT CAMPS WORK?

Criminologists and criminal justice practitioners have evaluated the success of boot camps along a number of parameters. They have examined whether or not they reduce recidivism, prison overcrowding, or cost. They have also looked at the impact of military training on offenders, whether boot camps have helped inmates to adjust, and whether these institutions have had any success addressing the drug problem. So far there is no compelling evidence that boot camp participants recidivate less than the groups with which evaluators have compared them. Likewise, their effect on prison overcrowding is weak at best.

Overcrowding

According to Doris L. Mackenzie and Claire C. Souryal (1991), for boot camps to reduce prison crowding successfully, there must be a sufficient number of eligible offenders entering and completing the programs; and these individuals must be drawn from a population of prison-bound offenders, not from those who would otherwise be sentenced to probation. It is difficult for most programs to meet the first qualification, because they are simply too small to affect crowding. Meeting the second qualification greatly depends on who decides which offenders are placed in boot camp programs.

In some states (Georgia, South Carolina, Texas, and Arizona), as in Florida, judges sentence offenders directly to boot camp. If these offenders are denied entry or are dismissed, they are sent back to the court for resentencing. This type of decision-making structure suggests that a higher proportion of boot camp entrants are selected from those who would otherwise receive probation. Consequently, their incarceration in boot camp will have no effect on prison overcrowding rates at all.

Reduction of Cost

Do boot camp programs reduce costs? It is difficult to interpret the cost data from different states or to make meaningful comparisons across states because of differences in methods of accounting. However, in most states it seems that boot camps cost as much or more per day than traditional incarceration. In Oklahoma, for example, the staff-inmate ratio in boot camps was about four times greater than that for the general prison population, indicating that boot camps would be much more expensive than prison.

In Mississippi and Georgia, the boot camp programs are about as costly as a similarly sized unit in the prisons they adjoin. Cost figures vary from state to state and illuminate the higher costs of operating boot camps over the traditional methods (i.e., probation). For example, in the state of Texas the cost per youth in 1998 for probation supervision was $8.90 a day as compared to $88.62 for residential placement and $85.90 for a youth assigned to a detention facility (Criminal Justice Policy Council, 1999). According to Jerry Tyler, Ray Darville, and Kathie Stalnaker (2001), juvenile boot camps usually are more costly than most other traditional options, and with rare exceptions recidivism rates are extremely disappointing. Unfortunately, the limited data available do not show the effectiveness one might expect from the money and resources channeled into these programs.

Military Training

Boot camp programs are modeled after military basic training and aim to instill self-discipline, respect for authority, and fear of the criminal justice system in the offender. Offenders are required to wear military uniforms, march to and from activities, and respond rapidly to the commands of the drill instructors. Daily activities range from strenuous physical fitness to challenge programs (e.g., ropes courses). The military-style discipline of youths in boot camp programs has been controversial. The military has a very different mission than the correctional system. The ultimate goal of the military is to train young men to kill the enemy. Why would a method that has been developed to prepare people to go into war, and as a tool to manage legal violence, be considered useful for deterring or rehabilitating offenders? The militarism of boot camps, the use of hard labor, and efforts to frighten offenders away from crime may be counterproductive to appropriate behavior. Although boot camps do not provide training in the use of weapons or physical assault, they promote an aggressive model of leadership and a conflict-dominated style of interaction that could exacerbate tendencies toward aggression.

Inmate Adjustment

There have been mixed results about the impact of boot camps on juvenile offenders. Donald J. Hengesh (1991) argued that boot camps should be seen as a foundation for change, not an instant cure. They are designed to provide young offenders a sound foundation on which to build new lives. Hengesh pointed out that most offenders entering boot camps lack basic life skills, are in poor physical condition, have dropped out of high school, and have had considerable exposure to the criminal justice system. They lack self-esteem and have established track records of being quitters or losers whenever they are faced with obstacles or problems. Boot camps, according to Hengesh, are designed to equip these youthful offenders with the foundation to offset these problems, because boot camps teach responsibility through continuous strict conformity to program rules and by holding offenders accountable for their behavior.

In their study, Michael Peters, David Thomas, and Christopher Zamberlan (1997) found that youths in boot camps showed impressive improvements in academic skills and significant numbers of youths found a job while in aftercare. Boot camps

provide opportunities for personal development, learning technical and living skills, and drug treatment (Anderson, Laronistine, & Burns, 1999). According to Mackenzie et al. (2001), there were no reported differences between juveniles' anxiety and depression in two types of facilities (i.e., boot camps and traditional facilities) during their first month of confinement. Offenders in boot camps perceived their environment to be more positive, less hostile, and less conducive to freedom than juveniles in traditional facilities. Scales measuring changes over time found that juveniles in boot camps became less antisocial and less depressed than those in traditional arrangements.

Drugs

While it is clear that many offenders sentenced to boot camps need drug treatment and education, it is not clear whether these programs are the most effective way to provide it.

In Illinois, drug education and treatment are mandatory. During orientation, the offender's drug and alcohol history is evaluated, and based on the evaluation, the offender is placed at the proper level of treatment. The duration of treatment varies from 2 to 10 weeks, depending on the individuals. New York operates a six-month program, and all inmates, regardless of substance abuse background, attend alcohol and substance abuse treatment classes for approximately 200 hours. Texas offers a two-phase program that is part mandatory and part voluntary. The focus is on drug education and individual counseling, which lasts for approximately five weeks. Florida and South Carolina's programs focus exclusively on drug education, and participation is mandatory. In South Carolina, drug education classes meet for four hours each weekend during the first month. In Florida, inmates participate in a substance abuse workshop that meets for 15 days.

The efficacy of these programs has yet to be established.

CONCLUSION

Boot camp programs have been embraced by politicians who are looking for a quick fix for crime and the public who are demanding protection from violent young offenders. However, as a crime preventive strategy, there is little evidence that they work to reduce crime. Indeed, some evidence suggests that boot camps could accelerate rather than reduce crime.

Except in the case of violent offenders, there is evidence that many Americans support a broadened use of noninstitutional sanctions that would reduce system contact and costs. The most effective treatment programs are made available outside of the formal institutions of the juvenile justice system. These tend to be skill-oriented nonpunitive programs.

—Jonathan Odo, Emmanuel C. Onyeozili, and Ihekwoaba D. Onwudiwe

See also Deterrence Theory; Just Deserts Theory; Juvenile Justice System; Rehabilitation Theory

Further Reading

Anderson, J. F., Laronistine, D., & Burns, J. (1999). *Boot camps: An intermediate sanction.* Lanham, MD: University Press of America.

Criminal Justice Policy Council. (1999). *Oranges to oranges: Comparing the operational costs of juvenile and adult correctional programs in Texas*. Austin, TX: Author.

Cronin, R. C., & Han, M. (1994). *Boot camps for adult and juvenile offenders: Overview and update.* Research report. Washington, DC: National Institute of Justice.

Hengesh, D. J. (1991, October). Think of boot camps as a foundation for change, not an instant cure. *Corrections Today, 53*.

Mackenzie, D. L., Gover, A. R., Armstrong, G. S., & Mitchell, O. (2001, August). *A national study comparing the environments of boot camps with traditional facilities for juvenile offenders* (Research brief). Washington, DC: National Institute of Justice.

Mackenzie, D. L., & Piquero, P. (1994). The impact of shock incarceration programs on prison crowding. *Crime & Delinquency, 40*(2), 222–249.

Mackenzie, D. L., & Souryal, C. (1991). Boot camp survey: Rehabilitation, recidivism reduction outrank punishment as main goals. *Corrections Today, 53*, 90–96.

Morash, M., & Rucker, L. (1990). A critical look at the idea of boot camp as a correctional reform. *Crime & Delinquency, 36*(2), 204–222.

Parent, D. G. (1993). Boot camps failing to achieve goals. *Overcrowded Times: Solving the Prison Problem, 4*(4).

Peters, M., Thomas, D., & Zamberlan, C. (1997). *Boot camps for juvenile offenders.* Washington, DC: U.S. Office of Juvenile Justice and Delinquency Prevention.

Rogers, D. (2002, June). Juvenile boot camps. *Law Enforcement Technology, 29*(6), 88, 90, 93–95.

Taylor, W. J. (1992, July). Tailoring boot camps to juveniles. *Corrections Today, 54*.

Tyler, J., Darville, R., & Stalnaker, K. (2001). Juvenile boot camps: A descriptive analysis of program diversity and effectiveness. *Social Science Journal, 38,* 445–460.

U.S. General Accounting Office. (1993). *Prison boot camps: Short-term prison costs reduced, but long-term impact uncertain.* Washington, DC: Author.

BRIDEWELL PRISON AND WORKHOUSE

Bridewell was the first correctional institution in England and was a precursor of the modern prison. Built initially as a royal residence in 1523, Bridewell Palace was given to the city of London to serve as the foundation for as system of Houses of Correction known as "Bridewells." These institutions, eventually numbering 200 in Britain, housed vagrants, homeless children, petty offenders, "disorderly women," prisoners of war, soldiers, and colonists sent to Virginia. Bridewells were relatively self-contained and distinct from county jails that functioned to hold those awaiting trial or punishment.

Photo 2 *The Bridewell concept carried over to the United States. Here Chicago's Bridewell, also known as Cook County Jail, shows men being forced to work in the prison's quarry.*

SOURCE: *Chicago Daily News.*

CHALLENGES OF A GROWING SURPLUS POPULATION

Sixteenth-century England was a period of enormous change. The unraveling of feudalism and the emergence of capitalism saw rising food prices, a change in official religions, dissolution of the monasteries, and the disbandment of private armies. These events released agricultural laborers, unemployed soldiers, and redundant monastic servants to seek work in the growing towns and cities. Those who could not find work roamed from town to town as homeless vagabonds; others were forced, by sickness or misfortune, into an impoverished life of debauchery, begging, and theft. In London alone, with a population of 75,000 in 1550, 12,000 desperately poor immigrants from around the country arrived, threatening to envelop the metropolis in vice and crime: "Citizens found themselves besieged in their streets by the leper with his bell, the cripple with his deformities and the rouge with his fraudulent scheme" (O'Donoghue, 1923, p. 137). Concern for the poor soon became mixed with fear of these "savages," "beasts," and "incorrigibles." "Respectable" citizens—and especially the new merchant classes—wanted "to protect themselves from the unscrupulous activities of this vast army of wandering parasites" (Salgado, 1972, p. 10), and demanded that something be done to make the city streets safe for the conduct of business.

THE DISRESPECTABLE UNDESERVING POOR

Based on ideas in Lutheran writing and models in Flemish Europe, in 1552, the ill-fated Protestant Bishop of London Nicholas Ridley requested that Bridewell Palace be donated to the city for the purpose of housing and transforming the problem of the streets. At Ridley's urging, a committee of city

aldermen and commoners distinguished between the *respectable deserving poor* and the *disrespectable undeserving poor.* The *respectable poor* included those suffering from sickness and contagious diseases, wounded soldiers, curable cripples, the blind, fatherless and pauper children, and the aged poor. These people were the responsibility of the more fortunate and would be segregated by their class and condition, given immediate assistance, including shelter, treatment, adequate maintenance, and in the case of the children, education and training, in a variety of houses and hospitals around the city. Such "respectable" citizens were seen as having fallen upon hard times through no moral fault of their own, by reason of failure in business, ill health, or other misfortunes.

In contrast, the *disrespectable poor,* including vagabonds, tramps, rogues, and a variety of dissolute, "loose" and immoral women, harlots, unfaithful wives, and prostitutes, were thought to be worthless. Most vilified was the "robust beggar," whose career was seen as a choice for a soft and easy life. Such people were to be punished with imprisonment and whipping, before being trained to honest work in a prison, which should also be a house of work, with opportunities for the amendment of character. The "stubborn and foul" would make nails and to do blacksmith's work; the weaker, the sick, and the crippled might make beds and bedding. The premises would also be used to train poor and resistant children into various trades. According to Ridley, Bridewell was intended "to deal with the poverty and idleness of the streets, not by statute, but by labor. The rogue and the idle vagrant would be sent to the treadmill to grind corn, but the respectable poor—whether young, not very strong, or even crippled—would be taught profitable trades, or useful occupations" (O'Donoghue, 1923, pp. 150–151). Training children for work was thought to be an early form of crime prevention.

THE BRIDEWELL SYSTEM

Bridewell was self-contained, managed by city of London aldermen and commoners who appointed its judges and court personnel, including clerks, treasurers, governors (warders), beadles, and sheriff, and set its system of punishment. By regulation, beadles (early police) were directed to patrol the streets of the city, clearing them of beggars, vagrants, and idlers, whether men, women, or children, who were conveyed to Bridewell, to be dealt with by its court. Beadles were empowered to search all suspicious houses, alehouses, skittle-alleys, cock-pits, dancing saloons, gambling dens, and the like. The appointed officers were authorized to convey to Bridewell the keepers of such places as well as the "ruffians and masterless men" arrested therein.

Typically, a presiding judge would hear the case against those "raked in" from the streets whose crimes would include begging with no visible means of subsistence and pilfering from stores. In any year, Bridewell handled some 1,300 persons (an average of 26 a week), who were usually sentenced to no more than a month of confinement. Destitute beggars and vagrants were often sentenced to four days and "a good washing," before being returned to their parishes. Individuals were usually "punished and set to work." "Punishment of course meant the lash—laid on with spirit by an unsentimental brute of a hempman—and it was carried out in a small room, hung with black . . . in the presence of some governors. . . . After receiving their deserts in public, they were sent down stairs to beat hemp or gather up old rags and wastepaper of the government monopolist, or to scour out the city ditches" (O'Donoghue, 1929, pp. 10–13) or set to grind corn on a treadmill.

Punishment at Bridewell had multiple dimensions. The standard whipping (also called flogging) with willows or holly rods of up to 100 stripes or lashes was administered to men, women, and children on their backs as part of an initial punishment. Later this punishment was extended to those who did not work enthusiastically and to anyone who broke various internal rules. After being whipped, people were often displayed in a public pillory where they were pelted with dirt, stones, and dead dogs and cats. Bridewell also had a pair of stocks, and a block, on which the "women of the streets" would have to beat out certain amounts of hemp a day with heavy mallets.

In addition to corporal punishment individuals could be confined in a variety of places within Bridewell, including a dungeon, known as "the

hole," and the "Little Ease," which was a cell so small and low that a prisoner had to spend hours there in a squatting position. There were also torture chambers where people were tied by their hands fully stretched above their heads with manacles (so that their toes just touched the cell floor). Another torture (also called the manacles) was known as the "Scavenger's Daughter." This comprised a hoop of iron that compressed the human body into a small ball at the turn of a screw. Finally, there was the "gibbet," which, although rarely used and only for serious offenses, involved suspending a victim in an iron cage where he or she, if already dead, was left to rot, or if alive, to die of starvation and exposure.

Those who stayed in the Bridewell slept on straw beds in filthy, vermin-infested, dark and foul-smelling conditions and were fed meager portions of putrid food. This was after many had been separated from any money or property they may have had, which went toward the livelihood of the governors. Bridewell did not segregate its inmates by age, or by guilt or innocence, although women had their own quarters under the charge of a matron, and political and religious prisoners were separated from the rest, as were injured soldiers. All were allowed visitors from family and associates, and although direct communication with the outside world was prevented, carriers and costermongers served this function.

CONCLUSION: BRIDEWELL'S CONTRIBUTION TO PENAL REFORM

Bridewell is usually seen to be the precursor of the modern prison. Although its system of Houses of Correction did not immediately replace the preexisting forms of corporal and capital punishment, over time they were supplemented by attempts at education and training, particularly for the young. In workhouses, the object was reform of the prisoner, who was to be passed through its workshops and discharged as soon as work could be found in domestic service, workshops, or at sea. Indeed, Bridewell functioned as a kind of labor exchange for youths. Many of the boys and girls were educated in music and many boys had masters on the premises from whom they learned an apprenticeship in such trades as glove making, felt making, beaver hat making, and silk weaving, for up to 7 to 10 years. The work was long and the sustenance meager but the apprentices, as many as 100 at a time, were protected by the governors from harsh treatment by their masters. They were usually kept clean and dressed in new clothes for special occasions. In some cases, they left with financial support from well-wishers to make decent livelihoods employing their own apprentices.

William Penn's "Great Law" of Pennsylvania in 1682 fused the hard labor of the workhouse (Bridewell) with the confinement of detention jail (Newgate) to form the modern prison system. Chicago's Cook County Jail, which employed inmates at quarrying and hard labor, was known as "the Bridewell." The idea that offenders could be reformed through work and training continues to be part of modern penal theory. Likewise the notion that there are deserving and undeserving poor is often cited as an explanation for penal practices. Though clearly there are many differences between the early workhouses in Britain and contemporary prisons, connections can be made, suggesting that any historical account of punishment should include these foundational institutions.

—William G. Hinkle and Stuart Henry

See also Cook County, Illinois; Corporal Punishment; England and Wales; Flogging; Michel Foucault; Hard Labor; History of Prisons; John Howard; Labor; Panopticon; State Prison System; Walnut Street Jail

Further Reading

Copeland, A. J. (1888). *Bridewell Royal Hospital, past and present: A short account of it as palace, hospital, prison, and school; with a collection of enteresting* [sic] *memoranda hitherto unpublished*. London: Gardner, Darton.

Hibbert, C. (1963). *The roots of evil*. Harmondsworth, UK: Penguin.

O'Donoghue, E. G. (1923). *Bridewell Hospital; palace, prison, schools, from the earliest times to the end of the reign of Elizabeth*. London: Lane.

O'Donoghue, E. G. (1929). *Bridewell Hospital; palace, prison, schools, from the death of Elizabeth to modern times.* London: Lane.

Salgado, G. (1972). *Cony-catchers and bawdy baskets*. Harmondsworth, UK: Penguin.

BROCKWAY, ZEBULON REED (1827–1920)

Penologist and prison reformer Zebulon Reed Brockway ushered in a new age of social control in America, one ostensibly based on enlightened and rational scientific principles. He is perhaps best known for his criticism of determinate sentencing and his advocacy of its replacement: the *indeterminate sentence*.

In contrast to the determinate sentence, the principle of indeterminacy permits prisoners to complete their rehabilitation in the community if experts judge them sufficiently reformed. Brockway believed the determinate sentence was an "active cause of crime" because prisoners who were not yet rehabilitated could be released. Indeed, there was no incentive to reform. He felt the indeterminate sentence was a better alternative because it gave correctional authorities several concrete tools with which to reach the rehabilitative ideal. He thought it replaced the "law of force" with the "law of love," instilling in prisoners "confidence," "courage," and "moral excellence," which Brockway identified as "the very essence of virtue." Because the prisoner had to earn the right of release by obeying the rules of the institution, he believed indeterminate sentences made self-interest work to the advantage of prison authorities by enhancing discipline. They also permitted the examination of inmates by panels of experts, thus allowing prison authorities to time the release of reformed persons into society and to monitor them in the community.

Born in Lyme, Connecticut, in 1827, Brockway spent his life in the service of repressive social control institutions. He began his career as a guard at the Connecticut State Prison at Wethersheld in 1848. By 1861, after positions in numerous prisons, he had scaled the ladder of the correctional hierarchy to the powerful position of superintendent of the House of Corrections in Detroit. It was at this post that he first tried his hand at reform, participating in the construction of an indeterminate sentencing law that was aimed at first-time offenders. Although Michigan courts struck down the legislation, Detroit foreshadowed things to come.

During the 1870s, Brockway worked closely with several reformers, including Enoch Wines, who drafted the Declaration of Principles delivered at the National Congress of Penitentiary and Reformatory Discipline in Cincinnati in 1870. Brockway's major contribution at the congress was his paper "The Ideal of a True Prison for a State," wherein he argued that penitentiaries properly have two functions: (1) the protection of society by the prevention of crime, and (2) the reformation of criminals. He argued against relying on force and fear as tools of control. Well-run institutions, for him, did not need to intimidate or coerce inmates. Rather than punishment to achieve compliance, he advocated systems of rewards. The role of corrections was to provide education and training and to teach inmates self-respect and self-control. Brockway advocated separate facilities for women, which he argued should be under the management of women. He advocated a medical model whereby penitentiaries were to be transformed into reformatories focused on classification, rehabilitation, and prevention; in other words, society would treat the criminal, not the crime.

ELMIRA

Brockway moved from Detroit to New York in 1876 to head up a new state reformatory at Elmira, where he served as superintendent until 1900. At Elmira, Brockway was given wide latitude to pursue his ideas. He experimented with halfway housing arrangements, educational programs in trade and industry, and rigid military style training. Among his most important innovations was an incentives scheme based on the marks system. Used by correctional facilities in Ireland and pioneered by Captain Alexander Maconochie of the Norfolk Island penal colony in Australia, the marks system required inmates to begin their sentences with a number of strikes against them. If they consistently followed prison rules, strikes would be removed. Once all strikes were removed, they were free to leave. Brockway adopted a scheme using privileges for proper conduct in the 1880s, producing the first working parole system in the United States. His success at implementing the principle of indeterminacy

led to the adoption of similar programs throughout the country.

CONCLUSION

Elmira Reformatory and the "Father of American Corrections" could not boast of a spotless record. Brockway's methods came under scrutiny in the 1890s when prisoners began to report physical and psychological abuse. On Governor Roswell Flower's orders, the State Board of Charities conducted an extensive investigation and found evidence of inhumane treatment, including shackling, starvation, inadequate medical attention, beatings with paddles and leather straps, and psychological tortures, such as solitary confinement. A second investigation, requested by Brockway, was inconclusive, and on this basis the governor dismissed the case against Brockway. In 1899, newly elected Governor Theodore Roosevelt appointed a new management team that usurped Brockway's power. Brockway left Elmira the next year. He was 73 years old. He continued to lead an active life, publishing an autobiography in 1912 and serving as mayor of Elmira. He died in 1920.

—Andrew Austin

See also American Correctional Association; Classification; Corporeal Punishment; Determinate Sentencing; Education; Elmira Reformatory; Good Time Credit; Indeterminate Sentencing; Irish (or Crofton) System; Juvenile Reformatories; Alexander Maconochie; Massachusetts Reformatory; Medical Model; Parole; Parole Boards; Rehabilitation Theory

Further Reading

Brockway, Z. R. (1871). The ideal of a true prison system for a state. In E. C. Wines (Ed.), *Transactions of the National Congress on Penitentiary and Reformatory Discipline*. Albany, NY: Weed Parsons & Company.

Brockway, Z. R. (1910). The American reformatory prison system. *American Journal of Sociology, 15*, 454–477.

Brockway, Z. R. (1969). *Fifty years of prison service: An autobiography*. Montclair, NJ: Patterson Smith. (Original work published 1912)

Colvin, M. (1997). *Penitentiaries, reformatories, and chain gangs: Social theory and the history of punishment in nineteenth-century America.* New York: St. Martin's.

Morris, N. (2001). *Maconochie's gentlemen: The story of Norfolk Island and the roots of modern prison reform*. Oxford, UK: Oxford University Press.

Pisciotta, A. W. (1994). *Benevolent repression: Social control and the American reformatory-prison movement*. New York: New York University Press.

Shelden, R. G. (2001). *Controlling the dangerous classes: A critical introduction to the history of criminal justice*. Boston: Allyn & Bacon.

Wines, E. C. (Ed.). (1871). Declaration of principles adopted and promulgated by the congress. In *Transactions of the National Congress on Penitentiary and Reformatory Discipline*. Albany, NY: Weed Parsons & Company.

BUREAU OF JUSTICE STATISTICS

The Bureau of Justice Statistics (BJS) is a division within the U.S. Department of Justice, whose primary task is to compile, analyze, publish, and disseminate data on crime and justice. It was founded in 1979, and since then has gathered statistical information about criminal offenders, victims of crime, and the criminal justice procedures and processes used by state and federal governments. Legislators and criminal justice practitioners use the information accumulated by the BJS to create new programs and policies aimed at combating crime and to ensure that the U.S. justice system is efficient and fair. According to the Bureau of Justice Statistics Strategic Plan FY 2003–2004 (BJS, 2002, p. 1), the "BJS's paramount goal is to improve the quality of our national intelligence on crime and justice and to enhance the quality of the debate concerning societal policies."

THE PRIMARY TASKS OF THE BJS

The BJS publishes annual information on criminal victimizations, offenders under correctional supervision, and federal statistics on criminal offenders and case processing. One of the annual publications is the *National Crime Victimization Survey* (NCVS). The NCVS data, which are collected by the Bureau of the Census from approximately 150,000 victims of crime, describe the effects and consequences of victimization. Information within the NCVS reveals how victims and offenders meet and the specifics of the crime, such as weapons, costs of the crime, and place and time of the offense.

In addition to the annual NCVS, the BJS releases intermittent publications on administrative and management issues in policing and corrections, practices and policies among prosecutors, and criminal and civil court processes in state courts. It also produces various work on felony convictions, characteristics of correctional populations, budgeting and expenditures in criminal justice, employment information, and other research on criminal justice topics.

HOW TO ACCESS BJS INFORMATION

Information disseminated by the BJS is available to criminal justice policymakers and scholars in a number of ways. First, BJS findings can be requested through the National Criminal Justice Reference Service (NCJRS). The NCJRS provides copies of reports to interested parties and maintains a mailing list. The NCJRS will provide referrals to other sources of criminal statistics for anyone interested in these data.

Second, research information from the BJS can also be downloaded from the Internet through the National Archive of Criminal Justice Data (NACJD). The NACJD provides secondary data for quantitative research in order to facilitate studies in the field of criminal justice. The NACJD will also provide technical assistance to individuals interested in performing quantitative research.

Third, the Federal Justice Statistics Resource Center (FJSRC) maintains data collected from federal policing, judiciary, and correctional agencies on criminal suspects and defendants processed in the federal system. Researchers can download criminal justice data sets and search for statistics on federal offenses and offenders on the FJSRC Web site, which operates in conjunction with the BJS.

Fourth, the BJS sponsors the National Clearinghouse for Criminal Justice Information Systems (CJIS). The CJIS acts as a clearinghouse for information on criminal justice resources and grant opportunities. It provides information on criminal justice software programs, information technology, best practices, case studies, and federal and state criminal justice system activities. Finally, the Infobase of State Activities and Research (ISAR) provides information about research and publication activities in individual states. The BJS provides publications on state-related criminal justice programs to the ISAR.

REPORTING PROBLEMS FACED BY THE BJS

Although the BJS attempts to provide accurate statistical information in a timely manner, statistical research of any sort raises a number of problems. The NCVS, for example, is often criticized because of the methodology used in the survey. The NCVS is mailed to victims of crimes or, in some cases, administered over the phone. The rates of response may vary from year to year and may be influenced by a number of factors such as race, gender, type of victimization, education, socioeconomic class, whether or not the victimization was reported to the police, and so forth. In other words, an educated individual who understands the purpose of the NCVS or is familiar with the survey from coursework in a college or university may be more likely to return or participate in the survey because he or she realizes the information is confidential and is not likely to lead to individual identification. However, someone who was victimized in an extremely personal and/or traumatic manner, such as rape, and who is not familiar with the purpose of the NCVS may not return or participate in the survey for fear of personal identification or because of embarrassment, anger, worry, or other emotional or personal reasons. The lower the response rate, the less able the researcher is to generalize the results to an entire population.

The NCVS also raises questions about respondent trustworthiness. Because the survey asks for information that is extremely personal and of a traumatic event, individuals may not fully disclose the extent of type of their victimization, the factors that led up to or instigated their experience, or the disposition of the case. A victim's choice whether to fully disclose may be intentional or unintentional. A person may intentionally choose not disclose the information because of factors such as fear, anger, or humiliation about the victimization or the circumstances

surrounding the victimization. He or she may unintentionally not release the information because the victim cannot remember or does not know the answers to the information requested in the survey. The respondent may also intentionally or unintentionally provide answers to the survey that may be misleading. This may be the case in situations in which the individual manipulates the answers to meet their perception of socially accepted behaviors, to look good in the eyes of the researcher, or to disguise his or her own role in the offense or victimization.

Other statistical information used in BJS publications comes from a variety of state and federal resources (prosecutor's offices, corrections departments, prisons, etc.). These data may also be susceptible to error because of the recording procedures used by the various agencies. The agencies may also maintain the statistics for their own purposes and not necessarily the reasons provided by the BJS. Finally, the figures provided by agencies may be manipulated by administrators to secure more funding, to draw attention to particular programs or needs, or to look good to other agencies.

Fortunately, the BJS has worked continuously to maintain internal and external quality standards for validity and reliability in its statistical reports. One quality standard used by the BJS is an examination of data needs with regard to legislative mandates. Reviews are consistently held to determine whether additional reports should be added to the publications list or if reporting procedures should be modified to meet legislative priorities. The BJS also requires agencies to conform to particular reporting procedures and data collection requirements. In addition, the BJS annually compares statistics gathered from state and federal agencies and in the NCVS with those published in the Uniform Crime Reports available yearly from the Federal Bureau of Investigation (FBI).

CONCLUSION

The BJS works closely with the American Statistical Association (ASA) and other agencies to verify and critique the statistics programs used by the BJS. Other agencies provide experienced researchers to analyze the data collected while focus groups of experts discuss new policy initiatives, advice from public interest groups on how to make statistical information more accessible to the public and academic researchers, and information on the suitability of BJS statistics in legislative decisions. Because of all of these strategies, the BJS is able to provide valid and reliable statistical information to criminal justice policymakers, state and federal criminal justice systems, and the public on criminal offending, victimization, case processing, and the feasibility and success of programs, legislation, and initiatives in criminal justice.

—Jennifer M. Allen

See also Accreditation; Federal Prison System; Increase in Prison Population; National Institute of Corrections; Truth in Sentencing

Further Reading

Agresti, A., & Finlay, B. (1997). *Statistical methods for the social sciences* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.

Babbie, E. (1999). *The basics of social research* (8th ed.). Belmont, CA: Wadsworth.

Beck, A. J., & Harrison, P. M. (2002). *Prisoners in 2001*. NCJ 195189. Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Bureau of Justice Statistics. (2002). *Bureau of Justice Statistics strategic plan FY 2003–2004.* Washington, DC: U.S. Department of Justice, Office of Justice Programs. Retrieved from http://www.ojp.usdoj.gov

Felson, R. B., & Ackermann, J. (2001). Arrest for domestic and other assault. *Criminology, 39,* 655–675.

Harlow, C. W. (1999). *Prior abuse reported by inmates and probationers* (NCJ 172879). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Rennison, C. (2001). *Violent victimization and race, 1993–98* (Bureau of Justice Statistics special report, NCJ 176354). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Scalia, J. (2001). *Federal drug offenders, 1999 with trends 1984–99* (NCJ 187285). Washington, DC: U.S. Department of Justice, Office of Justice Programs.

C

CAMPUS STYLE

The idea in architecture that form should follow the function or purpose of the building is apparent in prison design. Massive impersonal cellblocks reflect eras when themes of punishment and control dominated. In contrast, the development of campus-like facilities, usually in rural areas, with small living units and other services in buildings distributed within open spaces reflected a belief that treatment and reintegration should be key correctional goals. Earlier juvenile and women's institutions in some states and at the federal level were built in campus style with cottages, including kitchens, dining rooms, and in some facilities, nurseries, designed to provide a homelike and domestic environment. The design assumed that both juveniles and women could be best reformed through education and work and by the example set by staff members in a humane setting.

During the 1960s, when ideas about treatment, unit management, and reintegration dominated corrections, both states and the federal correctional systems began to build campus-like minimum- and medium-security facilities with scattered housing units for adult male prisoners. These units, staffed with unit managers and treatment personnel, usually provided rooms for 30 or 40 inmates. They were built with wood, light, and color for a more normalized environment. Dining halls, school buildings, and recreational facilities, work, administrative and health areas were often arranged in a more centralized open plaza area, with secure fencing surrounding the entire layout.

HISTORY

Although campus-style prisons proliferated in the United States in the 1960s and 1970s, penal institutions with similar forms had been built earlier, including the New Jersey Reformatory at Annandale completed in 1929 and the Missouri Intermediate Reformatory at Jefferson City completed in 1932. The Illinois women's prison at Dwight opened in 1930, and in 1958 the Michigan Training Unit at Ionia was opened. At the federal level, the Federal Industrial Reformatory and Industrial Farm for Women was opened in 1927 on more than 500 acres of land in Alderson, West Virginia, with 14 cottages, each with a kitchen and dining room and rooms for approximately 30 women, a school building, industries building, laundry, and a working farm in what was described as a "beautiful, open, campus-like setting" (Keve, 1991, p. 83).

An instructive example of the changes that occur in philosophy and architecture in the transition from an adult female to an adult male institution occurred at the federal facility at Seagoville, Texas. It opened

in 1940 in farmland, with a capacity for 400 women on a cottage plan similar to that of Alderson and a fence described as built to keep cows in and people out. In 1942, with the advent of World War II, it became a detention center for Japanese, German, and Italian families. In turn, in 1945 Seagoville became the "showcase" federal minimum-security open facility for men with the campus-like setting providing a "climate" for changing attitudes, while the domestic kitchens and dining rooms were removed from the cottages.

CHANGING PENAL IDEAS AND DESIGN

During the 1960s, as they had earlier for juveniles and women, ideas about the goals of prison turned toward rehabilitation and reintegration, and prison architecture, in turn, changed. Critics began to argue that traditional penal institutions, often huge fortress-like buildings designed to be menacing, did little to prepare individuals to move into successful lives outside of these institutions. In contrast, campus-style prisons were believed to provide a more normalized setting that would assist people in returning to the community. Inmates could be housed in smaller groups within units that could provide a range of specialized programs and living conditions, while unit management could increase both contact and knowledge by staff of individual treatment needs. Distributing other daily activities elsewhere on the campus, rather than providing all the amenities in a single building, was viewed as a more realistic experience of community living. In these institutions, prisoners frequently left their cells to visit the dining halls, or to go to work, recreation, and school buildings. Health services and visiting and chapel areas were also housed in separate buildings.

Campus-style prisons were purposefully designed to provide a different look and feel to traditional penal institutions. Rather than bars of steel, clanging doors, and the rattle of keys, they tended to use wooden doors, laminate surfaces, carpeting, and brightly colored paint. All of these changes in style were thought to make these institutions appear more like the world outside of prison.

CAMPUS-STYLE INSTITUTIONS

In *The New Red Barn,* William Nagel (1973) discussed several new campus-style prisons he and his group visited during their examination of prisons in the United States for the American Foundation's Institute of Corrections in the early 1970s. They visited juvenile institutions in Georgia, Wisconsin, Washington, and Texas as well as the Robert F. Kennedy Youth Center in Morgantown, West Virginia. This federal facility for youthful offenders opened in 1969 in a rolling campus provided with modern teaching equipment, a well-designed chapel, an impressive gymnasium and swimming pool, and extensive classification and treatment programming in its living units. Nagel also described a campus-style facility opened in 1972 for adults at Vienna, Illinois, that later included the local community college within its grounds. He thought the housing units, built around an open area that included churches, shops, schools, and a library, looked like garden apartments. He noted that many of these facilities including those located in Fox Lake, Wisconsin; Ionia, Michigan; and Vienna, Illinois; had very bright and attractive dining areas.

As was their goal, campus-style prisons present a more humane design that can make the prison experience a little easier. They are also more flexible for programming, classification, and unit management. Their building style can serve a variety of functions more cost effectively, while prisoners and staff members have the opportunity to be outside, enjoy fresh air, and experience the changing seasons. A visit to a campus prison may lead some to believe that security is less than in other prison designs, but while some are open facilities, others are very secure. In many states, campus-style prisons have double fences, which deter and prevent escapes by offenders, lessening the fears of neighboring residents, while others are active in providing community services.

CONCLUSION

While some campus-style prisons were built in the early 20th century, they proliferated in the 1960s

and 1970s in the United States. Penal philosophy focusing on the reintegration of prisoners into society after they served time in prison led to construction of many campus-style prisons by the end of the 1970s. Changing public attitudes, movements to "get tough on criminals," and extensive overcrowding has led in most prison systems to changing styles of prison architecture, exemplified in the growth of the supermax prison. Campus-style prisons remain, however, as the humane symbols of their era.

—Kim Davies

See also Alderson, Federal Prison Camp; Auburn System; Classification; Cottage System; Eastern State Penitentiary; High-Rise Prisons; Metropolitan Detention Centers; Minimum Security; Panopticon; Prison Farms; Supermax Prisons; Telephone Pole Design; Unit Management; Women's Prisons

Further Reading

Clear, T. R., & Cole, G. F. (2000). *American corrections* (5th ed.). Belmont, CA: Wadsworth.

Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. New York: Doubleday, Anchor.

Johnston, N. (1973). *The human cage: A brief history of prison architecture.* New York: Walker.

Keve, P. (1991). *Prisons and the American conscience: A history of U.S. federal corrections.* Carbondale: Southern Illinois University Press.

Nagel, W. G. (1973). *The new red barn: A critical look at the modern American prison.* New York: Walker.

CANADA

Canada has two separate penal systems at the federal and provincial/territorial levels. The federal system imprisons individuals who commit the most serious offenses and are sentenced to two years or more, as outlined in Section 731(1) of the Criminal Code of Canada. All federally sentenced persons fall under the jurisdiction of the Correctional Service of Canada (CSC). In contrast, provincial and territorial correctional facilities incarcerate people who receive a sentence of less than two years. They also hold accused persons on remand awaiting trial, those who fail to pay a fine, federally sentenced individuals appealing their conviction and/or sentence and individuals who apply to serve their provincial time in a federal institution under the Exchange of Services Agreement.

Although there are considerable differences between the federal and provincial/territorial systems, there are also some striking operational similarities between them. For example, CSC's total operational expenditure in 2000–2001 was $1.3 billion, while at the provincial/territorial level it was $1.2 billion. Of these totals, $879.3 million or 80% of the total federal operating expenditure was directed toward custodial services, and in comparison $948 million or 69% of the total provincial/territorial operating funds were allocated to custodial services. These figures translate into an average daily inmate cost of $189.21 at the federal level and $137.44 at the provincial/territorial level. Furthermore, in 2000–2001 the two systems employed a similar number of full-time equivalent staff: 12,572 federal staff and 13,084 provincial/territorial staff.

On average, Canada's rate of incarceration is much lower than in the United States, but substantially higher than in many Western European countries. Each year, the federal system processes a much smaller number of persons than the provincial/territorial systems. For example, 7,723 individuals were admitted to federal custody in 2000–2001 as compared to 227, 279 who were sent to provincial/territorial institutions. Nonetheless, the average number of persons incarcerated at any given time was much more comparable between the two systems, with 12,732 individuals in 68 federal prisons and 18,815 in 143 provincial/territorial institutions. Nationally, in 2000–2001 there was a federal incarceration rate of 54 persons per 100,000 Canadian adults, and a provincial/territorial rate of 80 per 100,000 adults. In the provinces and territories, the rate varied extensively from 684 per 100,000 adults in the Northwest Territories, to 150 in Saskatchewan, and 47 in Nova Scotia. Due to the variations within the provincial/territorial systems, this entry will focus mainly on the federal institutions and the policies of the CSC.

HISTORY

Four models of punishment characterize the history of corrections in Canada: deterrence, rehabilitation, incapacitation, and rehabilitation. Each model has directed the policies and practices in different time periods, and at times have overlapped. In general, CSC's approach to the incarceration of men and women has been one and the same; however, the history of women's imprisonment varies somewhat from that of men's, as it has been influenced by dominant conceptions of femininity, the sexual division of labor, and popular theories of female crime. There has also been a similar, although less pronounced, specific history to the incarceration of Aboriginal peoples.

Deterrence

From the 1600s through to the 1820s, Canadian offenders were dealt with according to ideas of deterrence. As a result, severe physical punishment, such as flogging and mutilation, were common. The deterrence model continued to dictate the response to crime through the 1820s and 1830s; however, this period also introduced what was believed to be milder strategies of punishment, including incarceration and hard manual labor.

As in other countries, 19th-century penal reformers sought to find more humane methods of dealing with offenders than corporal punishment. As part of this movement, the first Canadian penitentiary was built in 1835 in Kingston, Ontario, and the federal Department of Justice (DOJ) was established in 1868. The Kingston penitentiary sought to deter criminals through the threat of incarceration and train those within it in socially acceptable behavior that would prevent them from engaging in future crime. By 1868, the DOJ took over responsibility for Kingston as well as the two penitentiaries in St. John, New Brunswick, and Halifax, Nova Scotia. The creation of the DOJ changed ideas about criminals and their conduct since its officials believed in the necessity of humane treatment and reform. It was still some time, however, before the prison completely replaced earlier strategies of corporal punishment. Likewise, it was not until the 1930s that offender rehabilitation was seriously considered. Around the same time, in 1938, Canada's federal correctional system and the CSC were established.

Rehabilitation

The period from post–World War II to the early 1960s is typically identified as the rehabilitation era in Canada. Two reports helped shape this time and one facilitated its demise. First, the 1937 report of the Royal Commission on the Penal System of Canada, chaired by Mr. Justice Archambault, concluded that the primary goal of the correctional system should be the reformation of the offender in conjunction with community protection. A second report submitted in 1956 by the Justice Department Committee, and chaired by Mr. Justice Fauteux, reaffirmed rehabilitation as the primary objective of corrections, arguing that the offender was damaged during developmental years and could be treated within the prison system.

By the mid-1960s, growing skepticism surfaced about the effectiveness of rehabilitation programs in Canadian penitentiaries. In response, *The Report of the Canadian Committee on Corrections,* also known as the *Ouimet Report* was released in 1969. As with previous studies, the committee strongly supported rehabilitation, except this time in the community rather than correctional facilities. Shortly afterward, an article by Robert Martinson in the United States (1974), titled "What Works—Questions and Answers About Prison Reform," was selectively adopted into Canadian penal ideology to support the demise of prison rehabilitation programs. In place of rehabilitation, deterrence resurfaced as the correctional aim of the Canadian penitentiary system.

By the late 1970s, offender rehabilitation was nearly obsolete from Canada's prison system. In 1977, a federal government task force officially rejected the medical model approach to offender rehabilitation and replaced it with the program opportunity model, which stated that offenders were ultimately responsible for their behavior. The opportunity model placed the responsibility of rehabilitation on the prisoner with no compulsory intervention from treatment officials.

Incapacitation

Largely in response to the perceived failure of prisoner rehabilitation, throughout the 1970s and into the 1980s Canadian corrections sought mainly to incapacitate offenders while emphasizing punishment and deterrence. This was a short-lived approach, however, and was soon replaced with the idea of selective incapacitation of high-risk, dangerous offenders that partially grew out of a study conducted by the RAND Corporation in the United States.

The aim of the RAND study was to help administrators differentiate between low-risk and high-risk offenders. Follow-up research created a seven-point item scale to distinguish between those offenders who posed the greatest danger and should be incapacitated and others who could be released after shorter sentences. This scale was then used by officials to designate offenders as high, medium, and low risk. Ultimately, such ideas of selective incapacitation led to the construction of classification tools to identify offender risks and needs, both within the prison and the community.

Reintegration

The idea of offender reintegration built on the concept of selective incapacitation of high-risk offenders and rehabilitation in the community. Through the 1980s, the federal system maintained its commitment to various forms of community-based sanctions. Some suggest that the rising cost of incarceration greatly influenced this focus on less expensive community reintegration options.

In the late 1980s and early 1990s, due in part to this new focus on community reintegration, the public and penal administrators became increasingly concerned about community safety. In response, the CSC began to model its offender assessment and treatment techniques on its own risk/need research. Institutional and community risk/need assessment scales were implemented in the early 1990s, and since that time CSC has risen as an international leader in the field. Its classification tools collect information on factors to determine criminal risk and identify offender needs, which in turn underlie its management of prisons and prisoner populations and well as offenders reintegrating into the community.

CURRENT POLICY

Since the late 1990s, the guiding ideology of CSC has incorporated the four models of punishment that characterize the history of Canadian corrections. CSC currently stresses offender reintegration, with primacy afforded to community protection (thus selective incapacitation), and maintenance of incarceration for punishment/deterrence with deceased attention on institutional offender rehabilitation. This is relayed in CSC's mission statement, first produced in 1997. It reads:

> The Correctional Service of Canada, as part of the criminal justice system and respecting the rule of law, contributes to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens, while exercising, reasonable, safe, secure and humane control.

CSC's current attention toward reintegration, and thus decreased incarceration, is supported at-large within the community. However, how CSC's ideology transfers into policy and practice is called into question on many fronts when the offender population and its characteristics are considered.

POPULATION CHARACTERISTICS

These days, the typical federal prisoner in Canada is poor, male, single, undereducated, and a substance abuser. He also has an unstable employment history and is disproportionately likely to be from a racial minority group. In terms of the female population, over 50% are mothers, the majority of them are the primary family caregiver, and an overwhelming percentage have a background of sexual abuse and violence. In 2000–2001, women made up 5% of federal (and 9% of provincial/territorial) admissions, while Aboriginal peoples comprised 17% of federal (and 19% of provincial/territorial) admissions. Given that indigenous people make up only roughly 3% of Canada's total population, their

numbers in the penal facilities of either system are clearly elevated.

Men and women differ in the age at which they are federally incarcerated. In 2000–2001, 47% of male and 56% of female prisoners were between 20 and 34 years of age. At a higher percentage but with similar proportional difference between the sexes, 58% of Aboriginal males and 66% of Aboriginal females were between the ages of 20 to 34. There is diversity as well in the percentage of men and women serving their first federal sentence. Sixty-two percent of males and 82% of females were serving their first penitentiary sentence, and a comparably lower 57% of Aboriginal males and 72% of Aboriginal females were. Finally, men and women also differ in terms of how long they are incarcerated. The average length of sentence for 31% of males was between 3 and 6 years, whereas it was under 3 years for 36% of females. Likewise for Aboriginal males, the most common sentence was 3 to 6 years (33%) and for 35% of Aboriginal females it was under 3 years.

CSC periodically assesses its prisoner population to determine individuals' risk to the public and to the security of the institution, staff, inmates, and themselves. On April 29, 2001, the majority of males were classified as medium security (59%), followed by minimum (21%) and maximum (14%). This varied significantly for women, of whom the majority were classified as minimum (44%), followed closely by medium (40%) and then maximum (9%). Most male and female Aboriginal offenders were classified as medium (62%), followed by minimum (17%) and maximum (16%).

In 2000–2001, the most common offense of all federally sentenced persons was a Schedule I, which includes the most serious crimes with the exception of murder. Fifty-nine percent of men and 44% of women, and 67% of Aboriginal males and 56% of Aboriginal females, were imprisoned for a Schedule I offense. The second most common offense differed between the sexes. Sixteen percent of men in general and 21% of Aboriginal men specifically were imprisoned for a sex offense, while 24% of women and 22% of Aboriginal women were incarcerated for a drug offense.

Examining the prisoner population from the operational standpoint of CSC, the average annual cost of incarcerating an individual in 2000–2001 at the federal level was $88,427. Broken down by sex, this figure corresponds to an amount of $66,381 for men and $110,473 for women. Women are more expensive to imprison largely because of their fewer numbers and the legal requirement to provide program and service equity with males. In comparison, the average annual cost of supervising an individual in the community (e.g., parole) in 2000–2001 was $16,800.

In 2000–2001, there were also 81 escapes from federal facilities, while at the provincial level there were 1,110. Although this appears to be a dramatic difference, as a percentage of all custodial admissions it translates into a rate of 1% at the federal level and 0.5% at the provincial/territorial level. Finally, that same year there were 43 deaths in federal facilities and 49 in provincial/territorial institutions. As a percentage of all custodial admissions, this translates into 0.6% of all federal admissions and in comparison only 0.02% of all provincial/territorial admissions. Of the provincial/territorial deaths, 28 were suicides and 2 were murders while federally there were 9 suicides and no murders.

WOMEN PRISONERS

For the most part, CSC's treatment of female prisoners has and continues to be subsumed under its treatment of male prisoners. This being said, there is also a history specific to female prisoners in Canada. As relayed, this history has been influenced by dominant conceptions of femininity, the sexual division of labor, and popular theories of female crime.

Historically, women were incarcerated in men's institutions in Canada. Women who were sentenced to prison were thought to be "unnatural," since it was generally viewed as unfeminine for women to be involved in crime. Thus, the few incarcerated women were granted little attention in terms of care and treatment within the men's institutions. For example, women were incarcerated in makeshift sections of the institutions and they did not have access to programming.

In 1934, the first separate facility for federal female prisoners was opened, the Prison for Women, across the road from the Kingston penitentiary. At the foundation of the prison's operation was acceptance

of a traditional role for women, emphasizing their domestic position in society. Women were taught, for example, to be better seamstresses and homemakers and to act like proper ladies. Efforts at reforming the female criminal into a traditional caregiver continued until the 1960s.

In the mid- to late 1960s, the public advent of feminism initiated the identification of women who committed crimes as offenders (i.e., Adler's 1975 liberated female criminal) and this assisted with the placement of females on the corrections agenda. This is similar to the U.S. experience, where serious acknowledgment of the unique experiences of women prisoners surfaced in the early 1960s. In Canada, even though CSC was claiming to acknowledge differences between males and females, it did little to account for this understanding in its policies and practices.

The 1970s and 1980s were witness to a significant shift in CSC's response to the female prisoner. No longer was attention focused on differences between females and males, but rather, it was placed on formal equality between the sexes. The problem with this was that the standard against which the female was compared was the male, which disregarded the specific and unique needs of the federal female prisoner in general, and within specific populations in particular (i.e., Aboriginal women). Some practices during this period also remained consistent with the traditional patriarchal view of women prisoners, such as institutional programming at the Prison for Women that supported normative standards of femininity (e.g., hairdressing courses, child care training).

In the early 1990s, apparent progress was made by CSC in its acknowledgment of the unique needs of federal female prisoners *and* their equitable treatment in comparison to males. Goff (1999) summarized:

> In essence this approach recognizes that female offenders and male offenders are different, hence they should have programs, services and facilities designed to meet each group's specific needs. A key component in this ideology is the women-centred approach to corrections, which argues that policies must be restructured to reflect the variety of realities experienced by women and men. (p. 169)

Examples of the translation of this approach into practice were the creation of the position of Deputy Commission for Women and the construction of five regional institutions and a healing lodge for federally sentenced women to replace the one centrally located prison in Kingston, Ontario. However, such actions were criticized for continuing to apply the male standard to the female prisoner. It was argued that the ideal of the woman-centered approach was not translated into practice.

An example of CSC's current application of the male standard to the female prisoner is its Offender Intake Assessment (OIA). The OIA is a form of risk/needs measurement that was introduced by the CSC in 1994 as a part of all federal prisoners' institutional intake. The OIA was not specifically constructed to measure female risk and needs, and so women's experiences are not at the core of the instrument. Many are therefore critical of the measurement tool, noting some research has concluded that the tool imposes harsher conditions of imprisonment on women (e.g., increased security classification), does not account for women's roles as mothers and caretakers, and negatively affects women's treatment options in prison and upon release. This criticism is not specific to Canada, as it is raised in U.S. corrections as well. In early 2000, CSC initiated work in the area of female-specific risk/needs assessment, but the findings are yet to be publicly released.

ABORIGINAL PRISONERS

Aboriginal peoples in Canada have suffered and continue to experience a number of forms of racial oppression. This is largely a consequence of capitalist development in Canada, which continues to be highly dependent on the perpetuation race, gender, and class divisions. As with African Americans in the United States, Aboriginal peoples are more likely to be incarcerated upon conviction, denied bail, and held in custody longer in comparison to non-Aboriginal peoples. Until recently, there has been limited attention allotted to race and the federal prisoner by the CSC. The incarceration of Aboriginal peoples, as relayed at the start of this

entry, shows they are disproportionately represented within the system, have greater chances of being incarcerated for a second time, and have higher institutional security classifications. This all points toward the need for specific attention to Aboriginal prisoners. Some advances have been made by CSC in recent years, and include the construction of the Healing Lodge for federally sentenced females (Okimaw Ohci), Aboriginal-specific health strategies in HIV/AIDS, endorsement of NativeSisterhood within the prison system, and the establishment of 24 halfway houses for Aboriginal males across Canada. Again, although CSC has acknowledged that Aboriginal prisoners have unique experiences and circumstances in comparison to non-Aboriginal prisoners, there remains a need for ensuing informed policy and practice.

Similar to the history of female prisoners in Canadian corrections, the acknowledgment of the uniqueness of Aboriginal in comparison to non-Aboriginal prisoners to date has come at an expense. In particular, Aboriginal offenders have often come to be thought of as a homogeneous group. For example, CSC's OIA does not account for diversity within the Aboriginal offender population (e.g., Inuit, Metis, First Nations). Furthermore, risk and need assessment tools individualize offender risk and need, decontextualizing these from the social and political structures, and so the tools are not able to account for the impact of colonial oppression, which cannot be individualized.

CONCLUSION

Canada's two systems of incarceration, federal and provincial/territorial, have numerous similarities as well as differences in their operations and prisoner populations. At the federal level, which is likewise characterized by similarities and differences, the history of corrections can be chronicled through four models of punishment: deterrence, rehabilitation, incapacitation, and reintegration. These models offer insight into CSC's approach to imprisonment during various time periods, which assists in understanding the CSC's historic and current policies and practices. CSC's current ideology, conveyed in its mission statement and evident in its operations, relays the need for increased attention specific to female and Aboriginal prisoners.

—Colleen Anne Dell

See also Australia; Classification; Deterrence Theory; England and Wales; Federal Prison System; Incapacitation Theory; Just Deserts Theory; Robert Martinson; Medical Model; Native American Prisoners; Rehabilitation Theory; Rehabilitation Act 1973; Restorative Justice; State Prison System; Prisoners; Women; Women's Prisons

Further Reading

Bonta, J., LaPrairie, C., & Wallace-Capretta, S. (1997). Risk prediction and re-offending: Aboriginal and non-Aboriginal offenders. *Canadian Journal of Criminology. 39,* 127–144.

Carrigan, D. (1991). *Crime and punishment in Canada, a history.* Toronto: McClelland & Stewart.

Correctional Service of Canada. (2001). *Basic facts about federal corrections.* Ottawa, ON: Public Works and Government Services Canada.

Culhane, C. (1985). *Still barred from prison: Social injustice in Canada.* Montreal, QU: Black Rose Books.

Faith, K. (1993). *Unruly women: The politics of confinement and resistance.* Vancouver: Press Gang.

Goff, C. (1999). *Corrections in Canada.* Cincinnati, OH: Anderson.

Hannah-Moffat, K., & Shaw, M. (2000). *An ideal prison? Critical essays on women's imprisonment.* Halifax, NS: Fernwood.

Jackson, M. (2002). *Justice behind the walls.* Vancouver, BC: Douglas & MacIntyre.

Martinson, R. (1974). What works—Questions and answers about prison reform. *Public Interest, 35*, 22–54.

Nielsen, M. (2000). Canadian correctional policy and Native inmates: The control of social dynamite. In R. Neugebauer, *Criminal injustice: Racism in the criminal justice system* (pp. 341–354). Toronto: Canadian Scholars' Press.

Winterdyk, J. (2001). *Corrections in Canada: Social reactions to crime.* Toronto: Prentice Hall.

CAPITAL PUNISHMENT

Capital punishment refers to the use of the death penalty as punishment for certain crimes. In America, almost 20,000 persons have been legally put to death since colonial times, with most of the

executions occurring in the 19th and 20th centuries. In recent years, opposition to the death penalty has become more vocal in many states, leading some criminologists to predict its eventual demise.

HISTORY

The United States has had a system of capital punishment in place since colonial times. The first recorded legal execution in the American colonies occurred in 1608 in Virginia, when Captain George Kendall was executed for the crime of spying for Spain. Since then, the crimes eligible for a death sentence have changed. For example, prior to the American Revolution, the list of capital crimes included idolatry, witchcraft, blasphemy, murder, manslaughter, poisoning, bestiality, sodomy, adultery, manslaughter, bearing false witness in capital cases, conspiracy, and rebellion. Now, the application of the death penalty is overwhelmingly confined to murder. It is noteworthy, however, the colonial Americans used the death penalty less often than courts do today despite the greater number of eligible crimes.

During the 19th century, the number of executions increased significantly, with more people put to death between 1800 and 1865 than in the entire 17th and 18th centuries combined. Changes were also enacted that included the introduction of the concept of degrees of murder and the removal of executions from the public realm. In some states, discretionary death penalty laws replaced those that mandated the death penalty for anyone convicted of a capital crime. In addition, the jurisdiction of executions was changed from local to state control. Individual towns were no longer responsible for capital punishment. Instead, the state became the executioner. Finally, the number of offenses punishable by death was reduced and some states began abolishing the death penalty. The number of executions decreased immediately following the Civil War. However, in the last two decades of the 19th century, the number increased again to approximately 1,000 each decade.

Abolitionist efforts grew during this time period as well. Michigan eradicated the death penalty in 1846 for all crimes except treason. Five other states also enacted abolitionist legislation. By 1901, however, three of these states had reestablished capital punishment.

During the first two decades of the 20th century, the United States entered what is known as the Progressive period of social reform. More states abolished the death penalty or severely restricted its use. Six states (Kansas, Minnesota, Missouri, Oregon, South Dakota, and Washington) abolished the death penalty entirely, and three others limited its use to rare offenses such as treason (Arizona, North Dakota, and Tennessee). However, concern about communism and the threat of revolution led to the reinstatement of capital punishment in five states by 1920, and the number of executions across the country overall increased. The 1930s hold the record for the greatest number of executions in one decade in U.S. history, averaging 167 executions per year. The combination of organized crime during the Depression and the writings of criminologists who suggested that the death penalty was necessary to deter violence increased its popularity during this period. By 1950, only three states that had previously abolished capital punishment had not reenacted statutes allowing the death penalty.

During the 1950s, public support for capital punishment began diminishing again, although there were periods of strong support for it. International support for the death penalty was declining. Two cases were particularly noteworthy at this time for the debate surrounding capital punishment. First, the prosecution of Julius and Ethel Rosenberg garnered public support for capital punishment. The Rosenbergs were accused of engaging in espionage for the Soviet Union. Although there was public debate about their sentences as well as widespread international protest, the Rosenbergs were executed in 1953. A Gallup poll taken five months after their executions indicated strong support in the United States for capital punishment, with 70% of people supporting the death penalty. Less than one year later, however, another case occurred that led to strong opposition to the death penalty. Caryl Chessman, who had been sentenced to death in 1948, published the first of four books from death

row in California. In them he claimed innocence, and his case became the focus of worldwide opposition to capital punishment. Chessman's execution was stayed eight times before his death sentence was carried out in 1960. National and international efforts to intervene brought the case into the spotlight. Following his execution, opinion polls indicated decreasing support for capital punishment. Four states abolished the death penalty within five years (Iowa, Michigan, Oregon, and West Virginia).

By the mid-1960s, a number of constitutional challenges to capital punishment had been raised. In the case of *Trop v. Dulles* (1958), the U.S. Supreme Court set forth the argument of evolving standards of decency that became important in later constitutional challenges to the death penalty. Eventually, three cases led to a moratorium on executions. *Maxwell v. Bishop* (1970) raised the issue of racial discrimination in the application of capital punishment, and *Witherspoon v. Illinois* (1968) called into question the use of "death-qualified juries" (or the practice of removing potential jurors for cause if they were opposed to the death penalty). *United States v. Jackson* (1968) focused on the requirement that a jury recommend death for federal kidnapping cases. The last execution prior to the 1972 national moratorium on executions occurred in Colorado in 1967.

FURMAN V. GEORGIA AND ITS AFTERMATH

In 1972, the Supreme Court ruled on the case of *Furman v. Georgia,* instituting a complete moratorium on executions in the United States. The *Furman* case focused on the arbitrariness and capriciousness of capital punishment that resulted from unrestrained discretion of juries. While the Supreme Court did not rule that the *practice* of the death penalty was unconstitutional, it did find that existing statutes (involving the *process* of sentencing) were unconstitutional. Death penalty statutes in 40 states and the federal government were overturned, and 629 death sentences were vacated. The *Furman* decision not only instituted a moratorium on executions but also established the "death is different doctrine." This doctrine has led to the policy of treating capital cases as different from all other crimes, requiring what has been referred to as "super-due process" (Radin, 1980). Super-due process refers to the special procedures that are required in capital cases. It includes guided discretion, automatic appeal, and the suggestion that states review all capital cases to ensure that sentencing was proportional for similar crimes.

States immediately devised new capital punishment statutes. The new statutes either removed all discretion by mandating death sentences for all capital offenses or instituted standards of guided discretion. In *Woodson v. North Carolina* (1976), the Supreme Court rejected statutes that imposed mandatory death sentences. The Supreme Court then upheld the death sentence in *Gregg v. Georgia* (1976). The *Gregg* ruling provided for guided discretion, bifurcated trials, automatic appellate review of all death sentences, and proportionality review to detect sentencing disparities. The first execution following reinstatement of capital punishment was in Utah in January of 1977. Since then, nearly 900 persons have been legally executed in the United States.

THE SUPREME COURT AND CAPITAL PUNISHMENT

Since the *Gregg* decision, the Supreme Court has heard cases on a variety of issues related to capital punishment, including constitutionality, procedural issues, mitigating and aggravating circumstances, and who is eligible for execution. As the composition of the Court has changed, the decisions it has rendered have also changed. This is particularly evident in decisions related to the constitutionality of death penalty statutes and procedural issues. In *McCleskey v. Kemp* (1987), the Supreme Court revisited the issue of racial discrimination in application of the death penalty. Using social science research, *McCleskey* argued that a marked pattern of discrimination based on the race of the victim existed in capital cases. The Supreme Court found, however, that statistical analysis indicating a pattern of racial discrimination in death sentencing did not

make the death penalty statute unconstitutional. Instead, the Court stated, discrimination must be proven in individual cases. In *Pulley v. Harris* (1984), the Supreme Court ruled that states were not required to provide proportionality review of death sentences to determine fairness of sentencing. In a series of cases, the Supreme Court upheld the removal of potential jurors for cause if they were opposed to the death penalty. The Supreme Court ruled in *Herrera v. Collins* (1993) that federal courts did not have to hear claims of actual innocence based on newly discovered evidence.

There have also been a number of constitutional challenges to aggravating circumstances included in state death penalty statutes. Aggravating factors must be present to seek the death penalty, but the states differ as to what is considered an aggravating factor. Aggravating factors fall into three broad categories: those that focus on the characteristics of the offender (e.g., prior conviction for a violent crime), those that focus on the characteristics of the crime (e.g., occurring during the commission of a felony); and those that focus on the characteristics of the victims (e.g., law enforcement or multiple victims). The courts have also allowed the defense to present limited information about mitigating factors, circumstances that may be considered to reduce culpability. The Supreme Court has upheld the use of vaguely defined aggravators, allowed the use of victim impact statements, and required that mitigating factors be considered only if supported by evidence.

The Supreme Court has rendered a number of decisions regarding eligibility for a death sentence. In *Thompson v. Oklahoma* (1988), the Court ruled that an individual age 16 at the time of the offense can be sentenced to death. In *Ford v. Wainwright* (1986), the Supreme Court addressed the issue of prisoners who go insane while on death row, ruling that to be eligible for execution the offender must be able to understand the punishment and the reason for its application. The Supreme Court's rulings on degree of participation in the offense have been less clear, however. In 1982, the Court ruled in *Enmund v. Florida* that an offender who neither killed nor intended to kill could not be sentenced to death. However, in 1987 the Court refined its position in *Tison v. Arizona,* stating that the lack of killing or intent to kill were irrelevant if the offender was a major participant in the crime and showed a "reckless indifference" to life.

Finally, the Supreme Court applied the "evolving standard of decency" interpretation to execution of the mentally retarded in *Penry v. Lynaugh* (1989). Penry, who was sentenced to death in Texas, had the mental capacity of a seven-year-old child. He appealed his sentence arguing that the Eighth Amendment ban of cruel and unusual punishment prohibited execution of the mentally retarded. His appeal was denied. The Court's opinion stated that because no evidence of a national consensus against execution of the mentally retarded existed, there was no basis to suggest the Eighth Amendment was violated. The Supreme Court pointed out that only two states prohibited execution of the mentally retarded at that time, and national opinion polls provided little evidence of consensus on this matter. In 2002, the Supreme Court again agreed to hear the *Penry* case, signaling their desire to revisit the issue of mental retardation and capital punishment. Although Penry's sentence was commuted for another reason prior to the arguments, the Supreme Court revisited the issue in *Atkins v. Virginia.* In the *Atkins* case, the court reversed its earlier decision based on the "evolving standard of decency" issue. By the time that the *Atkins* case was argued, 18 states had enacted legislation banning the execution of mentally retarded individuals, six within the year the case was argued. Furthermore, national opinion polls provided evidence of a growing consensus that mentally retarded individuals should not face execution. Thus, in June 2002 the Supreme Court handed down its decision to ban execution of mentally retarded individuals.

In June 2002, another ruling of the Supreme Court had far-reaching implications. In *Ring v. Arizona,* the Court determined that a judge may not decide critical sentencing issues and impose the death sentence as this violates the right to trial by jury. Arizona and eight other states had statutes that allowed judges, not juries, to determine sentencing in capital cases. As many as 800 death sentences may be affected by this ruling.

CAPITAL PUNISHMENT IN THE UNITED STATES TODAY

As of late 2002, 38 states, the federal government, and the U.S. military have death penalty statutes in place. The District of Columbia and 12 states (Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin) do not authorize the death penalty. More than 3,500 individuals in the United States are currently under a sentence of death. The vast majority of these are men, with 52 women awaiting execution in late 2002. More than 860 persons have been executed since 1976, including 10 women.

The use of the death penalty is not applied equally across all jurisdictions allowing it, however. In terms of per capita execution rates, Delaware has the highest per capita execution rate, followed by Oklahoma, Texas, and Virginia. Almost half of all executions have occurred in just two states (Texas and Virginia); Texas accounted for 37% of all executions between 1992 and 2002. More than 80% of executions post-*Furman* have occurred in the South. Other states and the U.S. military have death penalty statutes but have not executed anyone since the reinstatement of capital punishment.

THE FEDERAL DEATH PENALTY

The federal death penalty law also was struck down in 1972 by the *Furman* decision. In 1988, Congress enacted the Drug Kingpin Statute allowing execution for murder committed in the course of a drug conspiracy. The federal death penalty was further expanded in 1994 to include more than 60 offenses. Offenses not related to homicide include treason; espionage; large-scale drug trafficking; authorizing or attempting to kill an officer, juror, or witness in a Continuing Criminal Enterprise case; and using the mail system to deliver injurious articles with the intent to kill.

The federal government has executed two individuals since reinstatement of the federal death penalty. The first federal execution since 1963 was the 2001 execution of Timothy McVeigh, convicted of the 1995 Murrah Building bombing in Oklahoma City. Later in 2001, Juan Raul Garza was also executed. Garza was the first person executed under the federal drug kingpin law that allows execution for murders related to drug trafficking. As of late 2002, there were 26 men awaiting execution on Terre Haute Penitentiary Death Row.

In 1996, Congress focused on speeding up the appellate process in capital cases with the Antiterrorism and Effective Death Penalty Act. This law restricts the federal appeals process by dismissing subsequent petitions when a claim has been rejected and through rejection of new claims unless rendered valid by a Supreme Court decision or based on compelling new evidence not previously available.

The federal death penalty has been strongly criticized. In 2000, the Justice Department released a report citing serious racial and geographic disparities in the application of the federal death penalty. Over 40% of the cases where the death penalty was sought originated in five jurisdictions. Furthermore, the report indicated that racial minorities were the accused in nearly 80% of federal cases in which the death penalty was requested. Other research has suggested that whites are more likely to avoid a federal death sentence by entering guilty pleas. In 2002, two district court judges ruled that the federal death penalty was unconstitutional. U.S. District Judge William Sessions of Vermont ruled that the federal death penalty is unconstitutional because of the evidence allowed in the guilt phase of the trial (*United States v. Fell*), while U.S. District Judge Jed Rakoff (New York) cited the probability that innocent individuals have been executed in declaring the 1994 federal death penalty law unconstitutional.

METHODS OF EXECUTION

Methods of execution have changed over time and vary slightly from state to state. By the end of 2002, all states except Nebraska allow lethal injection as a method of execution. Ten states, including Nebraska, authorized electrocution. Five states still authorized the use of the gas chamber, three states authorized hanging, and three authorized the use of firing squads.

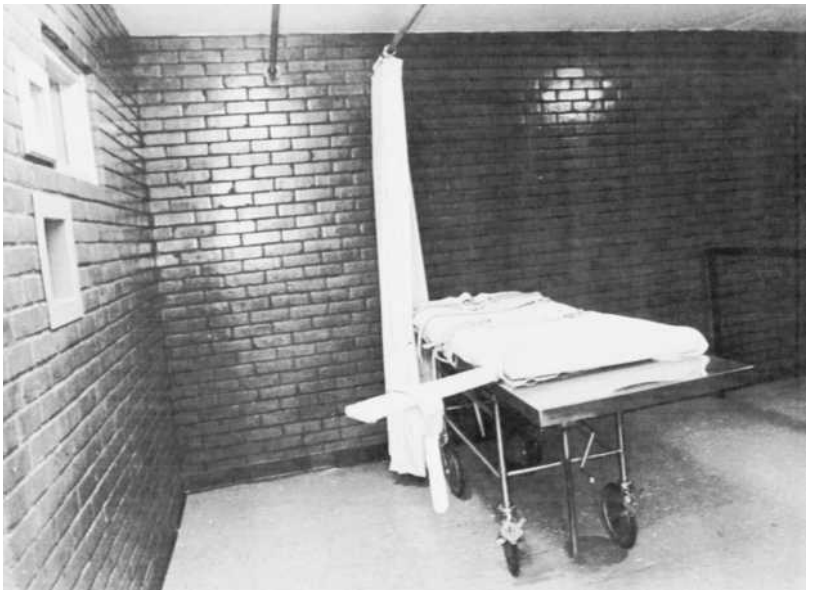

Photo 1 *Capital Punishment*

Lethal injection was first authorized in Oklahoma in 1977, although the first execution by lethal injection did not occur until 1982 in Texas. Since 1977, the majority of executions have relied on this method. In lethal injection, three drugs are administered intravenously to the condemned person. First, sodium thiopental, an anesthetic, renders the individual unconscious. Pancuronium bromide is then administered. This drug induces muscle paralysis and stops breathing. Finally, potassium chloride is administered to stop the heart. Although developed as a more humane mode of execution, lethal injection has resulted in several botched executions. In several cases, technicians have had difficulty locating usable veins. The injection equipment has malfunctioned in other cases, either coming loose or becoming blocked. In several cases, the prisoners had severe reactions to the chemicals, resulting in convulsions.

Until the latter part of the 20th century, electrocution was regularly used for executions. The electric chair, first used in 1890, sends a large jolt of electricity into the body for approximately 30 seconds. Then, medical personnel determine whether the prisoner's heart is still beating. If it is, another jolt is administered. This process continues until the person is pronounced dead. A number of electrocutions have required repeated jolts, and there are numerous documented cases of the condemned individual burning. In a Louisiana execution in 1947, an electrocution malfunctioned and was halted. The Supreme Court ruled that a second execution attempt did not constitute cruel and unusual punishment, and the prisoner was subsequently electrocuted successfully (*Louisiana ex rel. Francis v. Resweber*).

The gas chamber was developed in the 1920s as a more "humane" method of execution. The condemned individual is restrained in a chair in a sealed chamber, under which there is a container of sulfuric acid. A signal is then given, and sodium cyanide crystals are released into the chamber. The prisoner inhales the hydrogen cyanide gas that is released, resulting in asphyxiation. This method has been criticized as overly cruel, since the condemned individuals often struggle and appear to suffer. Today, it is allowed only in Arizona, California, Maryland, and Missouri. All four states, however, authorize lethal injection as well. It is also authorized in Wyoming if other methods are declared unconstitutional.

Two other methods of execution remain legal but are rarely used. Three states still authorize hanging as of 2002, but this method has been used only three times since reinstatement of capital punishment with the *Gregg* decision in 1976. In addition, two states authorize the use of firing squads. The use of a firing squad is also allowed in Oklahoma if other methods are declared unconstitutional. However, only two executions by firing squads have occurred since 1976. The firing squad execution of Gary Gilmore in January 1977 in Utah was the first post-*Furman* execution in the United States.

CONCLUSION: CONTEMPORARY DEBATES ON CAPITAL PUNISHMENT

Discussion of the death penalty has centered on several topics including the costs of maintaining it and whether or not capital punishment is a deterrent

to homicide. The research on costs suggests that capital punishment is far more expensive than life without parole, due in part to the expenses related to trials as well as with the cost of the appeals process. The "death is different" doctrine requires more intensive investigation by both prosecutors and defense attorneys, although prosecutors generally have more funding available. Research on the deterrence aspect is mixed, but most studies indicate that the death penalty is not a general deterrent.

Beginning with the work of Cesare Beccaria, many criminologists have argued that instead of being a deterrent the death penalty actually has a brutalizing effect, increasing violence through example. Ernest Van den Haag, one of the few supporters of a deterrence argument, has suggested that since the death penalty is the most severe punishment it should have the greatest deterrent effect. However, research does not support his contention. States that have abolished capital punishment have not seen a rise in murders, and comparisons of contiguous states with and without capital punishment do not indicate any deterrent effect. International opinion about the American system of capital punishment has also been an area of interest. The United States and Japan are the only industrialized nations that still maintain a system of capital punishment. This, in conjunction with execution of juveniles and foreign nationals, has led to extensive international criticism, particularly from Western Europe.

Two other issues related to capital punishment have marshaled considerable interest: racial and economic inequities in the system and wrongful convictions. The *Furman* ruling was based on inequitable application of capital punishment, and reinstatement was designed to reduce the arbitrariness and discrimination inherent in the system. The continued pattern of minority death sentences, at both state and federal levels, has generated serious concern. Regional patterns of executions have been identified as a serious problem with more than 80% of post-*Furman* executions occurring in the South, while only 44% of all homicides occurred in that region. A 1990 U.S. General Accounting Office study concluded that race of the defendant was a factor in the decision to prosecute a case as a capital case.

Furthermore, since 1973 more than 100 persons have been released from death rows across the United States, 12 as a result of DNA analysis. In Illinois, the release of 13 men from death row led to Governor George Ryan declaring a moratorium on executions in January 2001. Two years later, in January 2003, he then commuted the sentences of all of those on death row to life in prison. As of this writing, the long-term impact of this unusual decision is unclear. Opponents of the death penalty hope for a gradual erosion of this practice in the United States. Only time will tell.

—Susan F. Sharp

See also Cesare Beccaria; Death Row; Deathwatch; *Furman v. Georgia*; Gary Gilmore; Juvenile Death Penalty; Timothy McVeigh; Julius and Ethel Rosenberg; Terre Haute Penitentiary Death Row; Karla Faye Tucker; Violent Crime Control and Law Enforcement Act 1994

Further Reading

Acker, J., Bohm, R., & Lanier, C. (Eds.). (1998). *America's experiment with capital punishment: Reflections on the past, present, and future of the ultimate penal sanction.* Durham, NC: Carolina Academic Press.

Bedau, H. A. (Ed.). (1982). *The death penalty in America: Current controversies*. New York: Oxford University Press.

Bohm, R. M. (1999). *Deathquest: An introduction to the theory and practice of capital punishment in the United States*. Cincinnati, OH: Anderson.

Death Penalty Information Center. (2001). *The death penalty in 2001: Year end report.* Washington, DC: Author. Retrieved from http://www.deathpenaltyinfo.org/YearEndReport2001.pdf

Dieter, R. C. (1997). *Innocence and the death penalty: The increasing danger of executing the innocent*. Retrieved from http://deathpenaltyinfo.org/

Liebman, J. S., Fagan, J., Gelman, A., West, V., Davies, G., & Kiss, A. (2002). *A broken system, Part II*. Retrieved from http://www.law.columbia.edu/brokensystem2/report.pdf

Liebman, J. S., Fagan, J., & West, V. (2000). *A broken system: Error rates in capital cases, 1973–1995*. Retrieved from http://justice.policy.net/jpreport/finrep.PDF

Radelet, M., Bedau, H. A., & Putnam, C. (1992). *In spite of innocence.* Boston: Northeastern University Press.

Radin, M. J. (1980). Cruel punishment and respect for persons: Super due process for death. *Southern California Law Review, 53*, 1143–1185.

Snell, T. L. (2001). *Capital punishment 2000.* Washington, DC: U.S. Department of Justice/Office of Justice Programs.

Legal Cases

Atkins v. Virginia, 536 U.S. 304 (2002).
Enmund v. Florida, 458 U.S. 782 (1982).
Ford v. Wainwright, 477 U.S. 399 (1986).
Furman v. Georgia, 408 U.S. 238 at 287–289 (1972).
Gregg v. Georgia, 428 U.S. 1 53 (1976).
Herrera v. Collins, 506 U.S. 390 (1993).
Louisiana ex rel. Francis v. Resweber, 329 U.S. 459 at 474 (1947).
Maxwell v. Bishop, 398 U.S. 262 (1970).
McCleskey v. Kemp, 481 U.S. 279 (1987).
Penry v. Lynaugh, 492 U. S. 302 (1989).
Pulley v. Harris, 465 U.S. 37 (1984).
Ring v. Arizona, 536 U.S. 584 (2002).
Thompson v. Oklahoma, 487 U.S. 815 (1988).
Tison v. Arizona, 481 U.S. 137 (1987).
Trop v. Dulles, 356 U.S. 86 (1958).
United States v. Fell, 217 F. Supp.2d 469 (D. Vermont 2002).
United States v. Jackson, 390 U.S. 570 (1968).
Witherspoon v. Illinois, 391 U.S. 510 (1968).
Woodson v. North Carolina, 428 U.S. 280 (1976).

CELEBRITIES IN PRISON

With few exceptions, celebrities in the United States do not go to prison. Their wealth, power, and influence afford them many privileges, including the leniency of the criminal justice system. It is, therefore, worth examining the rare cases in which celebrities are incarcerated, to see why they received such unusual treatment.

Celebrity by definition is a social construct that is usually shaped in large part by the media. People become celebrities because some aspect of their lives is thought to be newsworthy. Such figures typically include individuals who enjoy success in professional athletics, entertainment, politics, and business. Fame can also be a result of notoriety, as some of the subsequent sections will address. It should be noted that few women achieve celebrity status in prisons like men both because of the relative rarity of women in positions of power and influence in our patriarchal society, and because crime is largely a male activity. People of color are also unequally represented in the subsequent sections; sometimes they are overrepresented, and other times they are underrepresented. This is due to the systemic racism of our society generally, and in the criminal justice system specifically.

CELEBRITY CONVICTS

This category includes incarcerated actors, politicians, musicians, and athletes. In most instances, these individuals are imprisoned only after numerous run-ins with the law. Their fame usually affords them a certain amount of leniency from the courts, until they have offended numerous times. Notable examples include boxer Mike Tyson, who was imprisoned on a rape charge; televangelists Jim and Tammy Faye Bakker, who were incarcerated for fraud and conspiracy; and actor Robert Downey, Jr., and musician Bobby Brown, who both spent time behind bars for drugs. In addition, night club owner Steve Rubell was incarcerated for tax evasion, Louisiana Governor Edwin Edwards and Ohio Congressman James Traficant, Jr., were sentenced to prison for racketeering, and former NFL player and music entrepreneur Suge Knight was locked up for assault and a probation violation. Most recently, businesswoman Martha Stewart recieved a 5-month sentence for lying to investigators about her sale of InClone Systems stock in late 2001.

EX-CON CELEBRITIES

Ex-con celebrities are usually individuals who were incarcerated before they became famous and have subsequently reached celebrity status in some area of endeavor (usually) unrelated to their crimes and incarceration. Often, their demographic characteristics and the circumstances of their crimes closely approximate those typical of the incarcerated population. This category includes comedian Tim Allen, who was sentenced to prison for drugs; boxer Ralph "Sonny" Liston, who was found guilty of larceny and robbery; and activist and community leader Malcolm X and musician Merle Haggard, both of whom did time for burglary. Author Piri Thomas was incarcerated for attempted murder, while boxing promoter Don King served a sentence for manslaughter, actor Mark Walhberg spent time in prison for an assault charge, and author and security consultant Frank Abagnale was convicted of forgery and fraud.

CONVICT CELEBRITIES

Convict celebrities include individuals who, while quite ordinary in many respects, found themselves elevated to the status of celebrity because of media coverage of their crimes. In this category, we find individuals who lived most of their lives prior to the crime for which they were incarcerated in relative obscurity. They are, in other words, famous exclusively because of the media coverage of their crime. Their newsworthiness can be attributed to a number of factors, most commonly the seriousness of their crime or the victimization of a public figure. Their notoriety may also derive from several factors such as their relatively privileged social standing, location, rarity, and prurience. In many respects, the experiences of these individuals are the darkest embodiment of artist Andy Warhol's "15 minutes of fame." This category is the most diverse and populous, and includes an assortment of serial killers such as Charles Manson, high-priced sex trade workers such as Sydney Barrows and Heidi Fleiss, bombers such as Ted Kaczynski (the Unabomber), criminal bankers such as Charles Keating and Michael Milken, and assassins or would-be assassins such as Mark David Chapman and John Hinckley, Jr. It also covers celebrity stalkers such as Robert Hoskins and statutory rapists such as the teacher Mary Kay Letourneau.

In many instances, celebrity convicts are housed in modern, well-equipped, and (relatively) comfortable medium- or minimum-security institutions (colloquially, and somewhat inaccurately, referred to as "country club prisons"). In instances when their sentences take them to institutions more typical of the vast number of state and federal prisons in the United States, they are rarely housed with the general population, and are often extended "privileges" that the average inmate is denied, such as unrestricted commissary, additional exercise time, specially prepared meals, unencumbered use of audiovisual equipment, and deferential treatment by guards and administrators and are often not even required to wear standard prison-issue uniforms. Furthermore, subsequent to their release celebrity convicts rarely have difficulty obtaining a living-wage job, finding a place to live, accessing vital social services, or reestablishing contact with family and friends. Rather, they return to their opulent surroundings and lavish lifestyles, largely unfettered by the stigma commensurate with ex-con. Conversely, the release of the average inmate marks his or her return to the same state of relative economic deprivation, racism, patriarchy, and alienation that were correlates of her or his incarceration.

IN-HOUSE CELEBRITIES

Unlike the convict celebrities, the crimes of in-house celebrities, while sometimes heinous, are only tangentially connected to their fame. Rather, they enjoy some measure of celebrity status because of what they have done while incarcerated. These individuals typically come to the attention of journalists, writers, or scholars (primarily criminologists) and have their lives and/or time in prison chronicled in print. Among them we can count "Stanley" and Sidney Blotznam, Chic Conwell, Harry King, and Gary Gilmore. While considerably less common among this category for a number of reasons, not the least being restrictive prison practices, we must also count inmates who have authored their own books or otherwise produced scholarly or artistic offerings while incarcerated. Among them are Jack Henry Abbott, author of *In the Belly of the Beast: Letters From Prison* (1981); the Lifers Group (10 inmates from the Rahway State Prison), who recorded a self-titled rap CD in 1991; and Sanyika Shakur, author of *Monster: The Autobiography of an L.A. Gang Member* (1993).

POLITICAL CONVICT CELEBRITIES

Political convict celebrities include people who, while ostensibly incarcerated for street crimes, are generally thought to have been persecuted by the criminal justice system because of their political dissidence. This group of people includes historical as well as contemporary figures. For example, feminist, social reformer, and anarchist Emma Goldman was incarcerated in both New York and Missouri and was eventually deported from the United States in 1919. Other notables include labor

activists and anarchists Nicola Sacco and Bartolomeo Vanzetti, who were incarcerated and eventually executed in 1927 for allegedly robbing and mortally wounding a paymaster and guard in Massachusetts, and communist leader Gus Hall, who was imprisoned for allegedly conspiring to teach and advocate the violent overthrow of the government. Native American activist Leonard Peltier, who was convicted of killing two FBI agents during a shoot-out, and freelance journalist and community activist Mumia Abu-Jamal, who was found guilty of killing a Philadelphia police officer, are further examples. We can add to this category Eugene V. Debs, who was sentenced to 10 years for an antiwar speech and ran for president as a Socialist Party candidate, from his cell in USP Atlanta. Finally, we should not forget the more than 100 members of the Industrial Workers of the World persecuted for their protests of World War I and sentenced to USP Leavenworth.

CONVICT CRIMINOLOGY CELEBRITIES

A final category of celebrities in prison should include a number of criminologists whose scholarship and activism has been informed not only by rigorous academic training and study but as well by their own experiences with incarceration. While not all convict criminologists are former inmates, several have self-identified as such, including Richard G. Hogan, John Irwin, Richard S. Jones, Alan Mobley, Daniel S. Murphy, Greg Newbold, Stephen C. Richards, Charles M. Terry, and Edward Tromanhauser. The rigorous scholarship and commitment to social justice of these academics have provided unique insight on penal policies and practices.

CONCLUSION

People in prison and jail are deprived of liberty, access to many goods and services, consensual heterosexual relationships, autonomy, security, and numerous other things that noninmate populations take for granted. In some instances, such as in the case of celebrity convicts, fame may function as a bulwark against some of the pains of imprisonment. In other cases, as with political convict prisoners, individuals may achieve notoriety precisely because of the harsh treatment they have received in prison. In any case, considering incarceration through the lens of celebrity allows us to differentiate between types of inmates and treatment people receive. It also reveals the significant impact of media attention on our understanding of incarceration.

—Stephen L. Muzzatti

See also Jack Henry Abbott; Convict Criminology; Angela Y. Davis; Gary Gilmore; Malcolm X; Politicians

Further Reading

Abbott, J. H. (1981). *In the belly of the beast: Letters from prison.* New York: Vintage.

Chambliss, W., & King, H. (1984). *The boxman: A professional thief's journey.* Toronto: John Wiley.

Keve, P. W. (1991). *Prisons and the American conscience: A history of U.S. federal corrections.* Carbondale: Southern Illinois University Press.

Lifers Group. (1991). *The Lifers Group* [CD]. Burbank, CA: Hollywood Basic.

Mailer, N. (1979). *The executioner's song.* Boston: Little, Brown.

Ross, J. I., & Richards, S. C. (Eds.). (2003). *Convict criminology*. Belmont, CA: Wadsworth.

Shakur, S. (1993). *Monster: The autobiography of an L.A. gang member.* New York: Penguin.

Shaw, C. R. (1930). *The jack roller: A delinquent boy's own story.* Philadelphia: Albert Saifer.

Shaw, C. R., with Moore, M. E. (1931). *The natural history of a delinquent career*. Chicago: University of Chicago Press.

Sutherland, E. H. (1937). *The professional thief.* Chicago: University of Chicago Press.

CELL SEARCH

Prison officials may search prisoners' cells at any time because the U.S. Supreme Court has ruled that prisoners are not protected by the Fourth Amendment of the U.S. Constitution. Indeed, though a number of federal circuit courts in the late 1970s were willing to recognize that prison inmates had a *limited* right to be free from *unreasonable* search and seizure, by the mid-1980s the U.S.

Supreme Court had determined otherwise. Thus, the Court stated that "a prisoner has no reasonable expectation of privacy in his prison cell entitling him to the protection of the Fourth Amendment against unreasonable searches" (*Hudson v. Palmer,* 1984).

PRIVACY AND CONFINEMENT

The Fourth Amendment of the U.S. Constitution states that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure, shall not be violated." To arrive at the conclusion that prisoners do not have this protection, the Supreme Court applied the *Katz* privacy test to establish the reasonableness of a prisoner's Fourth Amendment claim. Under this test, a person can invoke the Fourth Amendment prohibition against unreasonable search and seizure only if he or she demonstrates an actual expectation of privacy and only if society is prepared to recognize this expectation as reasonable (*Katz v. United States,* 1967). After applying this two-pronged standard, the Court held that "society is not prepared to recognize as legitimate *any* subjective expectation of privacy that a prisoner might have in his prison cell" (*Hudson v. Palmer,* 1984).

By using privacy as the standard to determine the reasonableness of a Fourth Amendment claim, the Court noted that the Fourth Amendment right to privacy is "fundamentally inconsistent" with incarceration. As a result, the interest of a prisoner's privacy within the prison cell must yield to the accepted belief that "the loss freedom of choice and privacy are inherent incidents of confinement" (*Bell v. Wolfish,* 1979).

SECURITY AND CONFINEMENT

An expectation of privacy within a prison cell must be one that society is prepared to recognize as legitimate before prisoners can effectively invoke Fourth Amendment concerns. In prison, the Supreme Court decided that the right to privacy is always curtailed by the institution's responsibility for security. To this end, the Court clearly held in *Hudson v. Palmer* (1984) that prison administrators are obligated to provide an environment for inmates and prison employees that is both secure and sanitary. While society *might* value the ability of prison inmates to enjoy some degree of Fourth Amendment protection, that is, privacy, this possibility is outweighed, and effectively cancelled out, by the more prominent social demand that prisons represent a secure and sanitary environment. The Court saw no way to reconcile the "privacy rights" of inmates with the more pertinent social concern of prison security and sanitation. "It would be impossible to accomplish the prison objectives of preventing the introduction of drugs, weapons, and other contraband into the premises if inmates retained a right of privacy in their cells" (*Hudson v. Palmer* 1984).

CELL SEARCHES

Because prisoners are not protected by the Fourth Amendment, prison cell searches may occur at random times in a frequent and unannounced basis. They need not adhere to the dictates of an established plan or method of search. Furthermore, random shakedown searches may be done regardless of whether the prisoner is present to observe the search of his or her cell.

The Court's willingness to allow prison cell searches to occur randomly, frequently, unannounced, without any established guidelines, and in the absence of the prisoner signifies an almost never recognized deference to governmental agents (prison administrators) to decide for themselves the rights of another (prisoner). As the Court concluded in *Bell v. Wolfish* (1979), "Prison administrators [are to be] accorded wide ranging deference in the adoption and execution of polices and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security."

In effect, the Supreme Court has mandated that prison administrators and not courts should determine the extent to which cell searches are consistent with a balancing of prisoner concerns and the security of penal institutions. Thus, under *normal* circumstances no judicial body should supersede the decisions made by prison administrator regarding cell searches when matters of institutional security are at stake.

Shakedown cell searches while potentially detecting illegal contraband can also harass and destroy the property of prison inmates. On this issue, the Supreme Court is a little more critical, holding that the "intentional harassment of even the most hardened criminal cannot be tolerated by a civilized society" (*Bell v. Wolfish*, 1979). The Court further stated "that prisoners do not have a reasonable expectation of privacy does not mean that he is without remedy for calculated harassment unrelated to prison needs, nor does it mean that prison attendants can ride roughshod over inmates' property rights with impunity" (*Hudson v. Palmer*, 1984).

Figure 2 *View of a Prison Cell*

Notwithstanding the Court's strongly wording warnings against the harassment of prisoners and the needless destruction of inmates' personal property, the Court has retained that "despite the importance of avoiding the destruction or loss of prisoner property, such loss or destruction does not violate the United States Constitution. Even if an officer intentionally destroys a prisoner's personal property during the challenged shakedown search, the destruction does not violate the due process clause where an adequate post-depravation remedy exists under state law" (*Bell v. Wolfish*, 1979). Given that the state in which the prisoner is located has a legal remedy to address claims of harassment and property destruction the U.S. Constitution offers prisoners *no* protection from such violations.

CONCLUSION

While prisoners have seen their rights increase in a number of important areas—medical assistance, legal assistance, religious rights, due process rights, free speech rights, and the ability to use the mail system—the same cannot be said of Fourth Amendment protections. Prison administrators need not consider a prisoner's Fourth Amendment concerns as they carry out cell searches in whatever manner and fashion they deem necessary. The Supreme Court's decision that prisoners are not constitutionally entitled to privacy protections in the confines of their cell cannot mystically remove privacy concerns from the prisoner. The impasse created between a socially recognized "reasonable expectation of privacy" and the privacy expected by prisoners is likely to escalate, as the absolute treatment of the issue by the Court is bound to create future tension.

—Eric Roark

See also Contact Visits; First Amendment; Fourth Amendment; Prison Litigation Reform Act 1996; Strip Search

Further Reading

Amnesty International. (1999). *Rough justice for women behind bars.* New York: Author.

Goring, D. (1984). Supreme Court review: Fourth Amendment–prison cells: Is there a right to privacy? *Journal of Criminal Law and Criminology, 75*, 609. (Northwestern School of Law)

Legal Cases

Bell v. Wolfish, 441 U.S. 520 (1979).
Block v. Rutherford, 468 U.S. 576 (1984).
Hudson v. Palmer, 468 U.S. 517 (1984).

CHAIN GANGS

In the middle of the 19th century, the practice of chaining prisoners together while they worked became customary in England and Australia. The iron chains weighing from six to seven pounds were riveted together by blacksmiths, inspected daily to prevent tampering, and remained attached to prisoners for the length of their sentences, between six months and two years. From its inception, the rationale of chaining convicts transcended the utilitarian notion of security. Instead, chain gangs are spectacles of punishment; being chained—especially in public—is degrading and dehumanizing.

HISTORY

In the United States, following the Civil War, Reconstruction required manual labor to rebuild the South's economy and infrastructure. While convicts in the North worked in prison factory shops, their Southern counterparts—who were disproportionately black—labored outside prison walls on the plantations and in public works projects. During this time, chain gangs were widespread in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Texas, and Virginia where sentences ranged from a few weeks to 10 years. They were used extensively throughout the convict leasing system in the South where private businesses compensated the state for use of its prisoners. Prisoners wearing striped uniforms were chained together in crews of five to seven and transported to work sites in caged wagons holding up to 18 men. At night, all of the chains were attached to a steel rod running the length of the sleeping area.

During Reconstruction, chain gangs demonstrated the unbroken line between slavery and the use of convict slave labor. The appeal of chain gangs was not limited to free labor, it also satisfied the racist sentiment that blacks should be shackled to the land. Testimonies of brutality and oppression often surfaced from the Southern prison camps. It was even rumored that unlucky hitchhikers were arrested and railroaded to chain gangs, thus serving as a valuable source of free labor. Sadistic armed guards often took delight in shooting at the feet of prisoners. Deploying the lash, "whipping bosses"—akin to the slave driver on antebellum plantations—routinely disciplined prisoners on chain gangs. According to a corrections officials of that era: "A Negro is punished to 'teach him respect for a white man,' or for 'inciting insurrection,' or because he 'tried to run away,' or because 'he is just a bad nigger'" (Barnes & Teeters, 1946, p. 631). Especially under intense heat, sick, malnutritioned, and injured convicts accused of malingering were typically whipped until they returned to work; even worse many prisoners were beaten to death and clandestinely buried in quicklime.

PUNISHMENT

The most brutal punishments imaginable were inflicted on members of the chain gangs who were assigned to road camps of the South. Floggings were routinely administered to promote discipline. In addition, many were placed in the sweatbox that was just large enough for a man to stand erect when the door was closed. The only ventilation in the box was provided by a breathing slot, that was one inch high and four inches long, a little below the height of the average man. Often the boxes were placed in direct sun. Men were confined in them from a few hours to a few days. Swelling of the legs in extreme cases necessitated the victims being hospitalized for a week or more. It was not unusual for a convict to die of suffocation. Larger sweatboxes were designed to punish several prisoners collectively. In 1941, a grim report chronicled the appalling treatment of Georgia's prisoners forced into the sweat box in which "a Negro convict had died of suffocation in a sweat-box 7½ feet square, where he, together

with 21 other prisoners, was incarcerated for 11 hours. There was only a six-inch opening in the roof of the box for the purposes of ventilation" (Barnes & Teeters, 1946).

Photo 3 *Women's Chain Gang, Maricopa County, Arizona, 2003*

REFORM

Eventually, the brutality of chain gangs was criticized publicly. In the 1930s, the story of Robert E. Burns shocked the common conscience. His book, *I Am a Fugitive From a Georgia Chain Gang,* which was made into a movie, brought critical attention to the inhumane chain gangs in the South. While a fugitive in New Jersey, Burns—aided by the courtroom tenacity of lawyer Clarence Darrow—successfully fought extradition to Georgia. His trial precipitated and amplified public outrage concerning chain gangs, prompting state officials across the South to discontinue the practice. Economic developments also contributed to the demise of chain gangs. Following World War II, American servicemen returning from war needed jobs in civil service, construction, and highway maintenance, prompting government officials to scale down their use of convicts.

THE REEMERGENCE OF CHAIN GANGS

In the 1990s, the prohibition on chain gangs eventually gave way to resurging "tough on crime" campaigns proclaiming the need for greater forms of retribution and deterrence. As public anxiety over crime escalated, political leaders advocated the return to earlier penal practices, such as requiring prisoners to wear prison striped uniforms and stripping them of amenities (e.g., television, weightlifting, and cigarettes) as well as reintroducing chain gangs. The year 1995 became a watershed when state and county corrections departments in Alabama, Arizona, Florida, Indiana, Iowa, Maryland, Oklahoma, and Wisconsin reinstated chain gangs.

In Alabama, prisoners were shackled at the ankle in three-pound leg irons and bound together by eight-foot lengths of chain, forced to work the fields with shovels and swing blades for 12 hours a day. Other chain gangs spent their days breaking rocks into pea-sized pellets, a demeaning chore imbued with pure punishment since the state has no use for crushed rock. Ron Jones, prison commissioner of Alabama, referred to the public spectacle in offering a rationale for recent chain gangs: "Deterrence . . . the sight of chains would leave a lasting impression on young people" (Bragg, 1995, p. 16). Commissioner Jones even proposed that women inmates also be shackled to chain gangs; however, the measure was rejected by the governor. Jones further boasted that guards armed with shotguns loaded with double-aught buckshot supervise the chain gang, obligated by law to shoot if a prisoner attempts to escape. "People say it's not humane, but I don't get much flak in Alabama," said the commissioner (Bragg, 1995, p. 16).

RACE

As is so often the case with corrections, blacks are overrepresented in chain gangs. Alabama Congressman Alvin Holmes opposed chain gangs for this reason, arguing: "The only reason they're doing it is because an overwhelming majority of the prisoners are Black. If the majority were White, they wouldn't have the chain gang" (Jackson, 1995, p. 12). Representative John Hilliard also joined the campaign to halt the use of chain gangs: "I think it's a reminder of the way it used to be, putting the African-American male in chains" (Jackson, 1995, p. 12). Serving two years for receiving stolen property, one inmate who spends his days on the chain gang breaking rocks complained, "They're treating us like . . . slaves" (Jackson, 1995, p. 16).

In Queen Anne's County (Maryland), the antebellum notion of chain gangs has taken a futuristic twist. Corrections officials have proposed the use of "chainless" chain gangs by attaching stun belts to prisoners assigned outdoor work detail, leaving convicts writhing in the dirt if they attempt to escape or engage in violence. Supporters of that practice claim that the belts reduce the costs of supervision. They also argue that "there is no long-term physical damage to a prisoner who is stunned" (Kilborn, 1997, p. 11). Amnesty International, however, has challenged the practice, arguing that stun belts are cruel, inhuman, and degrading and can be used to torture prisoners.

CRITICS

Civil libertarians and human rights advocates took exception to chain gangs, charging that the practice violates the Eighth Amendment's prohibition on cruel and unusual punishment. According to Alvin J. Bronstein, executive director of the National Prison Project of the American Civil Liberties Union, "People lose touch with humanity when you put them in chains. You are telling him he is an animal" (Bragg, 1995, p. 16). Amnesty International also weighed into the controversy, arguing that chain gangs violate international treaties on human rights; specifically, the use of leg irons is outlawed under the United Nations Standard Minimum Rules for the Treatment of Prisoners. Similarly, it is reasoned that chain gangs also violate the principle of acceptable penal content whereby sanctions are acceptable only if lawbreakers can endure them and still maintain their human dignity. In 1995, the Southern Poverty Law Center filed suit in federal district court, arguing that chain gangs are barbaric and inhumane.

In reinstating chain gangs, corrections officials insist that they have the support of citizens. Still, many people question the logic, utility, and overall fairness of chain gangs. "If these guys are so dangerous, they shouldn't be out on those crews. And if they're not dangerous, why put them in chains?" asked Mary Chambers, a Maryland resident. Chambers added: "You have people in there for drunk driving. Maybe they have a problem. But do you put them in chains?" (Kilborn, 1997, p. A-18).

The controversy over chaining extends beyond chain gangs to include inhumane restraining practices employed not as security measures but also for disciplinary purposes. In Alabama, for example, inmates filed a class action suit challenging the use of the hitching post at the Fountain Correctional Center where those who refuse to (or are late for) work were handcuffed to a triangular rail about four and a half feet off the ground. Prisoners were hitched as long as five hours at a stretch, exposed to the blazing sun, and often go for as long as seven hours without water, food, and access to a toilet. The practice has been monitored by the American Civil Liberties Union Prison Project, which asserts that there are alternative, humane ways to discipline balky inmates (i.e., isolation cells and/or loss of privileges). Furthermore, there are reports of racism insofar as the hitching post appeared to be reserved for black inmates. In 1997, a federal magistrate ruled that the Alabama corrections officials should not be allowed to hitch inmates to posts, commenting: "Short of death by electrocution, the hitching post may be the most painful and tortuous punishment administered by the Alabama prison system" (Nossiter, 1997, p. A14). State corrections officials have appealed the magistrate's opinion. But the Southern Poverty Law Center, which represents the inmates, promises to continue its legal battle against the hitching posts, calling the practice a form

of torture. In her ruling, Magistrate Vanzetta Penn McPherson fittingly likened the hitching post to the pillory of colonial times.

CONCLUSION

Given that the history of the modern chain gang is traced to slavery, it is important to recognize the limitations of the nostalgia inherent in much of the emerging penal harm movement. Supporters of the "get tough" movement claim that prisons are not harsh enough to fulfill the retributionist goal of imposing punishment, instilling discipline, and deterring lawbreakers from future offenses. Moreover, they insinuate that corrections coddles inmates and—by way of circular reasoning—imply that high rates of recidivism are the result of inadequately punitive institutional conditions. While adhering to traditional notions of retribution, the get-tough movement is inspired by nostalgic visions of criminal justice.

Get-tough proposals commonly include "three strikes" legislation and correctional boot camps as well as a return to hard labor and chain gangs. Sentiments of nostalgia signaled a backlash to the modern, and liberal, penal institution where inmates are afforded certain constitutional protections, participate in institutional programs, and are permitted to keep personal belongings while incarcerated (e.g., cigarettes, civilian clothes, coffee, snack food, televisions). Sounding the alarm of perceived lawlessness and growing social disorder, the nostalgic version of corrections punctuates the supposed need to regain control of inmates and prisons, as well as a return to a simpler and racist society. Referring to the reemergence of chain gangs, Congressman Holmes remembers that as a child in Alabama he never saw a white man on a chain gang: "The only people you ever saw were Black. The whole purpose of having the chain gang is racist to the core. There are certain Whites in key positions who want things back the way they used to be" (Jackson, 1995, p. 14). Critics of chain gangs insist that by turning back the clock to revive nostalgic forms of punishment, corrections officials reinforce racist stereotypes of lawbreakers.

—Michael Welch

See also Boot Camp; Convict Lease System; Corporeal Punishment; Deliverance Theory; Eighth Amendment Electronic Monitoring; Hard Labor; History of Prisons; Labor; Race, Class, and Gender of Prisoners; Slavery; Three-Strikes Legislation

Further Reading

Allen, H. E., & Abril, J. (1997). The new chain gang: Corrections in the next century. *American Journal of Criminal Justice, 22*, 1–12.

American Correctional Association. (1995). *Historical overview: Chain gangs in the United States, 1880s–1995.* Washington, DC: Author.

Ayers, E. (1984). *Vengeance and justice: Crime and punishment in the 19th century American South.* New York: Oxford University Press.

Barnes, H., & Teeters, N. (1946). *New horizons in criminology* (3rd ed.). New York: Prentice Hall.

Bragg, R. (1995, March 26). Chain gangs to return to roads of Alabama. *New York Times,* p. 16.

Burns, R. (1932). *I am a fugitive from a Georgia chain gang.* New York: Vanguard.

Chain gangs for women cause furor. (1996, April 28). *New York Times,* p. 30.

Clear, T. (1994). *Harm in American penology.* Albany: State University of New York Press.

Corsentino, M. (1997). Inmate chain gangs are an improper form of punishment. In C. Cozic (Ed.), *America's prisons: Opposing viewpoints* (pp. 12–127). San Diego, CA: Greenhaven.

Inmates fight "work or be shackled" policy. (1993, September 5). *New York Times*, p. 43.

Ives, G. (1970). *A history of penal methods.* Montclair, NJ: Patterson Smith. (Original work published 1914)

Jackson, B. (1995, September 18). Is the Alabama prison system's return to the chain gang unfair to blacks?" *Jet,* pp. 12–16.

Kilborn, P. (1997, March 11). Revival of chain gangs takes a twist: Stun belts emerge as the latest tool to keep inmates in line. *New York Times,* p. A18.

Lichenstein, A. (1993). Good roads and chain gangs in the Progressive South: The Negro convict is a slave. *Journal of Southern History, 59*(1), 85–110.

Nossiter, A. (1997, January 31). Judge rules against Alabama's prison "hitching posts." *New York Times,* p. A14.

Pens, D., & Wright, P. (1998). The resurgence of chain gangs. In D. Burton-Rose (Ed.), *The celling of America: An inside look at the U.S. prison industry* (pp. 70–77). Monroe, ME: Common Courage Press.

Sellin, J. T. (1976). *Slavery and the penal system.* New York: Elsevier.

Spivak, J. (1932). *Georgia nigger.* New York: Harcourt, Brace.

Steiner, J., & Brown, R. (1972). *The North Carolina chain gang.* Chapel Hill: University of North Carolina Press.

Welch, M. (1999). *Punishment in America: Social control and the ironies of imprisonment.* Thousand Oaks, CA: Sage.

Welch, M. (2004). *Corrections: A critical approach* (2nd ed.). New York: McGraw-Hill.

Welch, M., Weber, L., & Edwards, W. (2000). "All the news that's fit to print": A content analysis of the correctional debate in the *New York Times. The Prison Journal, 80*(3), 245–264.

CHAPLAINS

Chaplains have been part of the U.S. prison system since its beginnings. From the first penitentiary set up by Quakers in the Walnut Street Jail in Philadelphia, the clergy have been able to enter penal institutions to provide religious training, counseling, and support. Since this time, the role of the prison chaplain has diversified and become much more complex.

Eighteenth- and 19th-century proponents of the Pennsylvania system sought to reform offenders through a combination of solitary confinement and Bible reading. Inmates in this system were housed in separate cells; their only human contact was the occasional visit of a clergyperson or prison guard. At that juncture, prison chaplains were the earliest paid noncustodial staff; they provided education and counseling in addition to religious programs. One of the first chaplains, named William Rogers, began teaching the Bible at the Walnut Street Jail in 1787, where he was also responsible for Sabbath schools as well as providing reading and writing instruction.

Though the tasks of a prison minister have changed since these early beginnings, the contemporary job retains some of the influences of its origins. Chaplains are meant to provide succor to their inmate flock, while also performing the role of security officer. They are, in short, aiming to rehabilitate within a punitive environment. It is this paradox that shapes much of the job.

WHO IS THE PRISON CHAPLAIN?

Prison chaplains are ordained clergypersons who minister within an institutional setting. They may be employed full time or part time, and some even volunteer to provide an array of religious services and programs to meet the inmates' spiritual needs. To some extent, the prison ministry differs little from that provided to local church congregations, except that it takes place in a correctional environment. However, at a closer look, there are some crucial differences. First, the prison chaplain must work with offenders of all faith traditions present in the institution. Second, of course, the prison environment places the prison chaplain into a potentially dangerous and volatile situation. Moreover, recent "get tough on crime" policies, such as sentencing guidelines, mandatory minimums, truth in sentencing, and the war on drugs, have increased levels of frustration, stress, and disciplinary problems in prisons because of overcrowding. In this overheated environment, prison chaplains may be more preoccupied with their personal safety and security than are their counterparts who provide religious ministry to local community church congregations.

Although state and federal correctional department personnel hiring policies may differ, there are several universal qualifications for a prison chaplain position. Most agencies require that a minister has graduated from an accredited four-year college or university or from a school of theology or divinity. In addition, a prison minister is expected to be a representative of his or her faith community, to have obtained ecclesiastical endorsement by his or her denominational body, and to have performed a minimum of two units of Clinical Pastoral Education (CPE) and pastoral counseling training and experience.

CHAPLAIN FUNCTIONS

Prison chaplains have many diverse responsibilities. Primarily, of course, they are responsible for managing religious activities within the correctional facility. They must ensure, therefore, that all offenders are afforded the opportunities to practice the faith of their choice. In general, they do this by

coordinating religious programming, providing prison ministry and crisis intervention, and by ensuring the implementation and delivery of religious programs and services.

As religious program coordinators, prison chaplains are the primary advisors on and implementers of religious program policy. As such, they clarify issues involving various faith practices, religious articles, religious diets, and other religious standards while ensuring that these services are provided to the fullest extent possible within the usually restrictive correctional environment. In addition, prison chaplains are expected to develop and maintain up-to-date religious activity schedules and ensure that information about various opportunities for religious activities is available to all inmates. Finally, they must develop plans, policies, procedures, and budget recommendations to deliver pastoral care in the prison setting.

As part of their ministry, all chaplains are required to teach the central and inclusive doctrines common to major faith groups without degrading the tradition of others. They also provide regular religious worship services, pastoral counseling, and spiritual guidance, as well as individual and group counseling. In addition, they are expected to lead, host, and coordinate Bible studies, worship services, and general spiritual development and growth seminars. Finally, prison chaplains assist offenders in obtaining literature and other materials necessary to practice their faiths.

Prison chaplains play an important role in helping offenders adjust to prison and deal with the prison environment. In this role, they provide crisis intervention in emergency situations, offering counseling to offenders in times of need, such as during divorce or the illness of an immediate family member. They also frequently counsel those who have difficulty coping with the day-to-day issues that result from the pains of imprisonment. In addition, the prison chaplain provides inmates with notification of the death of a loved one, as well as maintains contact, support, and pastoral visitation when offenders are hospitalized in other medical correctional facilities.

Prison chaplains must coordinate and supervise all inmate religious programs and services. This means that the minister must ensure that an array of religious programming, from traditional Protestant and Catholic services to a variety of services for other world religions, such as Islam, Judaism, Native American, Quaker, Wicca, Buddhism, Hinduism, and Sikh, is available. Programs range from worship services, pastoral counseling, spiritual guidance, Bible study, prayer groups, and Christian Fellowship to temple, Native American sweat lodges, Wiccan services, Spanish Bible study, and Siddha meditation practice. The prison chaplain also maintains a chapel library, which includes books, magazines, audiocassettes, and videos to accommodate the religious rights and diverse needs of all offenders.

Religion and Diversity in Prison

Religion in prison is one of the best experiences that a believer in Jesus Christ can have. Because there are so many different races and ethnicities of people in the same place, inmates get to experience how people of different cultures worship. Similarly, the chaplains have the chance to experience ethnic groups on a level that I believe would never happen in another setting. Through exposure to other cultures, you learn to live with people with different faiths and understand certain behaviors that you may not agree with but are justifiable according to another's religion. However, even though you learn how to deal with people on a new level through this experience, a level you may have never learned on the outside, it would be better to learn it on the outside where you are free, rather than on the inside where you really don't have a choice.

Jesse McKinley Carter, Jr.
FCI Fairton, Fairton, New Jersey

THE MULTIPLE REALITIES OF PRISON CHAPLAINCY

Prison chaplains encounter multiple realities working in the correctional environment. Not only do they have to work with people of different faiths and provide counseling to all, they also must

perform a number of administrative and security-based tasks. Like all prison employees, the prison chaplain is first and foremost a correctional officer. He or she is also a community liaison officer, administrative assistant, and human resource specialist. Accordingly, prison chaplains do not spend all or even most of their time providing religious instruction or advice. The prison chaplain is expected to be visible in all areas of the institution, make regular rounds through the correctional facility, assist with inmate management, serve on the adjustment committee, be on call for emergencies, and be ready to assist correctional officers as needed.

There is a considerable amount of paperwork attached to the everyday management of religious services. Like all prison employees, prison chaplains have many administrative tasks. They must maintain records, prepare reports on pastoral care, develop lists of activities to distribute to offenders, document pastoral counseling and services provided in the offender record, and compile various ad hoc reports as requested by prison administrators. They also help inmates with requests for visits, clothes, and commissary money. As well, prison chaplain are usually expected to be a source of information to prison staff, participate in staff retreats and meetings, and attend educational and professional training seminars.

Prison chaplains are responsible for community development, coordinating resources from the community to meet the spiritual needs of offenders in the correctional facility. As such, they speak to religious, civic, and other community groups to promote the prison ministry and to enlist financial and volunteer support. Prison chaplains work closely with representatives of the various faith communities to encourage community participation in correctional facility religious programs and to ensure that volunteer activities are conducted in a diverse yet secure manner. They also recruit, coordinate, supervise, and provide formal and informal training for all volunteers.

CONTRACT CHAPLAINS

Both compassion and the U.S. Constitution compel departments of corrections to provide basic religious services, including opportunities for spiritual growth, to the prison population. In spite of this, in a law-and-order era with overcrowded prisons, many states have decided that they can survive with fewer chaplains in tight fiscal times. Faced with mounting costs and tighter budgets, state legislators and correctional administrators across America have reduced the number of prison chaplains and, in some cases, eliminated all of the positions as a cost-saving strategy. In many instances, funds have been allocated to provide full-time chaplain positions on a contractual basis, which do not carry benefit packages or job security.

At first glance, contracting out chaplain services might appear to be a sound management and fiscal decision; however, there are numerous compelling reasons that existing prison chaplain positions should be retained and those eliminated reinstated. First, religious volunteers, who primarily promote their own faith tradition, may overlook some religious groups. Because offenders retain the right to worship freely in their own faith, a failure to provide these services can lead to increased tensions, grievances, and possible lawsuits from offenders who feel they have no outlet for religious worship. Prison chaplains understand the complexity of the constitutional issues involved, and therefore work to provide worship opportunities for all inmates.

Second, fewer prison chaplains may also mean fewer volunteers, since a primary role of the prison chaplain is the recruitment of volunteers from local church congregations. Third, volunteers as well as staff may be at greater risk of harm, as the prison chaplain is responsible for ensuring that volunteers follow appropriate security policies and procedures. Finally, without prison chaplains, the stresses of everyday life in prisons increase, since under normal circumstances chaplains provide counseling to inmates to help them adjust to prison and deal with the inherent tensions of the prison environment as well as handle grief when crisis situations arise. The elimination of these services risks amplifying the stress levels of both inmates and staff, as well as increasing the likelihood of conflict, disciplinary problems, and/or violence.

CONCLUSION

Prison chaplains provide offenders of all faith groups with reasonable and equitable opportunities to pursue religious beliefs and practices consistent with the security and orderly running of the prison facility. As such, they conduct and facilitate religious services; provide pastoral care, religious programming, and spiritual guidance; and provide an impartial religious leadership to meet the diverse needs of the different faith groups in the prison environment. Prison ministry continues to be an integral part of correctional programming, as demonstrated by the routine weekly religious programs such as worship services, pastoral counseling, Bible study, Sunday services, and visitation ministry provided by prison officials.

—Melvina Sumter

See also Contract Ministers; History of Religion in Prison; Islam in Prison; Judaism in Prison; Native American Spirituality; Quakers; Rehabilitation; Religion in Prison; Santería

Further Reading

American Correctional Association. (1983). *The American prison: From the beginning–a pictorial history.* College Park, MD: Author.

Clear, T., & Cole, G. (1997). *American corrections* (4th ed.). Belmont, CA: Wadsworth.

Clear, T., Stout, B., Dammer, H., Kelly, L., Hardyman, P., & Shapiro, C. (1992). *Prisoners, prisons and religion: Final report.* Newark, NJ: Rutgers University, School of Criminal Justice.

Clear, T. R., & Sumter, M. (2002). Prisoners and religion: Religion and adjustment to prison. *Journal of Offender Rehabilitation, 3*(4), 129–161.

Duncombe, D. D. (1992). The task of prison chaplaincy: An inmate's view. *Journal of Pastoral Care, 46*, 193–209.

Johnson, E. L. (1968). *Crime, correction, and society.* Homewood, IL: Dorsey.

LeFevere, P. (1995). N.Y. prison ministry could face big cuts. *National Catholic Reporter, 31*(19), 5.

McCarthy, C. (1996). Truth about prisons could change things. *National Catholic Reporter, 32*(35), 18–19.

Shaw, R. (1995). *Chaplains to the imprisoned: Sharing life with the incarcerated.* Binghamton, NY: Haworth.

Stout, B., & Clear, T. (1992, Winter). Federal prison chaplains: Satisfied in ministry but often undervalued. *Federal Prisons Journal,* pp. 8–10.

Sumter, M. T. (1999). *Religiousness and post-release community adjustment.* Doctoral dissertation, Florida State University, Tallahassee, School of Criminology and Criminal Justice.

Sundt, J. L., & Cullen, F. T. (1998). The role of the contemporary prison chaplain. *The Prison Journal, 78*(3), 271–298.

Tappan, P. W. (1960). *Crime, justice and correction.* New York: McGraw-Hill.

CHESNEY-LIND, MEDA (1947–)

Meda Chesney-Lind, professor of women's studies at the University of Hawaii at Manoa, was a pioneer in juvenile justice and feminist criminology in the early 1970s, a time when, as she says, feminist research was considered a "career killer" (Chesney-Lind, 2000, p. 3). She has written scores of journal articles and book chapters and has authored or edited four books addressing female offending and incarceration. Her contributions to the discipline have been recognized by awards from several professional associations including the American Society of Criminology and the Academy of Criminal Justice Sciences. She is a vocal advocate for girls and women, particularly those involved in the criminal justice system. Her scholarship on the sexist treatment of girls in the juvenile justice system and, more recently, soaring rates of women's imprisonment, has focused national attention on these issues.

SCHOLARLY WORK AND THEMATIC IDEAS

Chesney-Lind revolutionized the field of juvenile justice by drawing attention to the unequal ways in which young women and young men were treated. In articles published in criminology and women's studies journals, she pointed out that young women were more likely than boys to be arrested and incarcerated for status offenses. Status offenses, which include such activities as running away from home, truancy, incorrigibility, curfew violations, and being sexually active, are considered offenses only because the perpetrator is a minor; they would not be considered offenses if the actor

was an adult. Chesney-Lind argued that status offenses were a means by which parents and the state were able to police and enforce a particular ideal of femininity for young women. As a result of the growing awareness of the problem of disparate treatment of male and female delinquents, many states have attempted to address the double standard.

Girls, Delinquency, and Juvenile Justice (coauthored with Randall Shelden, 1992, 1998) and *The Female Offender: Girls, Women, and Crime* (1999) expose the problems associated with applying male-oriented criminological theories to girls and women. Historical data and numerous contemporary studies show that mainstream theories and approaches based on adults (especially adult males) do not explain female delinquency. Instead, factors such as histories of troubled family backgrounds (marked by poverty, divorce, parental death, abandonment, alcoholism, and frequent abuse) may contribute to their delinquency. These backgrounds may prompt young women to run away from home where they may engage in prostitution, petty property crimes, and drug use. As a result, statutes originally developed to "protect" girls have criminalized their survival strategies.

Chesney-Lind recommends that counseling for delinquent and at-risk young women should address these multiple problems and should include educational and occupational support. Furthermore, programming should address the needs of young women who do not live with their families and provide them with access to caring adults and communities. Chesney-Lind's research also examines racial issues and injustices; girls' involvement in gangs and violence, and sentencing. More recently, Chesney-Lind has coedited a book with Marc Mauer, *Invisible Punishment: The Collateral of Consequences of Mass Imprisonment,* that explores some of our most infamous criminal justice policies (e.g., "three strikes and you're out," "a war on drugs," "get tough on crime" attitudes that included mandatory sentencing, and prison privatization) and details the detrimental impacts and social consequences these (and other) policies have had on our families and communities.

CONCLUSION

Meda Chesney-Lind is arguably the preeminent scholar of female delinquency. Her research has focused national attention on the growing number of women and girls entering the correctional system and has aided in the call for seeking alternative solutions to women's incarceration. Her continued research and active voice in policy issues will endure to facilitate arguments against gender-blind and racialized policies and practice on crime-related issues. Meda Chesney-Lind's contributions have pointed out noteworthy contradictions and gaps in the literature on girls and women in the criminal justice system. Her scholarly work sets the scene for additional research and policy making and has contributed to recognition of the contributions of feminist criminology.

—Kimberly L. Freiberger

See also Juvenile Justice System; Nicole Hahn Rafter; Status Offenders; Women Prisoners; Women's Prisons

Further Reading

Chesney-Lind, M. (1977). Judicial paternalism and the female status offender: Training women to know their place. *Crime & Delinquency, 23,* 121–130.

Chesney-Lind, M. (1986). Women and crime: The female offender. *Signs: Journal of Women in Culture and Society, 12*(1), 78–96.

Chesney-Lind, M. (1999). *The female offender: Girls, women, and crime*. Thousand Oaks, CA: Sage.

Chesney-Lind, M. (2000). Reflections on an accidental career. *Women & Criminal Justice*, *11*(4), 3–4.

Chesney-Lind, M. (2002). Meda Chesney-Lind home page. Retrieved from www.chesneylind.com

Chesney-Lind, M., & Brown, M. (1999). Girls and violence: An overview. In D. J. Flannery & C. R. Huff (Eds.), *Youth violence: Prevention, intervention, and social policy* (pp. 171–199). Washington, DC: American Psychiatric Press.

Chesney-Lind, M., & Hagedorn, J. M. (Eds.). (1999). *Female gangs in America: Essays on gender, and gangs.* Chicago: Lakeview.

Chesney-Lind, M., & Mauer, M. (Eds.). (2002). *Invisible punishment: The collateral consequences of mass imprisonment*. New York: New Press.

Chesney-Lind, M., & Shelden, R. G. (1998). *Girls, delinquency, and juvenile justice* (2nd ed.). Belmont, CA: Wadsworth.

CHILD SAVERS

The child savers were a group of reformers in 19th-century Chicago who created the first juvenile court in the United States and developed the model for a separate juvenile justice system that is widely in use around the world today. The child savers hoped to care for and reform delinquent, neglected, and dependent children, helping them to lead lives of conformity and thereby preventing future crimes.

ORIGINS

Anthony Platt literally wrote the book on child savers. In *The Child Savers* (Platt, 1977), he describes the child saving movement as being driven by middle- and upper-class women who had the means, the time, and the political connections to work on philanthropic endeavors. These women were primarily the white, Anglo-Saxon Protestant wives and daughters of prominent men in Chicago; as such, they were highly educated and had the leisure time, the resources, and the support to pursue interests outside of their own households.

Working to create new institutions for wayward children seemed to be a natural expansion of the traditional female role as the child savers expanded their duties in the domestic sphere out into the community. Because raising children was largely viewed as women's work, there was little resistance to the child savers as they embraced the role of providing care for and correcting children in need of supervision.

IMPACT ON CHILDREN AND JUVENILE JUSTICE

The child savers created the first juvenile court in Chicago in 1899. It explicitly recognized children and adolescents as more malleable than adults, more open to rehabilitation, and less culpable for their crimes. The juvenile court was based on the idea of *parens patriae,* where the state—through wise and benevolent judges—would serve as a surrogate parent to children in need of help and supervision. Judges had wide discretion to determine and to act in the "best interest of the child." The process was meant to be less adversarial than criminal courts, so it was assumed that children did not need due process protections. Children had virtually no rights as their fate was in the hands of the judge.

As it was created, the juvenile court focused on both prevention and control. A primary goal was to control and rehabilitate juvenile delinquents, protecting the community from further crimes. In addition, the juvenile court served a social work function, supervising and caring for dependent and neglected children in the hopes of preventing them from turning to crime to meet their basic needs. Children deemed in need of supervision were frequently sent to reformatories outside of the city where they could learn working-class skills and middle-class, conforming values.

THE LEGACY OF THE CHILD SAVERS

The child savers undoubtedly had good intentions. They created an innovative juvenile justice system that almost immediately became a model for similar systems in every state and many countries. They managed to separate juveniles from adults in court and in correctional facilities and to change the way the public thought about poor children and adolescent offenders. Critics, however, argue that the child saving movement may have done more to benefit middle- and upper-class women than it did for children. The child savers carved out new roles and careers in social work for women, creating new legitimate opportunities for women to work in the public sphere.

At the same time, the child saving movement placed more restrictions on children's behavior, furthering government control over children's activities that previously would have been overlooked or dealt with more informally in the community. With additional power and responsibility to enforce these new rules and correct such youthful misbehavior, the juvenile justice system particularly focused on poor, immigrant children as those in need of reformation. In many ways, girls were more closely

monitored than boys, as the child savers took an active interest in patrolling and reforming the moral and sexual behavior of girls.

The social distance between the child savers and the children they targeted was significant, and scholars, including Anthony Platt and Thomas Bernard, have suggested that the child saving movement reinforced the sense of moral and intellectual superiority of the reformers over their charges. In addition, critics argue that the child saving movement was largely a symbolic movement that ultimately served to reinforce social institutions, controlling the poor and helping them to adapt to lives in an unjust system.

CONCLUSION

Many people continue to support the basic ideas of the child savers. Yet 100 years after its creation, the juvenile court is under attack as juveniles are again being tried as adults for serious offenses and judges' discretion has been replaced in many states by determinate sentencing. The best interest of the child has been replaced with the goal of holding young offenders accountable for their actions and meting out like punishments for like crimes.

The child savers had an enormous impact on how we think about and how we treat delinquent, neglected, and dependent children. Their legacy, both the good and bad, will continue to shape our vision of juvenile offenders long into the future as we struggle to find the balance between prevention, rehabilitation, punishment, and protection of the community.

—Michelle Inderbitzin

See also Cook County, Illinois; Cottage System; Juvenile Justice and Delinquency Prevention Act 1974; Juvenile Reformatories; *Parens Patriae*; Anthony Platt; Status Offenders

Further Reading

Ayers, W. (1997). *A kind and just parent: The children of juvenile court*. Boston: Beacon.

Bernard, T. J. (1992). *The cycle of juvenile justice.* New York: Oxford University Press.

Chesney-Lind, M., & Shelden, R. G. (1998). *Girls, delinquency, and juvenile justice* (2nd ed.). Belmont, CA: Wadsworth.

Feld, B. (1999). *Bad kids: Race and the transformation of the juvenile court*. New York: Oxford University Press.

Platt, A. M. (1977). *The child savers: The invention of delinquency* (2nd ed., enlarged). Chicago: University of Chicago Press.

CHILDREN

Children may be involved in the U.S. prison system in two ways: directly by their confinement in juvenile institutions and adult prisons or indirectly by the incarceration of their parents. On any given day in the United States, approximately 107,000 juveniles are incarcerated in juvenile institutions and adult facilities. Children in another estimated 336,300 households in the United States had at least one parent in jail or prison in 1999.

INCARCERATED CHILDREN

Children are incarcerated in both juvenile institutions and in adult prisons. In 1998, the number of delinquency cases in juvenile court reached 1.8 million; increasing 44% from 1989. This expansion of the number of children brought before the juvenile court for delinquent offenses in turn spurred an increase in the number of juveniles being incarcerated. The number of children incarcerated in juvenile institutions peaked in 1990 when 570,000 such juveniles were housed in these facilities. The total number of juvenile offenders in custody across the United States has decreased since that time. According to the Census of Juveniles in Residential Placement, as of October 29, 1997, the number of juveniles being housed in correctional facilities had been reduced to approximately 105,790.

One of the most controversial aspects of incarcerating children involves housing them in adult facilities. Prior to the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415, 42 U.S.C. 5601) juveniles were often housed in the same facilities as adult offenders. This act did not, however, entirely eliminate the presence of juveniles under the age of 18 in the adult criminal system.

Currently, there are several ways in which juveniles can be housed in correctional institutions with adults. First, juveniles can be sent to adult court through a judicial waiver in which the judge decides to transfer a case from juvenile to adult court, usually as the result of a transfer hearing. Second, in some states juveniles are automatically waived to the adult court based on the crime they allegedly committed. Most of these statutorily excluded offenses involve murder or other person-related offenses. The age at which statutory exclusions may be applied to juveniles differs among states. For example, those charged with a capital crime in Florida are automatically tried in adult court while children aged 14 and older in North Carolina are also automatically tried in adult court if charged with a capital offense. In New Mexico, juveniles must be aged 15 and older and charged with murder, while in Mississippi they have to be aged 17 and older and charged with a felony. Finally, some jurisdictions allow the prosecutor discretion to decide in which court (adult or juvenile) to prosecute the individual.

As with so much of the criminal justice system, race seems to play a role in the number of juveniles transferred to adult court. Between 1988 and 1997, the number of black youths who were transferred to adult court increased by 35%. Yet the number of white youths transferred increased by only 14%. Furthermore, black youths were more frequently transferred for person-related offenses, while white youths were transferred for property offenses.

JUVENILES IN ADULT PRISONS

When juveniles are transferred to the adult system, they are often incarcerated in adult facilities, despite their age. Of the approximately 107,000 youths incarcerated daily in the United States, 14,500 are confined in adult facilities. Forty-four of the 50 states and the District of Columbia allow children 17 years of age and younger to be housed in adult correctional facilities. While a small portion of these juveniles were being held as juvenile offenders (21%), the majority (75%) were held as adult offenders. Seventy-nine percent of the incarcerated youth were 17 years old, while 18% were 16.

Juveniles housed in adult jails experience a rate of suicide that is 7.7 times higher than their counterparts in juvenile detention centers. Incarcerated juveniles in adult facilities are frequently the victims of rape or attempted rape. Ten percent of the juveniles in adult prisons versus 1% of the juveniles in juvenile facilities reported that another inmate in their facility tried to sexually victimize them. Juveniles in adult correctional facilities are also often the targets of staff assaults. One in 10 juveniles in adult prisons was reportedly the victim of staff assaults. Juveniles also face victimization from their fellow adult inmates, presumably because of their youthful age. Finally, young people housed in adult facilities reported being attacked with a weapon by a fellow inmate at a rate 50% higher than their counterparts in juvenile detention centers.

CHILDREN OF INCARCERATED PARENTS

The number of children with at least one parent incarcerated in prison has risen in response to the growing rate of incarceration in the United States. Between 1991 and 1999, the number of children with a parent in state or federal prison increased from 936,500 to 1,498,800. This number continues to grow by 5.7% each year. Of the 72 million children in the United States during 1999, approximately 2% had a parent incarcerated in a penal institution. Twenty-two percent of these children were under the age of five.

While the majority of incarcerated parents are fathers (97%), the number of mothers continues to expand. Since 1990, the number of women incarcerated has grown by 106%. In addition, minority children are affected more than white children by parental incarceration. African American children were nine times more likely to have a parent incarcerated; Latino children, three times more likely.

Placement

Before their confinement, approximately 64% of the parents lived with their children. Once their parent is incarcerated, the home environment of many of these children changed. After their incarceration, 85% of parents, most of whom were fathers, reported that

the child's other parent (the mother) now held the responsibility for raising the child. Not all children remained with one of their natural parents, however. Some were placed in the homes of other family members, most commonly, their grandparents. Fifty-three percent of children whose mothers were incarcerated and 14% whose fathers were incarcerated lived with their grandparents. Children are also often placed with extended family members. Given the emotional and financial burden of raising other people's children, many of these children find themselves being constantly shifted between family members.

Some children are placed in the foster care system, which may raise a number of problems. First, in families where there are multiple children, siblings are often separated from one another in placements, adding to the trauma of having lost a parent. Second, a majority of parents who are incarcerated will eventually be released, yet efforts to reunite them with their children are minimal in most jurisdictions. The impact of parental incarceration on permanency planning can be profound. For instance, social workers often have a difficult time contacting the parent and thus permanency planning strategies and hearings may take place without any input from the parents. Following the Adoption and Safe Families Act of 1997, incarcerated parents now have less time than ever to make their case for keeping their children.

Visits

Maintaining contact between incarcerated parents and their children is difficult and often ignored by correctional officials. While 60% of the mothers and 40% of the fathers in prison reported having weekly contact with their child, the primary means of such contact was via telephone or mail. Fifty-seven percent of state inmates and 44% of federal inmates reported never having had a personal visit with their child.

Financial constraints make all means of contact more difficult. Since the primary means of telephone access for most prisoners is expensive collect calls, many are simply unable to communicate with their children. In addition, many of the parents in the state (62%) and federal (84%) prisons are incarcerated at facilities more than 100 miles from their homes, making the financial and logistical issues insurmountable. Finally, correctional institutions often lack appropriate parent-child visiting facilities. The visiting process in many institutions is often very invasive and frightening for children. The physical contact between parents and children may also be limited, depending on the institution, while the physical environments of visitation areas are most uninviting given the institutional atmosphere.

EFFECTS OF A PARENT'S INCARCERATION ON CHILDREN

There are numerous effects of parental incarceration on children. Aside from the initial trauma of having a parent arrested (which many of them witness), children must also deal with the physical separation from their parent. The loss of physical parental contact, as well as the general disturbance of the family structure, serves to uproot the child's sense of family. Many also suffer serious economic hardships when their parent is incarcerated due to the reduction of family income. The emotional consequences of parental incarceration, however, may be even more severe. Children usually experience an emotional attachment to their parent, regardless of whether they were living with that parent prior to their incarceration. After incarceration, children often become angry, anxious, and depressed or even experience post-traumatic stress disorder as a result of parental incarceration. They may blame themselves for their parent's incarceration. These emotional issues often manifest themselves in behaviors that place them at risk for delinquency. For instance, many children turn to alcohol and drug abuse, teen pregnancy, and truancy in an effort to alleviate the effects of the incarceration. Finally, children with incarcerated parents are five times more likely to engage in criminal and/or delinquent activities than are their peers without incarcerated parents.

EFFORTS TO MAINTAIN PARENT-CHILD CONTACT

There have been some efforts by nonprofit agencies, state agencies, and correctional officials to foster the parent-child relationship. Many efforts have been programmatic in nature, such as Girl Scouts Beyond Bars, which has been implemented in four states, as

well as the creation, at the federal level, of the Resource Center for Children of Prisoners, jointly organized in 2001 by the Child Welfare League of America, the American Correctional Association, and the National Center on Crime and Delinquency. The most common efforts, however, are visiting programs designed to provide incarcerated parents more contact with their children. The efforts of correctional institutions are vastly different, but some of the more common visiting initiatives include interactive videoconferencing, an allotted number of overnight stays per month, week-long summer camps, and weekend camping trips.

CONCLUSION

The discussion of the relationship between children and prisons can be divided into two separate issues: the direct incarceration of children and the incarceration of their parents. While conceivably the most influential aspects of prisons on children results from their own incarceration in adult and juvenile correctional facilities, the effects of the incarceration of their parents has serious repercussions for many children in the United States today.

—Lisa Hutchinson Wallace

See also Children's Visits; Families Against Mandatory Minimums; Fathers in Prison; Juvenile Detention Centers; Juvenile Justice System; Juvenile Reformatories; Mothers in Prison; Parenting Programs; Prison Nurseries; Prisoner Reentry; Visits

Further Reading

Austin, J., Johnson, K. D., & Gregoriou, M. (2000). *Juveniles in adult prisons and jails.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Bartlett, R. (2000). Helping inmate moms keep in touch: Prison programs encourage ties with children. *Corrections Today, 62*(7), 102–104.

Bilchik, S., Seymour, C., & Kreisher, K. (2001). Parents in prison. *Corrections Today, 63*(7), 108–111.

Federal Resource Center for Children of Prisoners. (2003). *What happens to children?* Retrieved August 2, 2003, from www.cwla.org/programs/incarcerated/cop_03.htm

Griffin, P., Torbet, P., & Syzmanski, L. (1998). *Trying juveniles as adults in criminal court: An analysis of state transfer provisions.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Johnson, E. I., & Waldfogel, J. (2002). Parental incarceration: Recent trends and implications for child welfare. *Social Service Review, 76* (3), 460–479.

Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601.

Kauffman, K. (2001). Mothers in prison. *Corrections Today, 63*(1), 62–65.

Mazza, C. (2002). And then the world fell apart: The children of incarcerated fathers. *Families in Society, 83*(6), 521–529.

Moses, M. C. (1995). *Keeping incarcerated mothers and their daughters together: Girl Scouts Beyond Bars* (NCJ 156217). Washington, DC: National Institute of Justice.

Mumola, C. J. (2000). *Incarcerated parents and their children* (BJS special report, NCJ 182335). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Parent, D. G. (1993). Conditions of confinement. *Juvenile Justice, 1*(1), 2–7.

Puzzanchera, C. M. (2001). *Delinquency cases waived to criminal court, 1988–1997.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Sickmund, M. (2000). *State custody rates, 1997.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Ziedenberg, J., & Schiraldi, V. (1998). The risks juveniles face. *Corrections Today, 60*(5), 22–26.

CHILDREN'S VISITS

There are currently approximately 1.9 million minor children with a parent in prison and millions more who have experienced the incarceration of a parent at some point in their lives. African American children are almost nine times more likely than white children to have a parent in prison, and Hispanic children are three times as likely. The majority of these children are under 10 years old.

Criminological literature suggests that visits improve the postrelease success of prisoners, reducing their recidivism as well as the chances of future incarceration of their children. Likewise, research shows that visits help maintain family ties and increase the likelihood that a family will reunify after release from prison. Child welfare experts assert that lack of contact between parent and child following separation can harm a child's development and perpetuate family patterns of destructive behavior.

SCALE AND SCOPE OF PARENTAL CONTACT

Although most children have some contact with their incarcerated parents by phone or mail, more

Family Visits

Being in the visiting room is like waiting in an airport or bus station. The scene is constructed of the same nondescript uncomfortable chairs and vending machines encompassed by a feeling of boredom. All the prisoners are in their khakis and boots. Their clothes look pressed and their boots are shining because they are trying to look good for their people. But all the prisoners look identical because everything in federal prison is supposed to be uniform.

You know you should be happy to get a visit in prison but the environment of the visiting room is so depressing. Usually a bunch of kids are running around and all the mommies look sad because their man and breadwinner is locked up. Families usually gather around their loved one but they can't touch them because prison regulations stipulate one hug and kiss upon arrival and one on departure. Plus, you have guards all around you checking you out to make sure you're not smuggling drugs into prison or anything. If you get too close to your girl the guards will come up and call you to the side to humiliate you and tell you "if they have to warn you about excessive touching again, your visit will be terminated."

So you sit there trying to be happy seeing your family and friends and eating vending machine food but there is so much surveillance and the visiting room is so loud with everybody yelling that it ends up being a big hassle. Your people drove God knows how many hours to see you, so you feel obligated to stay and to make conversation, but your family is falling asleep from the trip and the whole affair is really rather tiring and then the visit ends. You leave, and proceed to the necessary strip search routine as you hope that the cops won't hassle your family.

Seth Ferranti
FCI Fairton, Fairton, New Jersey

than half never visit them in prison. Children who do visit do not see their incarcerated parents regularly or frequently. Long distances to most correctional facilities, lack of transportation, and limited financial resources are the most common reasons why children do not visit their parents in prison. Prisons are often located in remote, rural areas, typically more than 100 miles from the urban areas where most of the prisoners' children reside. Public transportation rarely services these areas and many families do not own a car or have the resources to rent one.

Prisoners' relationships with their children's caregiver also influences whether children will come to see them while they are incarcerated. Approximately 90% of children with an imprisoned father live with their mother, while only about 20% of children whose mother is in prison live with their father. When a mother goes to prison, often the father is absent. Most children of incarcerated mothers live with a grandparent or other relative. Visiting rooms in men's prisons are typically crowded with mothers who bring children to visit their fathers. However, visiting rooms at women's facilities are noticeably sparse with only a few grandmothers, sisters, or other relatives who are able to bring children to visit their mothers.

There has been a seven-fold increase in the number of incarcerated mothers over the past two decades, while the percentage of children who visit their mothers has declined from 92% in 1978 to less than 50% in 1992. The number of children with a mother in prison nearly doubled from 1991 to 1999 and two-thirds of these mothers were their children's primary caregiver before incarceration.

Some caregivers are angry with the parent and may not believe he or she deserves to see the child. In some cases, children do not want to visit their incarcerated parent. In other cases, parents may be ashamed or embarrassed about their criminal activity, may not tell their children where they are, or do not want their children to see them in a prison. Prisoners and caregivers alike debate whether to have children visit because of the stressful entry process, unfriendly environment, and tearful goodbyes.

THE VISITING PROCESS

Prior to a visit, prospective visitors must file paperwork and review prison rules. Children under

18 years old must have their original birth certificate and be accompanied by an adult; sometimes the legal guardian is required. Clothing restrictions are common and when violated, may prevent the child from visiting. It is not uncommon for visitors to wait two or three hours before being admitted through the prison gates. Once inside, each visitor must pass a security checkpoint to prevent contraband such as drugs or weapons from entering the facility. Uniformed guards escort visitors through a metal detector and often search, frisk, and/or ask them to remove shoes or babies' diapers.

Some prisons have a playroom where children can be entertained with toys, games, and books; however, visiting most often takes place in an open area such as a cafeteria, with tables and surrounding stools bolted to the floor. Children are typically elated once they see their parents and siblings often vie for their attention. Naturally, children's reactions depend on how old they are, how long it has been since they have seen their parent, and their individual circumstances.

While rules vary across institutions and their levels of security classification, parents are generally allowed to give each child one hug and one kiss hello and goodbye. Parents can usually hold babies, but children are not allowed to sit on their lap. Guards closely oversee family interactions and reprimand prisoners or visitors who violate regulations. If a child or parent misbehaves, the visit may be terminated and future visits jeopardized. Prison officials see visits as a privilege that can be revoked in order to motivate good behavior among prisoners.

The length of visits varies by institution and can range from 20 minutes to two hours. Occasionally, children's visits that are part of a parenting education program run longer. Children, parents, and caregivers all report that saying goodbye is the hardest part. The child-unfriendly environment coupled with emotional goodbyes make some parents and caregivers decide against future visits.

Incarcerated parents with children in foster care make up approximately 10% of those in prison with children. These individuals must depend on child protective services (CPS) workers to arrange for their children to visit. Availability of funds and willingness of a CPS worker or foster parent to transport the child, as well as their attitudes toward children visiting parents in prison, all influence whether and how often visits take place. Even though CPS mandates visits as part of all reunification plans, research finds that most children in foster care are not taken to see their parents in prison.

IS VISITING BENEFICIAL OR HARMFUL TO CHILDREN?

There is an ongoing debate about whether prison is an unhealthy environment in which to bring children to be with a parent. Some fear it normalizes the harshness of prison and believe children should remain afraid of it. Others worry that older children might come to see serving time as a right of passage. Many wonder if having to say goodbye again and again only exacerbates the trauma of separation.

Denise Johnston, M.D., a national expert on children of incarcerated parents, maintains that visits are not harmful. She recognizes that sad goodbyes are a natural response and indicative of an affective bond. Furthermore, a visit immediately following parent-child separation reassures children that their parents are alive and safe. Visits ease fears children may hold about prisons and dispel frightening illusions instilled by media images. In the visiting room, children do not feel the stigma of having an incarcerated parent and can connect with other kids who share similar circumstances. Visits allow a child to return to his or her own life feeling more secure.

Most children of incarcerated parents get little or no emotional support to help them process their feelings. Children's ages, their situation before their parent's incarceration and relationship with their caregiver all influence their reactions to the separation. While research on this population is limited, studies consistently find that children of incarcerated parents often have problems in school with concentration, aggressiveness, withdrawal, or excessive crying. Some children too young to understand the criminal justice process blame themselves, inferring that they must have done something wrong to deserve abandonment. Visits mitigate the anxiety

of separation, improve mental health for both child and parent, and are a critical step toward family reunification.

CHILDREN VISITING PROGRAMS

There are various programs across the nation that support child-parent visitation in prisons. For example, the Bedford Hills Correctional Facility in New York has the nation's oldest, complete prison program where newborns can live with their mothers up to one year, and children visit on weekends and during the summertime. Girl Scouts Beyond Bars is a mother-child visitation program started in Maryland in 1992 that has expanded to several states across the country. Operation Prison Gap in New York and Families With a Future in California help transport children to visit their incarcerated parents. While there is relatively little information about these children, their numbers are growing and they are perhaps the most at-risk population of children in the nation.

CONCLUSION

There are significant collateral costs to incarcerating parents. At the current rate, two out of three prisoners will recidivate, each costing taxpayers more than $20,000 per year in prison. Children of incarcerated parents are 50% more likely than other children to become entangled in the criminal justice system, continuing intergenerational cycles of crime and incarceration. Visits are a low-cost intervention with proven advantages for family reunification and crime prevention.

—*Susan Greene*

See also Children; Fathers in Prison; Mothers in Prison; Parenting Programs; Prison Nurseries; Visits

Further Reading

Bloom, B., & Steinhart, D. (1993). *Why punish the children?* San Francisco: National Council on Crime and Delinquency.

Hairston, C. F. (1990). Mothers in jail: Parent-child separation and jail visitation. *Affilia, 6*(2), 9–27.

Hairston, C. F. (1991). Family ties during imprisonment: Important to whom and for what. *Journal of Sociology and Social Welfare, 18,* 87–104.

Johnston, D. (1995). Parent-child visitation in the jail or prison. In K. Gabel & D. Johnston (Eds.), *Children of incarcerated parents.* New York: Lexington Books.

Katz, P. C. (1998). Supporting families and children of mothers in jail: An integrated child welfare and criminal justice strategy. *Child Welfare, 77*(5), 495–512.

Mumola, C. J. (2000). *Incarcerated parents and their children* (BJS special report, NCJ 182335). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Reed, D. F., & Reed, E. L. (1997). Children of incarcerated parents. *Social Justice, 24*(3), 152–169.

Wright, L. E., & Seymour, C. B. (2000). *Working with children and families separated by incarceration.* Washington, DC: CWLA Press.

CITIZENS UNITED FOR REHABILITATION OF ERRANTS

Citizens United for Rehabilitation of Errants (CURE) is one of the most active prison reform groups in the United States. The organization began in San Antonio, Texas, on January 2, 1972, when volunteers drove hundreds of miles in dilapidated buses to the state prisons. Riding on the buses were families who had not seen their loved ones in years. In the 1973 legislative session in Austin, one of the buses was used to bring families to help in passing legislation that banned prisoners from having disciplinary power over other inmates. Initially, the prison system had assisted CURE with the bus service, but they stopped cooperating when this bill became law. As a result, CURE decided to become a statewide advocacy organization and moved to Austin in 1974.

Besides prison reform, CURE began to focus on jail, parole, and probation problems. It helped ensure the appointment of the first black, woman, and Hispanic to the parole board as well as the creation of commissions on jail standards and probation. This last agency, the Texas Adult Probation Commission, became the vehicle for a substantial increase in community corrections.

All these victories were a prelude to *Ruiz v. Estelle,* the most comprehensive lawsuit ever filed and the longest ever argued on a prison system.

When the historic order came from Federal Judge William Wayne Justice, it would be at the end of CURE's first decade of existence and it would reform most of the Texas prison system.

1982–1991: IN TRANSITION

After testifying and helping to facilitate *Ruiz,* CURE moved from confrontation to cooperation in encouraging the state to comply with the court order and not to appeal it. In 1983, the Texas Legislature responded by shifting millions of dollars from proposed prison construction to community corrections. The governor was removed from the parole process that not only streamlined the procedure but also led to many more releases.

During the rest of the decade, other state chapters were also established. Forty states now have chapters, and the volunteer leaders are either families of prisoners or former prisoners. Training for these volunteers occur at conferences on leader development that are held every few years. In 1991, CURE established national issue chapters that focus on specific goals such as treatment for sex offenders, reforming the sentences for "lifers," and bringing together the federal prisoners and their loved ones. Like the state chapters, the leaders of the issue chapters are either former prisoners or families of prisoners.

In August 1985, CURE expanded to a national organization and opened an office in Washington, DC. At the federal level, CURE helped to (1) extend the WIC (Women, Infants and Children) Program to pregnant prisoners, (2) increase the Prison Industry Enhancement (PIE) Program to all states, and (3) create an Office of Correctional Education within the U.S. Department of Education.

1992–2003

In 1994, Congress passed the Violent Crime Control Act, which increased the number of crimes for which capital punishment could be applied, gave millions more dollars to states to build prisons, and discontinued Pell grants for prisoners.

CURE's only victories during this period were the creation of an Office of Correctional Job Training and Placement and Specter grants for prisoner education. Within CURE, this depressive picture seemed to be reflected too. From 1997 to 2000, six CURE leaders died. Two passed unexpectedly and one was executed by the state of Texas. However, eventually, the organization seemed to build from these ashes. Equitable Telephone Charges, CURE's highly successful national campaign to reduce the costs of inmate phone calls, was launched. This was followed by For Whom the Bells Toll, a project to have religious communities toll their bells on the day of an execution.

There were also four far-reaching reforms approved by Congress. First, all deaths in custody would have to be reported to the U.S. Department of Justice and annual statistics compiled on them. This legislation was similar to the bill CURE had passed in Texas in the 1983 reform session. Second, mental health courts were created. Similar to drug courts, this allows a judge to divert a mentally ill offender from jail into treatment. Third, the section of the U.S. Department of Justice that sues prisons and jails for unconstitutional conditions received its first staff increase in its 20-year history. Fourth, the U.S. Department of Veterans Affairs was mandated to assist incarcerated veterans with reentry.

Finally, almost 200 people participated in the First International Conference on Human Rights and Prison Reform that was held in October 2001 in New York City. Most of the 24 countries that were represented prepared and delivered report cards to their ambassadors to the United Nations. These cards reported on the status of human rights in the prisons in their countries.

CONCLUSION

At the time of writing, CURE is considering expanding internationally. Whether this happens or not, the organization has tried and many times succeeded in providing "a place at the table" for prisoners and their loved ones when prison policies are decided.

Governors, legislators, prison directors, and wardens have had to at least consider formal positions taken by this organized, totally independent, volunteer

group. Whether CURE is the name of this type of prisoner consumer organization or movement remains to be seen. But CURE leaders are convinced that an organization like CURE should be keeping an eye on every prison and jail in the world.

—Pauline Sullivan and Charles Sullivan

See also Families Against Mandatory Minimums; John Howard; November Coalition; Parole; Pell Grants; Prison Reform Groups; *Ruiz v. Estelle*; Truth in Sentencing; Violent Crime Control and Law Enforcement Act 1994

CIVIL COMMITMENT OF SEXUAL PREDATORS

In the 1990s, public outrage over habitual sexual offenders prompted some states to enact sexual predator statutes. These statutes empower states to confine and treat sexual offenders indefinitely once they have completed their criminal sentence. The legislative rationale for these statutes is that states must protect their citizenry from persons who have a history of sexual deviance pursuant to the states' *parens patriae* and police powers duties. The legislation provides for the civil commitment of dangerous offenders who may lack a mental disease or defect but who are highly likely to sexually reoffend upon their release from prison.

CIVIL COMMITMENT STATUTES

In 1990, Washington became the first state to enact a sexual predator statute. Missouri became the latest state to enact such a statute in 2002. Other states that provide for the involuntary civil commitment of sex offenders include Arizona, California, Colorado, Connecticut, Florida, Illinois, Iowa, Kansas, Massachusetts, Minnesota, Nebraska, New Jersey, New Mexico, North Dakota, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, and Wisconsin. The statutes in all states presume that sexual predators have a mental abnormality or disability and that they are persons who lack the ability to control their sexual deviancy.

These civil commitment statutes have similar procedural processes governing the postprison confinement of sexual predator offenders. A local prosecutor will be notified that a sexual offender is about to be released from prison. If a prosecutor decides to pursue civil commitment, he or she will begin an involuntary civil commitment hearing or trial to determine if the offender is too dangerous to be released. The commitment proceeding can be held before a judge or jury, and if the prosecutor proves beyond a reasonable doubt that the offender is a sexual predator then the offender will be committed to a secure facility. The commitment is indefinite, and the offender will be held until such time as it is shown that the offender is no longer a threat to the community.

CONSTITUTIONAL CHALLENGES

Constitutional challenges to sexual predator statutes have questioned whether the statutes satisfy due process. Substantive due process prohibits a state from limiting an individual's fundamental rights unless the state has a compelling state interest. In addition, the state statute has to be narrowly tailored to achieve that interest. In regard to sexual predator statutes, states argue that the state must protect the community from the substantial harm that a sexual predator can inflict on victims of rape and sexual assault. Opponents of sexual predator statutes argue that the statute's presumption is not based on a showing of a mental illness or defect, the traditional focus of civil commitment laws, but on a showing of a mental "abnormality," an overbroad characterization. In addition, opponents argue that an individual's procedural due process rights are violated when fact finders presume habitual offending propensities based on past conduct without adequate procedural protections to ensure that such commitments are not indefinite.

Civil commitment is traditionally based on the need to confine and treat persons who suffer from a mental illness and release persons when they are no longer a danger to themselves or others. Because civil confinement of sexual offenders does not depend on the ability of the state to provide treatment, opponents of sexual predator laws argue that the statutes do not comport with the expanded rights of the mentally ill that has occurred over the past 30 years.

Sexual predator statutes have also been challenged under the Constitution's double jeopardy and *ex post facto* provisions. Opponents of these laws argue that an individual should not continue to be "punished" upon completion of a prison sentence. Since the statutes were enacted after many sex offenders had committed their offenses, opponents also argue that the laws cannot be applied to these individuals.

ONE STATE'S EXAMPLE: KANSAS

The U.S. Supreme Court upheld the constitutionality of Kansas's Sexually Violent Predator Act in two cases. In *Kansas v. Hendricks,* 521 U.S. 346 (1997), a divided court found that because the statute is "civil" and not part of the criminal law system the statutes cannot violate the Constitution's double jeopardy and *ex post facto* clauses. In *Kansas v. Crane,* 534 U.S. 407 (2002), the U.S. Supreme Court clarified the definition of a sexual predator and held that involuntary civil commitment of a sexual offender is permissible if a sex offender is shown to lack control over his or her behavior. The Court stated that a finding of "total" lack of control is not required, but the state cannot commit a person without a showing that the individual suffers from a volitional impairment (e.g., pedophilia) and has serious problems with controlling his or her behavior.

CONCLUSION

Sexual predator statutes that provide for the civil commitment of sexual offenders who cannot control their sexual offending behavior are, in general, constitutional. These statutes must provide substantive and procedural processes that establish that an offender suffers from a mental abnormality and lacks control over the deviant sexual behavior beyond a reasonable doubt. States cannot automatically transfer sexual offenders to a secure facility involuntarily at the expiration of a prison sentence without due process. Nonetheless, because these statutes are civil in nature other constitutional concerns that might exist if the statutes were part of the criminal law do not apply.

—Frances P. Bernat

See also Incapacitation Theory; Indeterminate Sentencing; Just Deserts Theory; Megan's Law; Sex Offender Programs; Sex Offenders; Truth in Sentencing

Further Reading

Gillespie, A. C. (1998). Note: Constitutional challenges to civil commitment laws: An uphill battle for sexual predators after *Kansas v. Hendricks*. *Catholic University Law Review, 47,* 1145–1187.

Hamilton, G. S. (2002). Casenote: The blurry line between "mad" and "bad"—Is "lack-of-control" a workable standard for sexually violent predators? *University of Richmond Law Review, 36,* 481–508.

Maskovich, J. (2001). Case note: *Kansas v. Crane*—Its effects on *State v. Ehrlich* and Arizona's sexually violent persons statute. *Arizona Law Review, 43,* 1007–1013.

Matson, S., & Lieb, R. (1997). *Sexual predator commitment laws* (Document No. 97–10–1102). Olympia: Washington State Institute for Public Policy.

Spierling, S. E. (2001). Notes and comments: Lock them up and throw away the key—How Washington's violent sexual predator law will shape the future balance between punishment and prevention. *Journal of Law and Policy, 9,* 879–928.

Washington's new violent sexual predator commitment system: An unconstitutional law and an unwise policy choice [Comments]. (1990). *University of Puget Sound Law Review, 14,* 105–141.

CLASSIFICATION

Classification is fundamental to correctional practice. It is incumbent upon any correctional agency, institution, or community to identify (classify) who is (a) at risk of reoffending, (b) likely to incur problems adjusting to prison, and (c) in need of specific services. Determining whether an offender is able to participate in various types of treatment programs, examining such traits as ethnicity, age, gender, and intelligence, also falls under the rubric of correctional classification.

Offenders are not all alike but differ according to risk, treatment needs, intelligence, gender, ethnicity, financial needs, family considerations, personality, employment, employability, and other factors. Failure to assess for and plan for such differences may imperil the safety of prison facilities and communities. At the same time, ignoring assessments, which help to match offenders to appropriate treatments and

Type of System	*Purpose: Institutional Corrections*	*Purpose: Community Corrections*
Risk Assessments	Predict institutional misconducts	Predict new offenses
Needs Assessments	Identify offender needs for programming referrals	Identify offender needs for programming referrals
Risk/Needs Assessments	Seldom used in institutions	Predict new offenses with needs that are also risk factors
Responsivity Assessments	Assessments of IQ, maturity, personality, and other attributes likely to interfere with an offenders' ability to participate in certain programs.	Assessments of IQ, maturity, personality, and other attributes likely to interfere with an offenders' ability to participate in certain programs.

Figure 1 *An Overview of Correctional Classification Approaches*

services, increase the likelihood that offenders will commit new offenses upon release.

HISTORY AND DEVELOPMENT OF "OBJECTIVE" CLASSIFICATION

Prior to the 1960s, correctional classification typically involved a clinical process, where decision makers based their determinations on professional judgment of an offender's dangerousness, treatment amenability, treatment needs, or his or her likelihood of absconding or escaping. Critics faulted this process as inequitable, subjective, and discretionary. More recently, classification has begun to use actuarial or objective assessment and testing procedures. Research finds that properly constructed and validated tests are far more accurate than professional judgment.

The common features of objective correctional classification systems are as follows:

1. They are usually administered systematically to all offenders in a correctional institution or program, usually at the point of intake and at regular intervals thereafter.
2. They result in a "typology" of offenders in an agency, where each "type" on the typology categorizes offenders according to similar needs or risk levels.
3. Some level of staff training is required to administer the system.
4. The classification process is governed by agency policy, which set forth uniform and efficient procedures, applying the same criteria to all offenders in an expeditious way.

There are four types of classification systems currently in use: (a) risk assessment systems, (b) needs assessment systems, (c) risk/needs assessments, and (d) systems for testing amenability to treatment. The latter falls under the notion of offender *responsivity* in which agencies are seeking to identify those individual attributes or learning styles that could affect an offenders' ability to participate in certain interventions, including those he or she might need.

As shown in Figure 1, each one of these three broad categories of classification system serves a different purpose. As a result, "What do you want the classification system to do?" is a question that needs to be answered prior to selecting or constructing classification systems (Hardyman, Austin, & Peyton, 2004). Keeping these functions clear helps to prevent misuse of a classification system. Unfortunately, agencies often use systems for the wrong purpose. For example, institutional systems typically do not predict new offenses in the community.

RISK ASSESSMENT

Risk assessments are designed to predict new offenses or prison misconduct. As early as the 1970s, the U.S. Parole Commission was employing the Salient Factor Score (SFS) to classify parolees into high, medium, and low levels of risk of reoffending, while institutions were developing models

designed through the early National Institute of Corrections (NIC) Model Prisons to classify incarcerated offenders according to maximum, medium, and minimum custody.

The factors considered in the NIC institutional classification systems appear in Figure 2. A host of validation studies found such systems, including their later versions, to be predictive of institutional misconduct, particularly serious misconduct. Individual states have modified these systems somewhat, but the basic structure of the NIC model has stayed intact and is the most common system in institutional use.

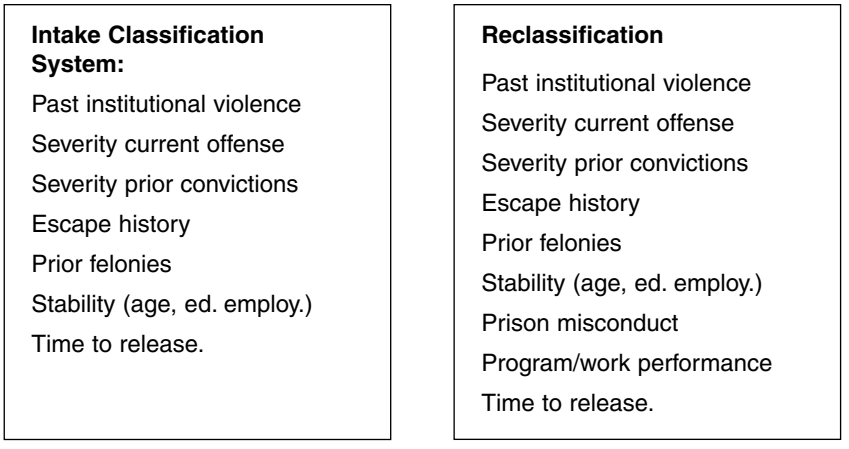

Figure 2 *Factors Considered on Institutional Custody Classification Systems*

This classification instrument is administered to all inmates upon admission and then readministered every six months to one year thereafter. Classification specialists score each item, add the scores, and consult guidelines to determine what custody level matches the score. It is noteworthy that the factors listed in Figure 2 are *static* factors—they do not change over time. Reclassification assessments attempt to correct for this. Items such as prison misconduct, time to serve, accomplishments in institutional treatment programs can reduce or increase one's custody assignment. Similarly, some systems change scores or weight on the static items for purposes of reclassification. With the item not count for as many points on the reclassification instrument as it does on the intake classification system, custody assignments can drop.

Institutional custody classification systems offer no recommendations for programming and correctional treatment. Similarly, they do not predict recidivism in the community. Therefore, it would not be entirely correct to assume that offenders classified at minimum custody are the best candidates for work release, early release, or furloughs. Instead, community risk assessment instruments are needed for this purpose.

At roughly the same time that the custody classification systems were appearing in institutions, the U.S. Parole Commission implemented the SFS. SFS items (shown in Figure 3) are entirely static, meaning that an offender scored as poor risk is unlikely to be reclassified as low risk at a later date. As with the NIC system, the SFS has little information to offer practitioners about treatment needs. Just the same, it has been revalidated and found to work with both men and women offenders.

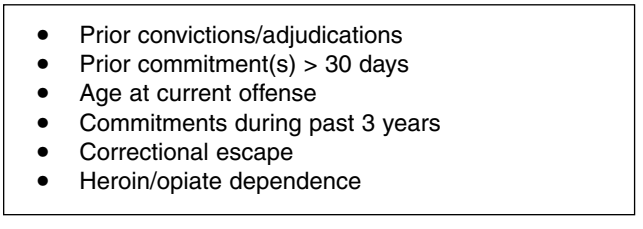

Figure 3 *The Salient Factor Score (Hoffman, 1994)*

Agencies using these two models find them useful in classifying offenders according to risk. They inform what is widely considered to be the most important function of corrections—community and institutional safety. Even without additional tools to inform treatment or responsivity considerations, these models, particularly the community risk models, have changed the face of correctional practice and made programs such as intensive probation, a host of intermediate sanctions, and alternatives to incarceration possible.

NEEDS ASSESSMENTS

Classifying offenders into separate institutional custody levels or community supervision levels on the basis of risk alone cannot determine what should be done for them in terms of treatment, facilitating adjustment to prison, or preventing problems while in prison. Needs assessment systems attempt to offer such treatment-relevant implications. In both community and institutional corrections, needs assessment instruments supplement risk assessment instruments. Most are not designed to inform custody or level of supervision.

Needs assessments serve a number of purposes including (a) systematic and objective identification of offender needs; (b) linking offenders to needed programs to promote behavioral change and prevent physical, psychological, or social deterioration (if incarcerated); (c) provide a tool for individualized case planning; and (d) allocate agency and programming resources. When used in institutional settings, needs assessments conform to what Levinson (1988) termed as "internal classification."

The needs that are most likely to be identified by these instruments include health, intellectual ability, mental health, education, employment, and drug and alcohol abuse. Like risk assessment models, needs assessments are designed to be administered at intake and at regular intervals throughout the correctional terms.

Usually, correctional case managers or counselors using this kind of classification system rate each need according to the extent to which, if any, the problem interferes with daily functioning. In response to the alcohol abuse item, for example, a case manager might be prompted to indicate where there is (a) no alcohol abuse; (b) occasional abuse, some disruption of functioning; or (c) frequent abuse, serious disruption, needs treatment. Understandably, some have faulted such items as requiring too much subjectivity and likely to lead to problems with the reliability of the instrument.

More acceptable approaches would more closely follow guidelines established by the American Correctional Association that emphasize the importance of providing objective criteria for each level of need, and informing determinations with the best available information (e.g., assessments, presentence investigations, medical reports, and psychological evaluations). More recently, agencies have begun to use established screens, especially for mental health, substance abuse, and education.

Needs assessments were never designed to be the final assessment of a serious problem such as substance abuse; instead, they are intended to triage offenders, identifying those who need more intensive assessments. For more detailed assessment, agencies tend to use established screens and assessments to supplant the less formal needs assessment instrument. Substance abuse, for example, may be assessed by instruments such as the Substance Abuse Subtle Screening Inventory (SASSI), Adult Substance Use Survey (ASUS), or Addiction Severity Index. Mental health screenings have used the Minnesota Multiphasic Personality Inventory-2 (MMPI-2), Symptom Checklist 90 (SCL90), or MCMI III to name just a few.

Another alternative that is discussed in unpublished agency documents (e.g., states of Texas and Colorado), rather than in the published media, involves the use of algorithms or scoring rules for combining an assessment with behavioral indicators of an offender need requiring treatment. The Colorado Department of Corrections, for example, developed scoring rules for combining results of the MCMI III with indicators pertaining to past hospitalization, medications, past treatment, and history of self-destructive behavior to indicate whether the offender is low, moderate, or high need for mental health services. Taking this a step further, the state of Texas links similar need categories to treatment/programming recommendations. The importance of guiding case managers to available services commensurate with assessment results should not be overlooked. Many assessments sit in files and do not get used.

RISK/NEEDS INSTRUMENTS

In a growing number of community correctional agencies, risk and needs assessments are being combined into a single instrument. Such classification models

constitute what Bonta (1996) referred to as the third, and most recent, generation of correctional classification strategies. The most commonly used system of this nature is the Level of Service Inventory-Revised (LSI-R), a system developed in Canada during the late 1980s and 1990s. States and federal jurisdictions have developed alternatives to the LSI, but published accounts of their validation are scarce.

The classification items comprising the LSI-R scores are shown in Figure 4. Most of these items are dynamic, pertaining to offender needs that can change over time, especially when agencies successfully target and program for those needs. The LSI-R does not target all of the offender's needs that an agency may wish to address, however. For example, housing, child care, and self-esteem are not listed. In fact, any dynamic need included on the LSI-R is also a risk factor, or to use a term coined by the assessment's authors, a *criminogenic need* (Andrews, Bonta, & Hoge, 1990). Therefore, the LSI and other instruments like it are composed of both static current and prior offense variables and by dynamic needs that are also risk factors.

- Criminal history
- Education/employment
- Financial
- Family/marital
- Accommodations
- Leisure/recreation
- Companions
- Alcohol/drug
- Emotional/personal
- Criminal sentiments

Figure 4 *Level of Service Inventory-Revised (Andrews & Bonta, 1995)*

Given its dynamic features, the LSI-R scores can change over time; this is an important feature of this mode of classification technology. Agencies can administer the assessment at later points in time to determine whether an offender's participation in needed treatment programs resulted in a reduction in his or her overall risk score. At the same time, the most recent scores are the most valid predictors of future offending.

Studies of the LSI-R suggest that, for men, reduced scores result in lower rates of recidivism and increased scores result in higher rates. However, recent analysis of the validity of this measure for women has been more equivocal. The success of classification systems, may, in other words, be determined in part by gender.

As their title implies, risk/needs instruments serve two functions: They classify offenders into high-, medium-, and low-risk categories, and they identify the needs that are contributing to an offender's risk profile. These features make such classification models extremely useful to agencies providing treatment services designed to change offender behavior. From meta-analysis contributed to by the same authors (Andrews, Bonta, & Hoge, 1990; Andrews, Zinger, Hoge, Bonta, Gendreau, & Cullen, 1990) emerge two of several principles of effective intervention (treatment) that are highly relevant to the use of dynamic risk assessment instruments—the risk principle and the need principle.

First, the *risk principle* maintains that intensive and extensive services are more effective among high-risk offenders; low-risk offenders usually respond better when they receive either no interventions or minimal intervention. Research bears this out. Second, the *need principle* maintains that in order to reduce offender recidivism, programs must address offender characteristics (or needs) that are related to future offending. As noted earlier, these needs are called criminogenic. They include substance abuse, antisocial attitudes, and antisocial peers, to name a few. To distinguish criminogenic from noncriminogenic needs, noncriminogenic needs are not associated with criminal behavior. A program can and should treat a noncriminogenic need such as physical health, but it must be understood that such treatment is not likely to lead to a reduction in the offender's future offending.

RESPONSIVITY

During the 1970s and 1980s, a number of correctional psychologists worked to evaluate and develop psychological assessments to facilitate the notion of differential treatment. Grounded, as all classification research is, in the notion that offenders are not all alike, the assessments developed by these scholars classified offenders according to personality or conceptual/cognitive maturity. These and later studies found differential adjustments to prison and differential responses to specific types of correctional interventions.

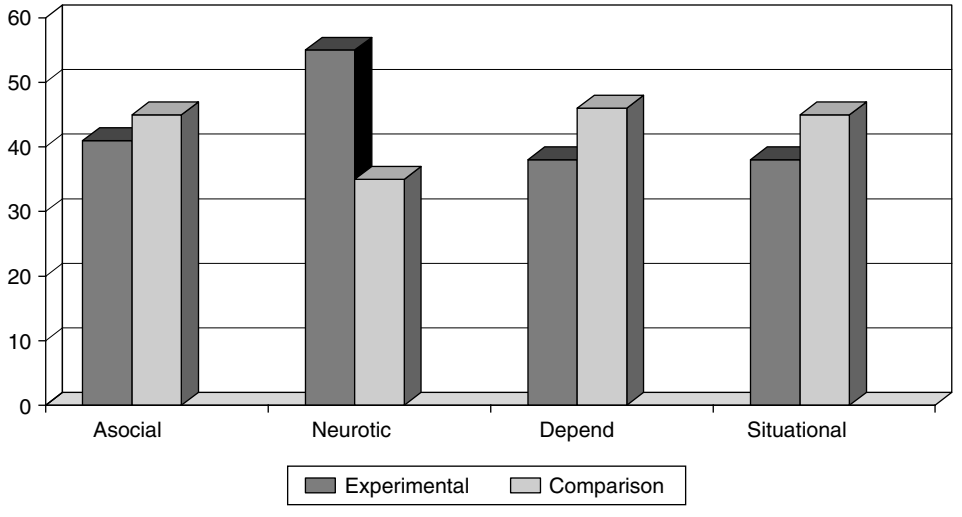

Figure 5 *Percentage Returning to Prison Following Cognitive Skills Programming by Specific Personality Types (Van Voorhis et al., 2002)*

One of the latest studies of psychologically informed differential treatment employed the Jesness Inventory (Jesness, 1996) to classify adult male parolees into the following four personality styles, which have roots in the earlier scholarship on differential treatment:

Asocial aggressive: Offenders with internalized antisocial values, beliefs, and attitudes. Crime is a lifestyle.

Neurotic: Highly anxious offenders, whose criminal behavior represents the acting-out of an internal crises. Crime for these offenders often has more of a personal meaning than an instrumental one. Dysfunctional, self-defeating coping responses play a role in getting these individuals into trouble.

Dependent: These offenders tend to be immature and easily led. They get into trouble through their own naïveté and in the course of being too easily led by other offenders.

Situational: These offenders have pro-social values, and less extensive criminal careers. They get into criminal behavior on a situational basis that they are unable to cope with or through substance abuse.

When these parolees were assigned to Ross and Fabiano's (1985) cognitive skills program (Reasoning and Rehabilitation), some types were clearly more successful than others. The treatment implications for findings such as these suggest that the cognitive skills program was most appropriate for asocial, immature, and situational offenders. Neurotic program participants, on the other hand, faired worse than members of the comparison group who did not participate in the program. They perhaps should be screened out of the program into a program more suitable to their needs. Such a practice would involve practitioners in doing exactly what the classification systems are designed to do—match offenders to programs they can benefit from. Alternatively, the program, itself, could be altered to better accommodate or work with neurotic personality attributes.

Today, differential treatment is encompassed in one of the principles of effective intervention, the *responsivity principle*. The responsivity principle maintains that programs should consider different learning styles, motivation levels, personality types, intellectual functioning, housing, child care and other considerations that are likely to become barriers to the success of some types of interventions. That is, even when an offender, even a high-risk offender, might need a specific type of program on the basis of having a related risk factor, he or she may still not be able to attend because of intellectual consideration, child care needs, or other responsivity-related characteristics. Assessing and screening them from inappropriate to more appropriate programming would increase their chances of success.

CONCLUSION: THE NEXT STEPS

At present, several concerns are receiving the attention of researches and practitioners alike. First, at both national and state levels, agencies have voiced concern for the validity of these systems among women offenders. In fact, a recent nationwide survey

of state directors of classification revealed that 36 states still had not validated their custody classification systems on women offenders. Efforts to do so in seven states quickly revealed that existing systems either were invalid for women or overclassified them, thereby placing them in higher custody levels than warranted on the basis of their ultimate prison adjustment. Use of invalid classification systems, of course, is considered to be professionally unethical.

Second, the development of new assessments for specific types of offenders, such as psychopaths and sex offenders, and for specific criminogenic needs is resulting in numerous additional assessments to inform case management and supervision of these individuals. These include, for example the (a) Hare Psychopathy Checklist-Revised; (b) Sex Offender Need Assessment Rating (SONAR), (c) Static 99, (d) Spousal Assault Risk Assessment Guide (SARA), and (e) Criminal Sentiments Scale.

A final issue does not involve the assessment systems but rather the practitioners who use them. Particularly relevant to dynamic risk assessments and needs assessment, the systems are often not used to make case management decisions. The implementation of such systems, in many agencies, appears to have stopped at the point of administering the assessment. The next step, using the assessment results to guide program referrals is either not understood by case managers or is not possible due to insufficient program resources. Clearly, the next level of research and development would be to develop case management systems to use these models to their full potential.

—Patricia Van Voorhis

See also American Correctional Association; Community Corrections; Correctional Officers; Discipline System; Federal Prison System; Governance; Intermediate Sanctions; Managerialism; Maximum Security; Medical Model; Medium Security; Minimum Security; Prerelease Programs; Psychology Services; Security and Order; State Prison System; Supermax Prisons; Unit Management; Women's Prisons

Further Reading

American Association of Correctional Psychologists (Standards Committee). (2000). Standards for psychology services in jails, prison, correctional facilities and agencies. *Criminal Justice and Behavior, 27*, 433–493.

Andrews, D., & Bonta, J. (1995). *The Level of Service Inventory-Revised (LSI-R)*. North Tonawanda, NY: MultiHealth Systems.

Andrews, D., & Bonta, J. (2003). *The psychology of criminal conduct* (3rd ed.). Cincinnati, OH: Anderson.

Andrews, D., Bonta, J., & Hoge, R. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior, 17*, 19–52.

Andrews, D., Zinger, I., Hoge, R., Bonta, J., Gendreau, P., & Cullen, F. (1990). Does correctional treatment work? A psychologically informed meta-analysis. *Criminology, 28*, 369–404.

Bonta, J. (1996). Risk, needs assessment, and treatment. In A. Harland (Ed.), *Choosing correctional options that work: Defining the demand and evaluation the supply* (pp. 18–32). Thousand Oaks, CA: Sage.

Butcher, J., Dahlstrom, W., Graham, W., Tellegen, A., & Kaemmer, B. (1989). *Manual for the restandardized Minnesota Multiphasic Personality Inventory: MMPI-2. An interpretative and administrative guide.* Minneapolis: University of Minnesota Press.

Clements, C. (1986). *Offender needs assessment*. College Park, MD: American Correctional Association.

Feeley, M., & Simon, J. (1992). The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology, 30,* 449–474.

Hanson, R., & Harris, A. (2000). *The Sex Offender-Need Assessment Rating (SONAR): A method for measuring change in risk levels* (User Report No. 2000-01). Ottawa, ON: Solicitor General Canada.

Hanson, R., & Thornton, D. (1999). *Static 99: Improving actuarial risk assessments for sex offenders* (User Report No. 1999-02). Ottawa, ON: Solicitor General Canada.

Hare, R. (2004). *Hare Psychopathy Checklist-Revisited* (2nd ed.). North Tonawanda, NY: MultiHealth Systems.

Hardyman, P., Austin, J., & Peyton, J. (2004). *Prisoner intake systems: Assessing needs and classifying prisoners.* Washington, DC: National Institute of Corrections.

Hardyman, P., & Van Voorhis, P. (2004). *Developing gender-specific classification systems for women offenders.* Washington, DC: National Institute of Corrections.

Hoffman, P. (1983). Screening for risk: A revised Salient Factor Score (SFS-81). *Journal of Criminal Justice, 11,* 539–547.

Hoffman, P. (1994). Twenty years of operational use of a risk prediction instrument: The United States Parole Commission's Salient Factor Score. *Journal of Criminal Justice, 22,* 477–494.

Jesness, K. (1974). *Classifying juvenile offenders: The Sequential I-Level Classification Manual.* Palo Alto, CA: Consulting Psychologists Press.

Jesness, K. (1996). *The Jesness Inventory manual.* North Tonawanda, NY: MultiHealth Systems.

Knopp, P., Hart, S., Webster, C., & Derek Eaves, M. (1997). *Spousal Assault Risk Assessment Guide (SARA).* North Tonawanda, NY: MultiHealth Systems.

Levinson, R. (1988). Developments in the classification process. *Criminal Justice and Behavior, 15,* 24–38.

MacKenzie, D. (1989). Prison classification: The management and psychological implications. In L. Goodstein & D. MacKenzie (Eds.), *The American prison: Issues in research and policy* (pp. 163–189). New York: Plenum.

Megargee, E., & Bohn, M. (1979). *Classifying criminal offenders: A new system based on the MMPI.* Beverly Hills, CA: Sage.

Megargee, E., Carbonell, J., Bohn, M., & Sliger, G. (2001). *Classifying criminal offenders with the MMPI-2.* Minneapolis: University of Minnesota Press.

Miller, G. (1985). *The Substance Abuse Subtle Screening Inventory manual.* Bloomington, IN: SASSI Institute.

Millon, T. (1998). *Millon Clinical Multiaxial Inventory III (MCMI-III) corrections report.* Minnetonka, MN: NCS.

National Institute of Corrections. (1982). *Classification, principles, models, and guidelines.* Washington, DC: Author.

Palmer, T. (1978). *Correctional intervention and research*. Lexington, MA: D. C. Heath.

Palmer, T. (2002). *Individualized intervention with young multiple offenders: The California Community Treatment Project*. Hampton, CT: Garland.

Quay, H. (1984). *Managing adult inmates: Classification for housing and program assignments.* College Park, MD: American Correctional Association.

Quay, H., & Parsons, R. (1972). *The differential behavioral classification of the juvenile offender*. Washington, DC: U.S. Department of Justice.

Ross, R., & Fabiano, E. (1985). *Time to think: A cognitive model of delinquency prevention and offender rehabilitation.* Ottawa, ON: Air Training and Publications.

Van Voorhis, P. (1994). *Psychological classification of the adult, male prison inmate.* Albany: State University of New York Press.

Van Voorhis, P. (2000). An overview of offender classification systems. In P. Van Voorhis, M. Braswell, & D. Lester (Eds.), *Correctional counseling & rehabilitation* (2nd ed.). Cincinnati, OH: Anderson.

Van Voorhis, P., & Brown, K. (1996). *Risk classification in the 1990s*. Washington, DC: National Institute of Corrections.

Van Voorhis, P., & Presser, L. (2001). *Classification of women offenders: A national assessment of current practices*. Washington, DC: National Institute of Corrections.

Van Voorhis, P., Spruance, L., Listwan, S., Ritchey, P., Pealer, J., & Seabrook, R. (2001). *The Georgia Cognitive Skills Experiment outcome evaluation: Phase I.* Cincinnati: University of Cincinnati.

Wanberg, K., & Milkman, H. (1998). *Criminal conduct and substance abuse treatment.* Thousand Oaks, CA: Sage.

CLEMENCY

Clemency is a broad term for intervention that reduces the punishment for a crime. Also called *executive clemency*, because it normally results from the decision by the executive officer of a state (the governor) or the federal system (the president), it includes pardons, reprieves, and commutations. Clemency is considered essential to the criminal justice system, because in theory, if not always in practice, it serves as an executive check to balance perceived injustices in sentencing.

The power of the sovereign to forgive crimes dates at least from the time of Solon in seventh-century Athens. It was a mainstay of English common law and was used variously to show mercy as well as to provide incentive to privateers and other criminals to join battles on behalf of the crown. In the United States, Alexander Hamilton provided the rationale for the constitutional foundations in the *Federalist Papers*:

> [The president] is also to be authorized to grant "reprieves and pardons for offenses against the United States, *except in cases of impeachment*." Humanity and good policy conspire to dictate, that the benign prerogative of pardoning should be as little as possible fettered or embarrassed. The criminal code of every country partakes so much of necessary severity, that without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel. (Hamilton, 1788/1961, p. 447)

TYPES OF CLEMENCY

Because state and federal statutes vary, definitions of the forms of clemency also vary. In general, *commutation* refers to reducing the punishment for an offense. One common example is the reduction of the sentences of abused women who murdered their abusive partners, or the reduction in sentence of relatively minor drug offenders who received sentences disproportionate to their crime under harsh mandatory sentencing statutes.

A *pardon* nullifies an original sentence and can occur while an offender is incarcerated, or while on parole or probation. A pardon can also be issued after a full sentence has been completed, or even granted posthumously, as occurred when New York Governor George Pataki pardoned comedian Lenny Bruce. There are several types of pardons. An *absolute*, or *full pardon*, ends the punishment of an offender and fully

restores the offender's civil rights. A *conditional pardon* requires an offender to meet a set of prespecified conditions that can include restitution, counseling, therapeutic programming, or other conditions. Like parole or probation, a conditional pardon can be revoked if the offender fails to comply with the specified conditions. A *partial pardon* absolves a limited range of the offenses. For example, the original conviction might be upheld, but the severity of the offense is mitigated by factors that lessen the severity of the original charges and that were not recognized during the original judicial proceedings.

Amnesty, also called a *general pardon,* is a blanket pardon of a class of offenders and can include persons who have not yet been convicted of a crime. Amnesty precludes future punishment for the offense. An example occurred when President Jimmy Carter, in one of his first acts of office in 1979, granted amnesty to young men who, during the Vietnam War era, failed to register for the draft or who sought refuge in another country to avoid military service. In the past decade, President Bill Clinton gave amnesty to qualified Central American aliens residing in the United States, and in 2004 President George W. Bush proposed a de facto limited amnesty program for unregistered immigrant workers.

Other than by a full pardon, clemency actions, unlike exoneration, usually do not clear the offender's record of the conviction, and the recipient generally still bears the legal stigma. However, governors or the president can *exonerate* an offender, which expunges the conviction and removes the blame for the offense. Exonerations most often occur following wrongful convictions and the presumed offender was found innocent (as opposed to "not guilty") of the offense.

Although a form of clemency, a *reprieve* generally does not reduce or alter a sentence, although this may eventually occur. Instead, it temporarily defers punishment. This most often occurs in capital cases usually for the purpose of allowing courts to reconsider the offender's appeal.

Clemency

For federal prisoners, only the president has the power to grant clemency. It is a power the recent presidents exercise rarely. Indeed, ever since Ronald Reagan's term in the early 1980s, acts of clemency have become less frequent, where only a handful of federal prisoners receive any form of relief through this extraordinary act of the executive branch of government.

There are a few different types of clemency, including amnesty, pardons, and commutations of sentence. Prisoners who want clemency usually try for a commutation of sentence. Ordinarily, a prisoner must exhaust all other possibilities for relief before submitting a petition for clemency. Federal prisoners can request the clemency petition from their case managers, or directly from the U.S. Pardon Attorney, whose office is responsible for reviewing all such petitions.

I submitted a petition for clemency in 1993. I had then completed over five years in prison, during which time I had earned an undergraduate degree, maintained a clean disciplinary record, and contributed to programs inside and outside of prison walls. I solicited and received letters of support from leading penologists around the United States. I have worked hard to earn freedom, and the hopes of receiving a commutation of sentence sustained me through thousands of lonely prison nights, in a dark, dank prison cell. Two years after I submitted my petition, however, I received a form letter from my case manager informing me that my petition had been denied. Now I am in my 17th year of this sentence, and I contemplate the possibility of filing a second petition. The political climate today, however, feels much colder than in 1993, and I am less than sanguine about President Bush granting me relief. Regardless of what an individual does to redeem himself, today's kinder, gentler America wants its pound of flesh.

Michael Santos
Federal Prison Camp, Florence, Illinois

GRANTING CLEMENCY

Although courts may grant reprieves or commute sentences, this requires that offenders go through the legal process to appeal their case. Executive clemency, by contrast, occurs at the individual discretion of the president or a governor.

For federal crimes, Article II, Section 2, Clause 1 of the U.S. Constitution gives the president the irreversible power to grant pardons or commutations for federal offenses, except in the case of impeachment. The president cannot grant clemency to those convicted of crimes in a state court. However, presidential clemency power does extend to convicted offenders in Washington, D.C., federal territories, and the U.S. military.

A governor of a state in which a state offense has been committed may also issue clemency, but this power varies dramatically by state. Governors in 35 states have sole authority to make clemency decisions, but in five states, boards make clemency decisions and in the rest the authority is shared between the governor and an advisory board (Michigan Battered Women's Clemency Project [MBWCP], n.d.).

Both state and federal procedures require that those wishing to appeal for clemency undergo a formal application process. At the federal level, The Office of the Pardon Attorney in the Department of Justice provides forms and guidelines for eligibility and processing. After review, these are submitted to the president. State clemency requests are also reviewed by a board or similar committee, and then submitted to the governor.

Pardons, the most common form of clemency, are traditionally granted at the end of an executive's term of office or during the holidays in December. Although accurate figures are not maintained, most estimates indicate that about 2,000 pardons are granted to state offenders annually, a figure that most observers see as fairly stable over the past decade. At the federal level in the past century, however, the number of pardons and other forms of clemency has varied dramatically among the presidents, ranging from less than 5% of clemency requests granted under the first President Bush to about one-third granted by President William Howard Taft.

Until the end of the Civil War in 1865, presidential pardons were granted sparingly. Only three presidents, James Monroe (419), Andrew Jackson (386), and Abraham Lincoln (343) granted more than 300, and the majority of President Lincoln's pardons were given to Union soldiers. This changed dramatically after the Civil War and peaked in the mid-20th century with a "pardon explosion" by Presidents Calvin Coolidge (1,545), Herbert Hoover (1,385), Franklin D. Roosevelt (3,687), and Harry S. Truman (2,044). Although President Bill Clinton's pardons during his eight-year tenure in office were controversial, the number of pardons he issued, 456, was roughly the same as those granted during the terms of Presidents Gerald Ford in a bit over two years (409) and Ronald Reagan in eight (406). President Clinton pardoned about half of those granted by President Richard Nixon (956), who served barely six years in office. However, despite the explosion in the federal prison population, the number of annual clemency applications between 1953 and 1999 edged toward 1,000 only twice, suggesting that relatively few convicted felons are granted, let alone apply for, clemency (Jurist Legal Intelligence, 2004a, 2004b).

THE CONTROVERSY OF PARDONS

Although those receiving clemency cut across class and race divisions, there is a perception that clemency tends to be given to high-status offenders who are wealthy or politically connected. This perception occurred early in the history of clemency in the United States, when wealthy patrons were accused of granting clemency for political or monetary reasons. President Lincoln was alleged to have used pardons of Union soldiers to improve morale of Northern troops, and President Warren G. Harding was suspected of participating in "pardons for cash" schemes.

More recently, President Clinton was accused of pardoning of Marc Rich, who had fled the country, in return for contributions from Rich's wife. Gerald Ford was accused of politicking when he granted a postimpeachment pardon to former President Nixon, and the first President Bush was alleged to have pardoned six Iran-Contra defendants to avoid embarrassing revelations about high-level political involvement in trading "arms for hostages."

In addition, the governors or other high officials of some states have been accused of or charged with pardons for cash. Although not uncommon in the 19th century, the practice apparently has since

declined. However, In the 1920s, Texas Governor Miriam A. Ferguson pardoned more than 2,000 offenders in her first term, with the price alleged as high as $5,000, and in 1923, Oklahoma Governor John Walton was removed from office for selling pardons. More recently, in 1979 Tennessee Governor Ray Blanton also was implicated in a pardon- selling scheme, although he was not indicted.

Governors have also been accused of using clemency for ideological or political motives. In 1986, outgoing Governor Toney Anaya commuted the sentences of New Mexico's five death row inmates, and Ohio changed its pardon statutes after departing Governor Richard F. Celeste pardoned 67 prisoners in 1991. Wisconsin Governor Tommy Thompson was accused of granting an unjustifiable pardon to the son of a close political colleague prior to leaving office in 2000. Perhaps the most controversial clemency action in recent decades was the blanket commutation of 167 death row inmates by Illinois Governor George Ryan in his final days in office, which the governor justified on the bases of the state's demonstrably flawed system of justice in capital cases.

CONCLUSION

Clemency has been widely criticized in recent years. Some citizen groups claim that it unfairly reduces prison sentences imposed on serious offenders and is unfair to victims. Other groups feel it should be granted more liberally, especially in cases where offenders killed an abusive partner, when an offender is old or terminally ill, or when other extenuating circumstances not recognized at trial mitigate the seriousness of the offense. The controversies arising from high-profile cases have eroded the public's confidence in the integrity of the system, and the continued concerns with crime and increased sentences increase the suspicion that clemency is "soft on crime." Yet clemency remains a final remedy for sentences that were originally unfair or for which punishment serves no further purpose. Despite the controversies, clemency gives hope to prisoners and helps reduce some of the injustices in the criminal justice system.

—Jim Thomas

See also Compassionate Release; Federal Prison System; Furlough; Pardon; Parole; Parole Board; State Prison System

Further Reading

Glaberson, W. (2001, February 16). States' pardons now looked at in starker light. *New York Times*. Retrieved from http://www.nytimes.com/2001/02/16/national/16STAT.html?ex=1080622800&en=776f3bf5c096c91b&ei=5070

Hamilton, A. (1999). No. 74. *The federalist papers*. New York: Mentor Books. (Original work published 1788)

Jurist Legal Intelligence. (2004a). Retrieved from http://jurist.law.pitt.edu/pardons5a.htm. Pittsburgh, PA: University of Pittsburgh School of Law.

Jurist Legal Intelligence. (2004b). Retrieved from http://jurist.law.pitt.edu/pardonsex9.htm. Pittsburgh, PA: University of Pittsburgh School of Law.

Michigan Battered Women's Clemency Project. (n.d.). *Clemency for battered women in Michigan: A manual for attorneys, law students and social workers.* Retrieved from http://www.umich.edu/~clemency/clemency_manual/manual_chapter02.html. Ann Arbor, MI.

Texas Board of Pardons and Paroles. (2002). Retrieved from http://link.tsl.state.tx.us/tx/BPP/eclem.html#WHAT%20IS%20EXECUTIVE. Austin, TX.

U.S. Department of Justice. (2003). *Office of the Pardon Attorney.* Retrieved from http://www.usdoj.gov/pardon/

CLEMMER, DONALD

Donald Clemmer was one of the first to study and document the psychological effects prison life can have on inmates. He is best known for *The Prison Community* published in 1940 in which he coined the word *prisonization* to explain how individuals adapt to incarceration. In this text, he also explored the relationship of individual inmates to prison groups. Clemmer's study was the result of a career that spanned more than 30 years working in prisons, and it became the foundation for further research on the social and psychological effects of prison.

WORKING IN CORRECTIONS

Clemmer served as the first director of the District of Columbia's Department of Corrections in 1946 until his untimely death on September 18, 1965. Before obtaining this position, Clemmer also worked more than 15 years in Illinois prisons, the

federal penitentiary in Atlanta, and the Federal Bureau of Prisons.

During his time in the District of Columbia, Clemmer was always in search of new ways to rehabilitate inmates in the hope that they would not return to prison. Clemmer's philosophy was emphasized in the *Personnel Handbook* for the Department of Corrections in 1949, "That is, while custody and discipline may be regarded as of importance, so also is training of inmates wherever possible, as well as their proper feeding, clothing, and medical care" (Oakey, 1988, p. 173). Clemmer was also instrumental in increasing the number of psychologists and psychiatrists on the staff of the Department of Corrections and he served as a strong advocate for the treatment of addictions such as alcoholism. He was hailed as a humanitarian when he abolished the use of "the hole" or solitary confinement as a form of punishment. During Clemmer's reign, there were very few problems at his facilities, which many attribute to his humane treatment of the inmates and staff.

The Prison Community

The Prison Community was based on many years of research at the Illinois State Penitentiary. Its central idea, known as prisonization, is described by Clemmer as a process by which an individual will take on the traditions, moral attitudes, customs, and culture of the penitentiary population. According to Clemmer, prisonization occurs to all inmates, to varying degrees, immediately upon entering the prison doors and explains why individuals take on the language, dress, inferior position, and rules of prison life to survive. Whether individuals will completely assimilate to the prison culture occurs depends on many factors including their personality types, the length of the sentence to be served, their relationships with family and friends outside of prison life, and their desire to isolate themselves from prison groups.

According to Clemmer, inmates adapt to life in prison by relinquishing self-esteem and independence to the prison system. Prisoners are known by numbers rather than name, they give up their clothing for a prison uniform, and they assume a subordinate role to prison staff. Paradoxically, the essential qualities inmates surrender are necessary for their later successful reintegration into the community upon release. Consequently, the degree to which people assimilate to their life inside prison affects the chances the inmate has in being reintegrated into society upon release.

PRISONER GROUPS

In *The Prison Community,* Clemmer also addresses the relationship of inmates to primary and informal groups while incarcerated. Until this study, it was assumed that prisoners have strong alliances with various prison groups just like those in the free world. However, Clemmer claims that most inmates are either not intimately associated with a group or are only superficially affiliated with groups. A very small minority of inmates were found to associate with primary groups and those relationships were discovered not to develop in the same manner as primary groups outside of prison because they lack a fundamental unity. Clemmer explains that primary groups outside of prison develop based on the "warmth of person-to-person relationships" while inmate relationships are often based on the "convict code," which dictates not snitching on another inmate or participating in any acts that would assist the prison staff.

CONCLUSION

Clemmer's work contributed to penology by inspiring further research into ways of reducing the prisonization process and increasing the inmate's chances for reintegration into society. Other researchers have also used Clemmer's study as the basis for understanding prison culture as it relates to females inmates, prison gangs, prison race relations, and effective rehabilitation. Although its ideas are no longer accepted in their entirety, it remains a key text in prison studies.

—Nicolle Parsons-Pollard

See also Deprivation; Rose Giallombardo; Importation; John Irwin; Prison Culture; Prisonization; Gresham Sykes; Visits

Further Reading

Clemmer, D. (1940). *The prison community*. New York: Holt, Rinehart & Winston.

Cohen, S., & Taylor, L. (1972). *Psychological survival: The experience of long-term imprisonment.* New York: Pantheon.

Cordilia, A. (1983). *The making of an inmate: Prison as a way of life.* Cambridge, MA: Schenkman.

Cressey, D. R. (Ed.). (1961). *The prison: Studies in institutional organization and change.* New York: Holt, Rinehart & Winston.

Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. Garden City, NY: Doubleday.

Irwin, J. (1970). *The felon.* Englewood Cliffs, NJ: Prentice Hall.

Jacobs, J. B. (1977). *Stateville: The penitentiary in mass society.* Chicago: University of Chicago Press.

Mathieson, T. (1990). *Prison on trial: A critical assessment.* London: Sage.

Oakey, M. H. (1988). *Journey from the gallows: Historical evolution of the penal philosophies and practices in the nation's capital*. Lanham, MD: University Press of America.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison*. Princeton, NJ: Princeton University Press.

CO-CORRECTIONAL FACILITIES

Co-correctional facilities house women and men in the same institution under the direction of one administration. Some allow a significant amount of interaction between the sexes, while others have no direct interaction between female and male inmates at all. These prisons are also sometimes referred to as coed institutions.

When the first prisons were established in the United States, the small number of women offenders were housed with the men. By late in the 19th century, however, all prisons had been desegregated by gender. Co-correctional prisons resurfaced as a correctional strategy 30 years ago to serve as an innovative method for better program delivery to prisoners. It was also hoped that they would be cost-effective since they could use vacant sleeping and living quarters in women's prisons.

HISTORY

The first prisons in the United States incarcerated women and men, and adults and children together. This mixed-gender, mixed-age setting was not always the most conducive environment for the prisoners, particularly for women and children since rape and other acts of intimidation and violence occurred regularly in them. As a result, reformers began to advocate for gender segregation during the 19th century. In 1873, the first women's prison opened in Indiana. Women-centered facilities such as Indiana Women's Prison provided job opportunities for professional women, who served in positions as matrons, administrators, and other prison staff. These female workers were expected to act as positive role models for the inmates.

Almost one century later in 1971, a co-correctional facility was opened in Forth Worth, Texas, for adults sentenced to the federal prison system. During the 1970s, five federal co-correctional facilities opened, and by 1977 fifteen state co-correctional prisons had been established. Through the 1980s and 1990s, many more co-correctional facilities were set up. According to the American Correctional Association's 2002 *Directory of Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities,* 54 adult and 38 juvenile state co-correctional facilities were in operation in the United States during 2001. Eighteen of these are part of the federal prison system.

The level of interaction between female and male inmates varies among co-correctional facilities. In many, there is virtually no direct contact between the sexes, while others have contact at all times except during sleeping hours.

CURRENT PRACTICE

In the modern era, co-correctional facilities do not have the same problems of the sexually integrated prisons over a century ago. Instead, prisoners enjoy an environment that is more comparable to that of society outside the prison than is evident in same-sex institutions. Being able to interact with members of the opposite gender on a daily basis is thought to reduce disruptive and predatory homosexual activity,

lessen violence between prisoners, and promote a better self-image of the inmates.

Co-correctional institutions generally try to facilitate cross-gender relationships, to assist with rehabilitation and effective reintegration into the community outside prison for offenders. Supporters of this approach to prison management claim that these facilities improve access to programs for all offenders, particularly women, who often receive less educational and vocational training than men.

As they did in the beginning, co-correctional facilities enable administrators to redistribute prisoners into systems with more space. Thus, some prison administrations deal with the increased numbers of women by using available space in men's prisons, while others transfer men into low-capacity women's prisons to relieve some of the overcrowding among the men's institutions. The Federal Bureau of Prisons also sometimes uses these facilities to house prisoners at risk of victimization in other institutions, including former police officers and judges, and "blatant" homosexual persons.

Last, the programs may enable women prisoners to be in more geographically desirable locations, closer to their places of origin. Because there are few women prisoners, many states have only one or two prisons exclusively for them. Co-correctional facilities provide women with greater opportunities to be near their children and other family members.

SOME PROBLEMS WITH CO-CORRECTIONAL FACILITIES

Even though supporters of coed prisons believe that women would be afforded more opportunities by being housed with male inmates, co-correctional programs have also been criticized for relegating the small numbers of women within them to a subordinate position. For example, the availability of recreational, vocational, medical, and educational programs for women in co-correctional facilities is often deficient because most correctional institutions are designed for men, not women. When women are introduced into a prison that had housed only men, adjustments have to be made to address their needs. Women cannot merely be added to a male prison environment without appropriate adjustments in the delivery of services. When co-correctional programming has been found to be in keeping with the needs of women offenders, male inmates who dictate the level of participation by women in these programs may hinder female inmates' involvement in the services offered by the prison administration. Similarly, some women find it traumatic to live in an environment with men because of their tendency to have histories of sexual and other abuse.

Another concern of opponents to the co-correctional model is the way in which coed facilities perpetuate traditional gender roles. This problem can be seen in the manner in which labor assignments are distributed. Evidence suggests that women tend to perform domestic work such as cleaning the living areas, while men are more likely to be assigned to landscaping duties outdoors. Similarly, female prison staff members have been shown to have fewer opportunities for advancement in co-correctional facilities as in women's prisons, due also to the male-dominated field of corrections.

As a result of a male inmate-dominated co-correctional prison environment, women inmates may be less likely to take on leadership roles. As it is, critics argue that women prisoners tend to concentrate on relationships and caretaking of others, as opposed to focusing on their personal improvement. By integrating men into the milieu, women will continue to employ this characteristic and cater to the male inmates' needs, putting their own needs second.

Women and men adjust to and serve their time in prison differently. Interaction among men in prison tends to be more aggressive and violent than that of women. Therefore, combining women and men in one institution may bring about coercion and exploitation that women would not have suffered in a single-sex institution. Women in integrated settings are more likely to be disciplined for prison code violations. Also, men tend to have more freedom to move around the facility than women.

Though some believed that homosexual activity would decrease when a prison is gender integrated,

there is little evidence to support this view. Prison administrators and staff have been criticized for the enforcement of homophobic and sexist policies and procedures in co-correctional facilities. Though homosexual behavior is forbidden, just as in same-sex facilities, some heterosexual behavior, such as hand holding, is often allowed in co-correctional prisons. Furthermore, when heterosexual sex is punished by corrections officials, women are more likely to be disciplined, even in cases where the male inmate has been identified.

In same-sex facilities, inmates sometimes demand that another person provide sexual services to other inmates who are willing to pay for it. Such prostitution also occurs in sex-integrated facilities with women serving as the sex workers, and men acting as "pimps." Not only does this interaction among the inmates promote the transmission of sexually transmitted diseases, it may result in pregnancies. Given the high numbers of women who have experienced sexual abuse prior to incarceration, such activity in prison may revictimize already damaged individuals.

CONCLUSION

The efforts of co-corrections supporters to make prison resemble the society outside the prison walls have positive and negative effects. The gender roles played out by prisoners tend to correspond with those traditionally established roles in U.S. society, where males portray patriarchal characteristics. Unfortunately, these interactions may also demonstrate the dysfunctional relationships experienced by the female and male prisoners prior to their incarceration, causing disruption in institutional functions. This distraction in programming may interfere with the successful integration of inmates back into general society, as opposed to the expected outcome of better use of resources, more programming for women, and improved rehabilitation methods.

—Hillary Potter

See also Federal Prison System; History of Women's Prisons; Homosexual Relationships; Lesbian Relationships Rape; Sex—Consensual; "Stop Prisoner Rape"; Women's Prisons

Further Reading

Anderson, D. C. (1978). Co-corrections. *Corrections Magazine, 4*(3), 32–41.

Davis, J. R. (1998). Co-corrections in the U.S.: Housing men and women together has advantages and disadvantages. *Corrections Compendium, 23*(3), 1–3.

Massachusetts Correction Department. (1975). *A study of a co-educational correctional facility.* Boston: Author.

Rafter, N. H. (1992, Spring). Equality or difference? *Federal Prisons Journal, 3*.

SchWeber, C. (1984). Beauty marks and blemishes: The coed prison as a microcosm of integrated society. *The Prison Journal, 64*(1), 3–14.

Smykla, J. O. (1980). *Co-ed prison.* New York: Human Services Press.

Smykla, J. O., & Williams, J. J. (1996). Co-corrections in the United States of America, 1970–1990: Two decades of disadvantages for women prisoners. *Women and Criminal Justice, 8*(1), 61–76.

COLLEGE COURSES IN PRISON

Research indicates that prison college programs are among the best tools for reducing recidivism. Individuals who take college courses while in prison improve their chances of attaining and keeping employment after release. They are less likely to commit additional crimes that would lead to their return to prison. The effectiveness of these programs led to their widespread adoption for several years. However, nearly all programs were discontinued during the 1990s and few college programs are currently available in prison settings. The history of these programs, and the debate about their merits, demonstrates the counterproductive effect that political influence can have on efforts to combat crime.

HISTORY

The University of Southern Illinois began the nation's first prison-based college program in 1953. Other programs followed, but since the development of these programs was dependent on limited funding, only 12 postsecondary correctional education programs existed by 1965. The funding situation

changed significantly that year as the U.S. Congress passed Title IV of the Higher Education Act. This act gave inmates and other low-income students the right to apply for federal financial aid in the form of federal Pell grants to be used for college courses.

Title IV provided the funding that was needed to ensure the financial stability of corrections education programs. As a result, by 1973, 182 college programs were operating in U.S. prisons. By 1982 (which was the last year an official count was made), 350 programs were active in 45 states and approximately 27,000 inmates received some form of postsecondary education. Although the numbers had increased significantly, this represented just 9% of the total prison population at the time.

Prisoners applied for Pell grants under the same criteria as those outside prison. Pell grants are noncompetitive, need-based federal funds that are available to all qualifying low-income individuals who plan to enroll in college degree programs. For qualifying individuals in correctional facilities, the average Pell grant award was less than $1,300 per year. The total percentage of the program's annual budget that was spent on inmate higher education was 1/10 of 1%. Although the cost was relatively low, the idea of providing Pell grants to prisoners remained controversial and many argued for the elimination of these grants.

The beginning of the end for college programs in prison was in 1991, as Republican Senator Jesse Helms of North Carolina introduced an amendment to eliminate federal funds for education to inmates. Several members of the U.S. House of Representatives introduced similar amendments. Like Helms, they claimed that federal money was being spent at the expense of "law-abiding" students who were enrolled in college outside of prison. Although these amendments failed, this argument would return the next year with the passage of the Higher Education Reauthorization Act, which determined that Pell grants for prisoners could be used only for tuition and fees. The 1992 bill also made those on death row, or serving life without parole, ineligible for Pell grants seeming to acknowledge the importance of education for those who would eventually be released from prison.

Despite evidence supporting the connection between higher education and lowered recidivism, the U.S. Congress included a provision in the Violent Crime Control and Law Enforcement Act of 1994 that eliminated Pell grants for prisoners. This law had a devastating effect on prison education programs. In 1990, there were 350 higher education programs for inmates. By 1997 only 8 programs remained. Ironically, at the same time as the federal government abolished Pell grants for prisoners, many states were undergoing a dollar-for-dollar tradeoff between corrections and education spending. New York State, for example, steadily increased its Department of Corrections budget by 76% to $761 million. During the same period, the state decreased funding to university systems by 28%, to $615 million. Much of the increase in corrections spending was the result of longer prison terms and the need for increased prison construction.

In the 1993–1994 school year, more than 25,000 students in correctional facilities were recipients of Pell grants. Although these grants were not the only source of revenue for these programs, they provided a predictable flow of money that enabled the continued functioning of classes. Since there were no replacement funds, programs were forced to abandon efforts to provide college courses in prison.

BENEFITS OF CORRECTIONS EDUCATION

In 2002, there were more than 1.4 million prisoners in federal and state facilities. That same year, more than 600,000 inmates were released, either unconditionally or under conditions of parole. Many of those released will be rearrested and will return to prison. Costs of this cycle of incarceration and reincarceration are very high. Many studies suggest that corrections education has the potential to greatly reduce these costs. For example, a 1987 Bureau of Prisons report found that the more education inmates received, the lower their rate of recidivism. Those who earned college degrees were the least likely to reenter prison. For inmates who had some high school, the rate of recidivism was 54.6%. For

college graduates, the rate dropped to 5.4%. Similarly, a Texas Department of Criminal Justice study found that while the state's overall rate of recidivism was 60%, for holders of college associate degrees it was 13.7%. The recidivism rate for those with bachelor's degrees was 5.6%. The rate for those with master's degrees was 0%.

Even small reductions in recidivism can save millions of dollars in costs associated with keeping the recidivist offender in prison for longer periods of time. Additional costs are apparent when we consider that the individual, had he or she not committed another crime, would be working, paying taxes, and making a positive contribution to the economy. When we add the reduction of costs, both financial and emotional, to victims of crime, the benefits are even greater. Finally, the justice system as a whole, including police and courts, can save a great deal of money when the crime rate is reduced.

The Changing Minds study (Fine et al., 2001), which was conducted at Bedford Hills Correctional Facility, New York's only maximum-security prison for women, was the first major study to examine the impact of college in prison since Pell grants were eliminated. As other research had shown before, Changing Minds demonstrated that college prison programs transform lives, reduce recidivism, create safer prisons and communities, and significantly reduce the need for tax dollars spent on prisons. Only 7.7% of the inmates who took college courses at Bedford Hills returned to prison after release, while 29.9% of the inmates who did not participate in the college program were reincarcerated. The authors calculated that this reduction in reincarceration would save approximately $900,000 per 100 student prisoners over a two-year period. If we project these savings to the 600,000 prison releases in a single year, the savings are enormous.

The success demonstrated in the Bedford Hills study has led to the creation of the Center for Redirection Through Education. This organization continues to work to develop college programs in prisons throughout New York State. Other states are also working to develop postsecondary education programs but they continue to face funding problems. In most cases, options are limited to single courses with no expectation of earning a full degree.

CHALLENGES

Students in prison education programs evidence a wide range of potential and have had varying educational experiences. Inmates who choose to enroll in college courses are not necessarily any different from the typical university student. As in any college-level course, the range of abilities can include very gifted students, students who face challenges, and students who have various motives for enrolling in college courses.

The educator's challenge is compounded by the uniqueness of prison culture and the need for security. Prisons adhere to strict routines and provide a controlled environment for education classes. These routines may not be ideal for teaching or learning. College programs may also adhere to schedules that conflict with the requirements of correctional institutions. Another issue is that inmates are often moved from one facility to another with little or no notice. This movement interrupts, or ends, the individual's educational programming. Along with structural issues related to security, social factors may further limit learning opportunities. For example, prison culture can vary from one facility to another, or even in different parts of a single facility. The support and expectations of fellow prisoners can be an important determinant of prison culture. Prison administrators may also have varying degrees of support for education—especially if they see education as a threat to the primary functions of security and control. If the culture of the facility is not supportive of the individual's educational goals, and willing to work toward integrating education into the dominant goal of creating a safe and secure facility, it may be difficult for individuals to reach their goals.

CONCLUSION

Most studies indicate that an individual who takes college classes while in prison is less likely to return to prison than someone who has not received

the same educational opportunities. There is some question as to why these courses lower recidivism. Many of the benefits of a college education are hard to measure. As such, it may be difficult to show a clear relationship between educational opportunity and recidivism. However, an intervening factor, the ability to find and hold a job, appears to relate to college courses in prison since college education increases the likelihood of postrelease employment, which, in turn, reduces the chance of recidivism.

The vast majority of incarcerated individuals will eventually be released. The growth in the incarcerated population over the past 20 years has created unprecedented release rates since there are just so many people in prison. Due to strict sentencing guidelines, these women and men have often served long terms and are released only when their terms have been completely served. Many are released unconditionally, without parole or other postrelease supervision. Each of these individuals will be expected to begin leading a productive, law-abiding life outside prison walls. Access to a quality education can increase their chance of success.

—Kenneth Mentor

See also Adult Continuing Education; Education; General Educational Development (GED) Exam and General Equivalency Diploma; Recidivism; Rehabilitation Theory; Violent Crime Control and Law Enforcement Act 1994

Further Reading

Batiuk, M., Moke, P., & Rounree, P. (1997). Crime and rehabilitation: Correctional education as an agent of change—A research note. *Justice Quarterly, 14*(1).

Bureau of Justice Statistics. (2002). *Key crime and justice facts at a glance.* Retrieved from http://www.ojp.usdoj.gov/bjs/glance.htm

Currie, E. (1985). *Confronting crime: An American challenge.* New York: Pantheon.

Fine, M., Torre, M. E., Boudin, K., Bowen, I., Clark, J., Hylton, D., Martinez, M., Roberts, R. A., Smart, P., & Upegui, D. (2001). *Changing minds: The impact of college in a maximum security prison.* New York: Graduate Center of the City University of New York. Retrieved from http://www.changingminds.ws/

Gerber, J., & Fritsch, E. (1993). *Prison education and offender behavior: A review of the scientific literature.* Huntsville: Texas Department of Criminal Justice, Institutional Division.

Greenwood, P. W., Model, K. E., Rydell, C. P., & Chiesa, J. (1996). *Diverting children from a life of crime: Measuring costs and benefits.* Santa Monica, CA: RAND.

Haigler, K. O., Harlow, C., O'Connor, P., & Campbell, A. (1994). *Literacy behind prison walls.* Washington, DC: National Center for Education Statistics.

Harer, M. (1995). *Prison education program participation and recidivism: A test of the normalization hypothesis.* Washington, DC: Federal Bureau of Prisons.

LoBuglio, S. (2001). Time to reframe politics and practices in correctional education. In J. Comings, B. Garner, & C. Smith (Eds.), *Annual review of adult learning and literacy* (Vol. 2). San Francisco: Jossey-Bass.

Steurer, S., Smith, L., & Tracy, A. (2001). *Three State Recidivism Study*. Prepared for the Office of Correctional Education, U.S. Department of Education. Lanham, MD: Correctional Education Association.

Stevens, D., & Ward, C. (1997). College education and recidivism: Educating criminals meritorious. *Journal of Correctional Education, 48*(3).

Taylor, J. M. (1992). Post secondary correctional education: An evaluation of effectiveness and efficiency. *Journal of Correctional Education, 43*(3).

Taylor, J. M. (1993, January 25). Pell grants for prisoners. *The Nation*.

Tolbert, M. (2002). *State correctional education programs.* Washington, DC: National Institute for Literacy. Retrieved from http://www.nifl.gov/nifl/policy/st_correction_02.pdf

U.S. Department of Education, Office of Correctional Education. (1994). The impact of correctional education on recidivism 1988–1994. Washington, DC: U.S. Department of Education.

U.S. Department of Education, Office of Correctional Education. (1995). *Pell grants and the incarcerated.* Washington, DC: U.S. Department of Education.

Worth, R. (1995, November). A model prison. *Atlantic Monthly*.

COMMISSARY

Prison commissaries help ease some of the deprivations of imprisonment, by allowing inmates with sufficient funds to buy products from a fairly broad range of items. They stock food and other goods. Items include shoes, radios, food, stamps, photocopy and phone credits, and, in some institutions, over-the-counter medication such as Tylenol, ibuprofen, and allergy medicine. Prison commissaries vary in their prices, variety, and accessibility, although some attempt is usually made to ensure

consistency between establishments in the same correctional system. In most prisons, individuals may visit the commissary only once a week, although in jails those awaiting trial may be able to make purchases more frequently. Housing units within a facility usually visit the store at different times to minimize contact and conflict between different inmates. Although, increasingly, commissaries are being privatized, profits from commissary purchases often go back into an inmate fund for such items as cable television, leisure time activity equipment, and other resources for the general population. Thus, the benefits of prison commissaries may be felt by more than just those individuals who buy products from them.

Commissary

The commissary is where prisoners can buy all types of stuff—sneakers, sweatsuits, radios, junk food, toiletries, stationery supplies, batteries, and anything else that is allowed in prison, which isn't much. Unlike shopping on the street, there is little selection. For example, in here there is one brand of peanut butter, and if you don't like that brand then too bad. In prison you don't have any choice and that's how the administration wants it. Different compounds have different things on the commissary but they are all pretty much the same.

At most federal institutions you have a limit on how much you can spend. It is usually $275.00 a month and is referred to as your spending limit. As soon as you spend it you can't spend any more until you revalidate on the first of the next month. You can also put money on your inmate ID card, which can be used for the laundry machines, photocopiers, vending machines, or to buy photo tickets that can be used on special days in recreation to get your picture taken. The commissary sells stamps but you are limited to buying only three books at a time (sixty stamps).

At most prisons there are also thriving underground economies for obtaining services and goods unavailable at the commissary. With certain goods like mackerels, cigarettes, or stamps, you can buy services such as laundry, ironing, or room cleaning, or buy drugs or foods smuggled out of the chow hall like green peppers or onions. You can also buy hooch, prison alcohol that others make from juice and sugar they buy at the commissary. Also, if you have to pay off a gambling debt you can tell the person to give you a list and you will buy it at the commissary.

Seth Ferranti
FCI Fairton, Fairton, New Jersey

HISTORY

In the first gaols and workhouses of the 17th and 18th centuries, inmates had to provide their own food, clothing, and equipment. Either friends or family members would bring them in such items, often providing meals on a daily basis, or else they would have to procure them by other means. The warden or gaoler often supplemented his income by running errands to buy items for those who were incarcerated, or by employing his wife to cook their meals.

Unlike these earlier institutions, penitentiaries began to provide all the food, clothing, and basic items of clothing and the like that inmates would need during their period of confinement. No additional items were allowed. It was not until the 20th century that penal institutions returned to the practice of allowing inmates to supplement their food and possessions. This time, however, rather than running errands in the community, they set up a store within the prison itself: the commissary.

HOW DO COMMISSARIES WORK?

To buy items at the commissary, an individual must have a commissary account. This account is usually established when an individual first arrives in prison. In most institutions, friends and family members may send in postal orders to deposit funds in an inmate's commissary account. Likewise, inmates may deposit any wages earned from prison labor in the account. Most systems no longer allow prisoners cash during their sentence. No matter how much money an individual has in his or her commissary account, prisons usually limit the amount of money someone may spend at the commissary

each month. Jails may be more flexible, since people who have not yet been convicted retain more privileges than those who have been.

In the federal prison system, individuals may spend between $150 to $300 at the commissary per month, depending on where they are held. The current most common amount that a prisoner may spend is $175. Certain items, like stamps, are not included in this sum. During the holidays in December, most institutions expand the sum inmates may spend. Unspent monies may not be carried over to the next month.

POSITIVE AND NEGATIVE ASPECTS OF COMMISSARIES

Commissaries play an important role in most penal establishments, by providing additional items that inmates may need or desire. Though everyone will be given the bare necessities, government-issue products such as shampoo, toothpaste, and toilet paper are not always to everyone's liking. Commissaries usually offer alternatives that may be the regular brands that prisoners used prior to incarceration.

Being able to choose items, however mundane, enables some prisoners to cope with the monotony and restrictions of prison life. Items in most commissaries, however, cost at least the same as they would outside, and, in some cases, more. This can be difficult for most people to afford, unless they have additional monies sent in, because prison wages are extremely low. In addition, commissaries may not stock ethnically specific items, such as hair products for African Americans, or foreign language magazines for non-English speakers. In some states, prisoners have filed suits, mostly unsuccessfully, to challenge both the prices and the items available in the prison store.

Like many other aspects of contemporary prisons, commissaries are increasingly being leased to private companies. These companies, such as Covenco, Inc. in Pennsylvania, which contract with state and federal departments of corrections, endeavor to make a profit. Thus, the range of items they make available, and the prices they ask for them, will often reflect their own desires, rather than those of the prisoners. These same companies also usually offer similar services outside of prison, operating vending machines in schools, or providing food to hotels and other businesses.

Finally, commissaries play a role in the maintenance of order and discipline in penal institutions, in a number of ways. First, some of the items for sale in prison stores such as canned fruit or fruit juice can be used by skilled prisoners to make hooch or prison alcohol. Any product, in fact, could be used for trade between inmates, and thus may become contraband. Although everyone is entitled to spend the same amount per month, not everyone will have access to the funds to do so. In this case, the commissary can lead to conflict and competition between individuals. Also, inmates commonly prey on others for their items, particularly newly arrived prisoners. Sometimes gang members must "donate" their commissary goods to a reserve pool for others who cannot afford to buy what they need. Finally, in recognition of the emphasis most individuals place on their ability to shop at the commissary, the right to buy items from a prison or jail commissary can be taken away as a disciplinary measure, for minor infractions.

CONCLUSION

Commissaries play an important and complex role in most penal institutions. Though items are often overpriced and may not always be precisely what individuals are looking for, being able to buy things, however small, is prized by most inmates as a means of retaining some autonomy in a restrictive environment. Many of the items for sale in the prison store help people maintain contact with the outside, such as cards and stamps. Other goods such as books, magazines or foodstuffs can be used to help provide a little variety in their everyday life behind bars.

—Mary Bosworth

See also Contraband; Deprivation; Federal Prison System; Food; Hooch; Prison Culture

Further Reading

Bosworth, M. (2002). *The U.S. federal prison system.* Thousand Oaks, CA: Sage.

Burton-Rose, D., Pens, D., & Wright, P. (Eds.). (1998). *The celling of America: An inside look at the U.S. prison industry.* Monroe, ME: Common Courage.

Santos, M. (2004). *About prison.* Belmont, CA: Wadsworth.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison*. Princeton, NJ: Princeton University Press.

COMMUNITY CORRECTIONS CENTERS

Community corrections centers include halfway houses, work release centers, and restitution centers. Individuals housed in these places usually work in the community and participate in court-ordered programs such as drug treatment or family counseling. Centers hold inmates either as an alternative to incarceration or at the end of their prison sentence for a period of readjustment to community life. Community residential corrections programs are the most underutilized component of the corrections continuum.

HISTORY

Halfway houses for released prisoners were first established during the 1800s in Boston and New York to aid former offenders in their readjustment to the community. While other cities and states gradually introduced similar establishments, it was not until 1975 that all states in addition to the federal government had approved legislation approving the use of halfway houses. The passage by Congress of the Prisoner Rehabilitation Act of 1965 made it possible for the U.S. Bureau of Prisons to delegate the care, custody, and control of inmates to a community treatment center or contract facility. Contract facilities are nonprofit, or private, facilities owned and operated by a nongovernment entity for the same purpose and operated much the same as a government-operated community residential center. Shortly after passage of the Prisoner Rehabilitation Act of 1965, many states followed suit and began to use community residential centers to help integrate probationers and inmates into the community as part of the service of their sentence or as a condition of probation.

THE PURPOSE OF A COMMUNITY CORRECTIONS CENTER

Community corrections facilities serve two roles: halfway in prison and halfway out. That is, for offenders who are on probation or appearing for sentencing for the first time, a halfway house offers an alternative to the judge who believes that the offender, at the time of sentencing, will not be well served by going straight to prison. However, in his or her opinion the offender needs a period of time to benefit from stronger controls, regular employment, counseling, and perhaps other programs such as drug treatment. The sentencing judge may then place the offender on probation with the condition that he or she may serve the first 90–120 days in a halfway house. While in the program offenders are required to find employment (if they are unemployed), participate in required programs such as drug treatment or education. In addition, they must follow rules and regulations that restrict their activities. They will also usually meet once or twice with the probation officer assigned to his or her case to discuss rules and concerns. Once offenders have completed their stay in the program without incident and are ready to leave, they are usually entitled to live at home under the supervision of a probation officer.

Halfway out of prison refers to the inmate's release from prison prior to the expiration of sentence in order to secure employment, have time to become reintegrated with his or her family, and experience a period of decompression after serving perhaps years in the regimented environment of prison. When an inmate is transferred to a work release facility or halfway house, he or she is usually placed on furlough for a period of time to travel by public transportation to the designated facility. Once there, she or he will undergo a period of classification and in-house assignments in order for the staff to properly classify the inmates and determine whether there are issues that indicate the inmate should be returned to custody. This usually does not

happen because the inmate must meet the criteria of (1) being within 90–120 days of release from custody, (2) no history of violence or organized crime or sexual offenses, and (3) good adjustment in prison. Thus, before inmates are accepted into a residential facility, they must be screened by the institutional staff and the halfway house staff. Providing a residential service for those who are halfway out of prison addresses the issue of prisonization and inmates' needs for a period of adjustment to the community before being allowed to go on parole. If someone has regular employment, has a place in his or her family, and/or a place to live, the parolee stands a much better chance to complete the demands of parole or succeed upon mandatory release.

Finally, a minority of residents of halfway houses are pretrial inmates. These include individuals suspected of crimes and awaiting trial who have been deemed not dangerous enough or not enough of a risk of flight to be held in prison, and too dangerous or too much of a risk of flight to be released into the community unsupervised pending trial. For these people, a community residential center provides the supervision necessary, while shielding the inmate from the potential harm resulting from spending time in jail.

STAFFING

All community corrections centers operate under the purview of a central office or board of directors. The government facility is part of the community programs division of the department of corrections, or if a local corrections center, part of the jail division of the sheriff's department. Nonprofit centers are also operated under the supervision of a board of directors whose members are selected by the parent agency. In the case of some centers, after the initial board is selected, members of the board will select replacements. As a consequence, the director of the facility will report to either a supervisor in the central office or the board itself.

Other than the director, there is some variation in staffing a community corrections center. At minimum, there should be one case manager for every 30 to 50 inmates, an employment placement officer, and an adequate staff to provide security and supervision. The supervision staff should have at minimum one supervisor for every 25 inmates on all three shifts, 365 days a year. In addition to security and supervision of inmates, officers may have to drive inmates to employment interviews, supervise organized recreation, and perform sundry tasks related to the orderly management of the facility, such as passing out laundry, counts, and supervising sanitation. Many community corrections centers also have on staff, or on contract, a licensed social worker or psychologist to develop and run counseling programs and to assist with classification and reclassification of inmates

PRIVATIZATION

The privatization of halfway houses is not new, but the practice was reinvigorated in the mid-1970s when Canon and Company opened a for-profit facility in Inglewood, California. The facility was operated just as a government-operated or nonprofit facility and was quite successful. However, it closed due to the lack of contract funding during the Reagan years.

Not long after Canon and Company opened, Eclectic Communications Corporation of Santa Barbara and Behavioral Systems of the Southwest opened halfway houses as private corporations. In the mid-1980s, Corrections Corporation of America opened for business as a private corporation in both institutional and community corrections. At present Corrections Corporation of America holds a 52% market share of privately held beds in the United States and a 43% share of global private corrections beds, including community corrections centers.

PROGRAMMING IN A COMMUNITY CORRECTIONS CENTER

The programs of community corrections centers vary from jurisdiction to jurisdiction and whether they are a government, nonprofit, or private facility. For example, a work release center operated by the state department of corrections may focus almost exclusively on employment and security. As a part

of case management, the inmate may be referred to a community drug treatment program for counseling. On the other hand, many programs are designed for offenders with a history of substance abuse and the entire program will revolve around counseling and related programs, including employment.

On the whole, community corrections centers offer a relatively wide range of program opportunities such as referring inmates to local community colleges for completion of a general equivalency diploma (GED) or for vocational training, in-house counseling sessions either by staff or contract social workers or psychologists, and other enrichment programs such as assistance from officers from the department of employment assistance. In addition, the orientation may include sessions on how to find a job, how to get along with a supervisor, how to use the local transportation system, and how to manage money.

It is important to stress that the community corrections center can be used as a means to increase control of the offender, that is, remove him or her from the freedom of community life to a program that can provide stricter controls short of imprisonment. They can also be used as a transition device between the strict regimentation of prison to the relative freedom of parole. Either way, the community benefits and in addition, the offender usually must pay a portion of his or her paycheck each week as reimbursement for room and board. Part of each paycheck is also used to make court-ordered payments such as restitution or child support payments.

EFFECTIVENESS OF COMMUNITY CORRECTIONS CENTERS

The effectiveness of community corrections centers is difficult to address. If one is asking if they are effective as a rehabilitation agent, the answer is, probably not. Perhaps we should think of community corrections centers as a tool for reintegration rather than a means of rehabilitation. Edward Latessa and Lawrence Travis (1991) looked at a matched sample of probationers and halfway house residents and found no difference in postrelease behavior. They conclude that halfway house placement may be better for some offenders but that such a placement might best be based on the offender's need rather than on a desire to increase the penalty. David Hartman, Paul Friday, and Kevin Minor (1994) looked at predictions of successful halfway house discharge and recidivism and concluded that program completion is more important than the completion of specific components and that successful program completion can be associated with lessened recidivism. Finally, Karol Lucker (1997) examined the role of privatization in community corrections and concluded that, despite defects of private offender treatment, the abolition of private halfway houses is neither warranted nor likely.

GENDER-SPECIFIC ISSUES

Many community corrections centers are single-sex facilities though some also house both men and women. There usually are no problems related to inappropriate behavior between men and women in coed facilities because most inmates are focused on job, family, and just getting out. Still, when problems occur they usually result in both inmates being remanded (back) to custody.

Merry Morash and Pamela Schram (2002) report that on average 31.4% of women inmates are released through prerelease centers and 10.7% are released from prison through a halfway house. In one of the few pieces of research about women in community corrections, David Dowell, Cecilia Klein, and Cheryl Krichmar (1983) reviewed a group of female residents of a halfway house in Long Beach, California, and compared them with a similar group of parolees who did not receive the benefit of halfway house services. They conclude that release through a halfway house reduced both the number and severity of offenses committed after the women were released from the facility. Thus, while gender-specific research is sketchy in regard to successful outcomes of confinement in community corrections centers, overall research indicates that they are at least cheaper than prison and do less harm than imprisonment.

Determining whether community corrections centers are more successful for men or women is difficult due to definitions of success and to the

absence of research. Nonetheless, many argue that since female offenders have special needs, community corrections centers should address those needs through programs that include substance abuse, parenting classes, counseling that addresses codependency, and even therapy for abuses suffered at a younger age. In addition, many community corrections centers are designed to control male offenders and the intent is to separate and observe behaviors.

CONCLUSION

Community corrections centers aim to provide offenders with opportunities to adjust to the demands of community life under the supervision of staff. While research into their effectiveness is inconclusive, for the most part they appear to do less harm to the individual than incarceration. In the spectrum of punishment options currently available in the United States, community corrections centers fall somewhere in the middle, alongside probation, fines, community service, and restitution. Since they are cheaper and more humane to operate than prisons, and because they allow the possibility for enhanced family contact, many argue that community corrections centers should be used more frequently, to house a greater variety of nonviolent offenders.

—James G. Houston

See also Classification; Drug Treatment Programs; Electronic Monitoring; Furlough; Intermediate Sanctions; Minimum Security; Parole; Prerelease Programs; Prisoner Reentry; Security and Order

Further Reading

Clear, T. (1998). Challenges for corrections in the community. In J. Petersilia (Ed.), *Community corrections: Probation, parole, and intermediate sanctions.* New York: Oxford University Press.

Corrado, R. R., Odgers, C., & Cohen, I. M. (2000). The incarceration of female young offenders: Protection for whom? *Canadian Journal of Criminology, 42*(2), 189–208.

Dowell, D., Klein, C., & Krichmar, C. (1983). Evaluation of a halfway house for women. *Journal of Criminology, 13*(1), 217–226.

Hartman, D. J., Friday, P. C., & Minor, K. I. (1994). Residential probation: A seven-year follow-up study of halfway house discharges. *Journal of Criminal Justice, 22*(6), 503–515.

Latessa, E., & Travis, L. F., III. (1991). Halfway house or probation: A comparison of alternative dispositions. *Journal of Crime and Justice, 14*(1), 53–75.

Lucker, K. (1997). Privatizing discretion: Rehabilitation treatment in community corrections. *Crime & Delinquency, 43*(3), 243–260.

Morash, M., & Schram, P. J. (2002). *The prison experience: Special issues of women in prison.* Prospect Heights, IL: Waveland.

COMPASSIONATE RELEASE

Compassionate release of prisoners is appropriate when circumstances unforeseen at sentencing make continued incarceration unjust, and when no other adequate legal mechanisms exist to effect sentence reduction. Where recognized, compassionate release may be justified by a wide variety of postsentence developments. These can include extraordinary and compelling medical circumstances (such as imminent death, debilitating illness or injury, or mental illness), changes in the law that reduce the sentence but are not retroactive, unwarranted sentence disparity, extraordinary assistance to the government, compelling change in family circumstances, or sentencing error that was not discovered in time to be corrected using available legal procedures (American Bar Association [ABA], 2003, pp. 3, 4).

A system for early release for compassionate reasons can be administered by the courts, corrections systems, parole authorities, or a combination of agencies. It may involve sentence reductions, medical furloughs, early parole, or other administrative or judicial methods. However accomplished, compassionate release recognizes that in certain cases continued incarceration has ceased to serve legitimate penological ends. It expresses a moral judgment that whatever the reasons for imposing sentence, they are overborne by subsequent events that render continued incarceration unjust and inappropriate.

CURRENT PRACTICE

Compassionate release is comparatively rare today due to the widespread adoption of fixed or mandatory sentencing schemes and the abolition of parole by

many states and the federal government. For example, in the mid-1980s, Congress passed the Sentencing Reform Act abolishing parole and authorizing sentencing guidelines, and adopted a number of laws providing for mandatory minimum sentences. Similarly, in the states the advent of "truth-in-sentencing" laws eliminated some of the existing compassionate release mechanisms—for example, those accomplished through parole—or created conditions incompatible with earlier, more flexible approaches to sentencing reduction. Thus, indirectly and perhaps unintentionally, changes in sentencing law have effectively curtailed the practice of reducing sentences on compassionate grounds (ABA, 2003, p. 2).

States generally have provisions ranging from the explicit to the general that may be used for humanitarian requests. In a 1995 survey, it was found that about only half of the states provide compassionate release mechanisms for the terminally ill (ABA, 1995, p. 6). Others have general methods such as clemency, furlough, and parole that may be used to serve compassionate ends (Aldenberg, 1998, p. 557; ABA, 1995, p. 6; Russell, 1994, p. 836, n. 10; Volunteers of America, 2001, p. 5). The federal government's compassionate release statute, 18 U.S.C. § 3582(c)(1)(A), provides relatively broad authority to the Federal Bureau of Prisons to submit a motion to the sentencing judge for sentence reduction based on "extraordinary and compelling circumstances" (Price, 2001, p. 189).

In some cases, compassionate release is confounded by political concerns, adherence to the principle that respects the finality of sentences, or a lack of guidance about the appropriate grounds for relief (Price, 2001, p. 190, n. 6). Decision makers are constrained to be conservative in their application of compassionate release by a tough-on-crime atmosphere, or fear that those released may reoffend (Aldenberg, 1998, p. 553; Greifinger, 1999, p. 236). Many compassionate release programs are limited to cases where the prisoner is just about to die and require determinations that he or she is unlikely to reoffend or become a threat to public safety (Russell, 1994, pp. 826–827). This means that, where mechanisms exist, as a practical matter they are used sparingly.

In 1996, a study of state and federal release programs by the U.S. Department of Justice's Office of Justice Programs found only 20 jurisdictions had released prisoners pursuant to early-release authority (ABA, 2003, p. 4, n. 5; U.S. Department of Justice, 1996–1997, p. xiv). A survey of the use of sentence reductions in the federal system found that only 226 people had been released from federal prison between the years 1990 and 2000 (Price, 2001, p. 191). Not only is the federal statute rarely invoked, it is limited generally to those circumstances where the prisoner is near death, despite the apparently broad use of the power contemplated by Congress (Price, 2001, pp. 188, 189). In recent years, the Bureau of Prisons has somewhat expanded the scope to include prisoners suffering diseases that have resulted in "markedly diminished public safety risk and quality of life" (Price, 2001, p. 191).

CONCLUSION

For some in the criminal justice community, compassionate release defeats the aims of tough-on-crime sentencing. Expanding the use of compassionate release might create a back door through which offenders may avoid serving their sentences. Others support the reinstatement and expansion of compassionate release mechanisms, arguing that rule-bound sentencing systems do not adequately account for compelling postsentence developments. In light of its determination that most sentencing systems cannot routinely accommodate the variety of "truly exceptional" postsentence developments that may warrant reconsideration of incarceration, the ABA House of Delegates recommended in 2003 that jurisdictions evaluate existing procedures. The ABA urged jurisdictions to develop and implement mechanisms for sentence reductions in cases of extraordinary and compelling postsentence developments and develop criteria ensuring that the procedures that are developed can be easily used by prisoners and their advocates (ABA, 2003, p. 1).

—Mary Price

See also Clemency; Furlough; Pardon; Parole; Sentencing Reform Act 1983; Truth in Sentencing

Further Reading

Aldenberg, W. B. (1998). Bursting at the seams: An analysis of compassionate-release statutes and the current problem of HIV and AIDS in U.S. prisons and jails. *New England Journal on Criminal & Civil Confinement, 24,* 541–597.

American Bar Association. (1995). *Compassionate release of terminally ill prisoners.* Draft Report of the ABA Corrections and Sentencing Committee's Compassionate Release Working Group. (On file with the author)

American Bar Association. (2003). *ABA House of Delegates Resolution 103B (February 2003).* Retrieved from www.abanet.org/leadership/recommendations03/103B.pds

Greifinger, R. B. (1999). Commentary: Is it politic to limit our compassion*? Journal of Law, Medicine & Ethics, 27,* 234–237.

Price, M. (2001). The other safety valve: Sentence reduction motions under 18 U.S.C. § 3582(c)(1)(A). *Federal Sentencing Reporter, 13,* 188–191.

Russell, M. P. (1994). Too little, too late, too slow: Compassionate release of terminally ill prisoners—Is the cure worse than the disease? *Widener Journal of Public Law, 3,* 799.

U.S. Department of Justice, Office of Justice Programs. (1996–1997). *Update: HIV/AIDs, STDs and TB in correctional facilities*. Washington, DC: Author.

Volunteers of America. (2001). The GRACE Project. *Incarceration of the terminally ill, Current practices in the United States*. Alexandria, VA: Author.

CONJUGAL VISITS

Conjugal visits, sometimes referred to as family visits, are a privilege afforded to some married lower-security-risk inmates in a limited number of jurisdictions in only a handful of states. These programs allow spouses, and sometimes the couples' children, to visit for several hours at a time in complete privacy for the purpose of maintaining interpersonal relations. Heterosexual intercourse may occur during these conjugal visits.

HISTORY

American penal institutions first officially introduced conjugal visiting programs in 1918 in Mississippi. Evidence, however, suggests that this policy had been implemented unofficially long before it was legally permitted, to induce inmates to work harder in the fields. Thus, it seems that the origins of conjugal visitation were rooted solely in the management of inmates and the administrative needs of the institutions rather than in any desire to fortify family bonds. Initially, these conjugal visits were intended to be exclusively sexual in nature and did not require inmates to be married. In fact, records suggest that prostitutes occasionally met with those eligible to enjoy heterosexual relations within prison.

CURRENT PRACTICE

In the period immediately following the legalization of conjugal visiting, there were no correctional facilities appropriate for private sexual encounters between partners, so inmates would have to meet in their cells and hang a sheet to provide some visual privacy from others. Today, institutions offering conjugal visits provide various settings for privacy. Certain institutions use campgrounds on the premises of correctional institutions, where families may even stay together overnight. Others make available private rooms within prison walls themselves. The type of setting for family relations depends on several factors, including the level of security of the institution—even though they are limited almost exclusively to individuals held in lower-security institutions—the type of facility the prison or jail is using, and the resources available to the institution.

THE CASE FOR CONJUGAL VISITS

Conjugal visiting programs have been instituted in a limited number of correctional facilities to offset some of the negative psychological effects of being imprisoned. Their primary justification is that inmates who maintain relatively normal familial interactions are more likely to have lower recidivism rates and are easier to manage while serving their sentences.

In addition, conjugal visitation policies have sometimes been justified as a way to reduce the amount of homosexual activity that occurs between inmates who have no other sexual outlets. This reasoning is predicated on the presumption that

inmates have uncontrollable sexual desires that, if not channeled into heterosexual interactions, will result in consensual homosexual contact or homosexual rape. One problem with this justification has been that acts of rape have more to do with power and control of another inmate than with sexual pleasure or desire. Another challenge to this reasoning has been that not all inmates prefer heterosexual relationships, and many may intentionally seek out homosexual contact exclusively.

Conjugal visits have been praised by individuals and groups that seek to keep children of inmates closely bonded with their institutionalized parents. Extensive research exists on the negative psychological impacts of having a parent imprisoned. The findings of these studies have provided the impetus for many of the conjugal visitation programs predominantly in women's prisons that allow children to visit their mothers overnight or throughout weekends. Certain specialized programs, like the one initiated by the Girl Scouts of America, have established programs with some women's correctional institutions that allow mothers and their daughters or sons to work together on projects that can result in badges of merit or other forms of positive recognition. As an incentive for incarcerated women, conjugal visits with children are sometimes granted for the successful completion of parenting courses provided by correctional institutions. Some institutions even provide nurseries on the institution's premises where expectant mothers can prepare to give birth and then stay for up to 18 months after the birth of her child, with the expectation that she continue to fulfill expectations of conduct. Few problems have been documented as a result of these programs, although unfortunately these kinds of program incentives are chiefly offered only to female inmates.

CHALLENGES TO CONJUGAL VISITATION

There are several problems with conjugal visits that have been brought to light by their opponents. First, since so few inmates are eligible for them, the fairness of these programs has been challenged. These visits are available only to male or female inmates who are legally married, which by definition excludes the possibility of visitation by gay or lesbian partners or those who are involved in common law marriages. On these grounds, conjugal visits have been the target of constitutional challenges.

In addition, the kinds of facilities that would be appropriate for these visits are scarce, largely due to limited resources, often making them unavailable. Likewise, research has found deficits in security, abuses of power by correctional officers, and the abuse of inmates by jealous convicts, among other problems. Other problems are more ideological in nature, such as the logic of offering a program that offers enjoyment to inmates, or the sexual nature of many of these visits. Finally, conjugal visits may produce children who may not be financially supported or parented because the mother or father is incarcerated.

CONCLUSION

It is commonly believed that children who maintain healthy relationships with both parents will grow up to be more stable and more likely to be law-abiding individuals. It is also believed that inmates who are allowed to maintain an active position within their families will have a smoother transition to civilian life upon eventual release. As a result, some hypothesize that family conjugal visits may prove to be an effective long-term crime prevention method.

—Kelly Welch

See also Children; Children's Visits; Donald Clemmer; Deprivation; Homosexual Prisoners; Homosexual Relationships; Lesbian Relationships; Mothers in Prison; Pains of Imprisonment; Parenting Programs; Prisonization; Rape; Sex—Consensual; "Stop Prisoner Rape"; Gresham Sykes; Visits; Wives of Prisoners

Further Reading

Johns, D. (1971). Alternatives to conjugal visits. *Federal Probation, 35,* 48–50.

Nebraska Department of Corrections. (1995). *Annual report*. Lincoln: Author.

Ross, R., & Fabiano, E. (1986). *Female offenders: Correctional afterthoughts*. New York: McFarland.

Stumbo, N., & Little, S. (1991). Campground offers relaxed setting for children's visitation program. *Corrections Today, 53*, 136–144.

CONSTITUTIVE PENOLOGY

Constitutive penology is an extension of postmodernist constitutive criminological theory. Its proponents argue that societal responses to crime are interrelated with the wider society, particularly through "crime and punishment" talk. Discursive distinctions are constructed and continuously reinterpreted (iterated) through penal policy pronouncements, practical actions, discussions in the popular culture, and the proclamations, rules, and practices of institutional structures such as the criminal justice system, correctional institutions, and punishment and rehabilitation. These abstract distinctions obscure the numerous ways in which penological discourse and practices permeate the wider society. They also disguise the connections between the theory and practices of penology and the impacts, costs, and consequences that these have for our societal system. Constitutive penologists call for (1) the integration of prison and related penological practices with society, (2) a demystification of the penological society, and (3) the development of more holistic responses to criminal harm.

Constitutive penologists also argue that conventional penology provides the discursive reference for actions that create, develop, and sustain prison. Discursive structures are embodied with ideological material, which provides the backdrop for socially constructed meaning. Whether penology is taken in its broadest sense to mean the systematic study of penal systems, or the more narrowly focused investigation of the effectiveness of sentencing in preventing reoffending, or even the microscopic examination of penal institutions and their routine practices of violence and discrimination, all research sustains the continued existence of the penological society, dubbed the "incarceration nation." Thus, debates over being in or out of prison, over building more or less penal institutions, about overcrowding and overspending, about alternatives to and challenges, all continuously assume the taken-for-granted existence of the very structures that need to be questioned and explained. In short, they reinforce the prison as a necessary reality.

CRITIQUE OF CONVENTIONAL PHILOSOPHIES OF PUNISHMENT

Constitutive penologists see penal policy as part of a way of talking about dealing with offenders (discursive process) whereby aspects of existing practice are selected, emphasized, refined, and given linguistic form and formally discussed, while other aspects are ignored, subordinated, dispersed and relegated to the informal, are framed as aberrant, or seen as "noise." Conventional penologists generally distinguish between six general philosophical approaches that underpin their policies and inform sentencing practice: (1) incapacitation/social defense, (2) punishment/retribution/just deserts, (3) deterrence, (4) rehabilitation/treatment, (5) prevention, and (6) restitution/reparation. For a constitutive penologist, any one of these "philosophies" constructs a false separation between the penal system and society. For example, incapacitation does not separate offenders from society since being *in* prison is being *in* society; prison is physically, structurally, and symbolically integrated into the broader community. Rather than "walls of imprisonment," there is continuity between being "in" or "out." The incarcerated are not incapacitated, since they do additional and, in many cases, more serious forms of offensive behavior inside prison as a reaction to their confinement. Metaphors for the lawbreakers such as "slime," "dirt bag," "asshole," and "scumbag" often both objectify the humans who perpetrated the harms and provide the very "logical" penal response that encourages the development of a pool of suspects, shielding other more invisible and powerful "excessive investors" in harm production from potential incrimination while maintaining the need for social structures of control.

Constitutive penologists also point out that we pay the economical and social costs of massively expanded prison programs. Socially, the "new

penology" of incapacitation has accentuated the issue of race in American society, since one in three African American males aged 20–29 are in prison, on probation, or on parole. This permeates the minority perspective of those people of color *outside* prison who withdraw sentiment for, and commitment to, society's formal institutions, especially from government and law enforcement. It simultaneously corrupts the majority white population's views on minorities, thereby contaminating day-to-day interaction; through this, the institutions and structures of society reinforce the justification for implicit and institutionalized racism. Thus, argue constitutive penologists, incapacitation has a major impact on the nonwhite *and* white populations. Once moral sentiment is withdrawn, people feel morally justified in violating all kinds of rules based on the rationalization that "whites" and other dominant groups in general cannot be victims of specific crimes, since their racist violations of minorities make them the aggressors. Minorities are merely taking back what was seen as rightly taken from them, including dignity, self-determination, property, and even life itself.

Finally, incapacitation feeds the false security of social order and the "safer with them behind bars" mentality. The paradox is that for each constitutive brick of incapacitation we release another swirl of freedom for "accident makers" (Bhopal), "liberators" (Iran-Contra), "job creators" (GM's Jeffrey Smith), "risk takers" (Boesky, Milken), and "fabricators" (Enron). We feel safer in our homes and workplaces, yet it is often in these routine places that we are most victimized.

Constitutive penologists apply a similar analysis to the other penal policies. For example, they claim that advocates for punishment/retribution/just deserts foster the idea that there are circumstances where it is acceptable to harm others on the basis that harmful acts should be followed by other harmful acts, as though it was self-evident that this equation of proportion and reaction was justified. Likewise, deterrence communicates the idea that we should seek ways to avoid making our own acts appear like those that are punishable for fear that we too will be punished. Ideas of rehabilitation/treatment, argue constitutive penologists, suggest that both the harms committed and the victim who suffers are less important than manipulating aspects of the individual offender's personal or situational environment to prevent them from harming again. This conceptual separation of victims, offenders, and environments overlooks the interconnected and coproduced nature of social "reality," failing to see that we are locking the offender into the very social role that the policy intends to expunge.

Finally, constitutive penologists criticize the more radical philosophies of restitution/reparation. They acknowledge that this approach at least brings the victim back in to share their experience of being harmed with the individual/agency that allegedly caused the harm. They also point out that insofar as the community and control institutions have a facilitative role, then less harm is being done by this kind of mediated intervention. However, they argue that the hidden message of restorative justice is that getting together and talking about a problem can fix it, without recognizing that the very structural situations in which folk are enmeshed are not part of the transformational mix. Neglected is an understanding that the emerging "mediation-discourse" is itself the basis of reducing differences into least common denominators, which can mean "equitable" solutions, downplaying the uniqueness of the disputant's own constructions. In other words, bureaucratic discourse that promotes "mediation" and "resolutions" overlooks differences in discursive practices that privilege some over others and their associated underlying ideologies; rarely is the outcome of restorative justice that institutions of society see themselves as a contributing force.

AN ALTERNATIVE SEMIOTIC APPROACH

Constitutive penologists are concerned with how criminologists may, despite their best intentions, replicate the very system they try to understand and critique. Criminologists do this by constructing ideal typical classifications that disguise how policy makers, practitioners, targeted agents, and theorists de-emphasize some aspects of the reality of prison practice as aberrant, unofficial, informal, or untypical in order to make claims about its operational

identity. To avoid legitimating the prison while analyzing penal policy, constitutive penologists argue that it is necessary to use a semiotic approach that deconstructs the role that language use plays in the construction of the penal system and its attendant philosophies and institutions. Transformation of crime and societal responses to it, they argue, requires a reintegration of crime and societal responses with the whole of which each is a part, and they indicate that a change in the whole is necessary to bring about a change in any of its parts. This is a holistic exercise, in many ways analogous to the hologram where illumination of any part reproduces the whole; the "part" resides in the whole, but each part represents the whole.

An alternative direction would provide an opportunity for the development of a new "replacement discourse." Replacement discourse is not merely another package of ways to talk and make sense of the world, but a language of "transpraxis." It connects the way we speak with our social relations and institutions, so that we are continuously aware of the interrelatedness of our agency and the structures it reproduces through the constitutively productive work of our talking, perceiving, conceptualizing, and theorizing. "Transpraxis is a deliberate and affirmative attempt not to reverse hierarchies but, instead, to affirm those who victimize, marginalize and criminalize while renouncing their victimizing, marginalizing and criminalizing practices. Transpraxis is an effort to validate the act of resistance. The key to transpraxis is speech, words, grammar and how we talk about (and then act upon) emancipation" (Arrigo, 2001, p. 220). Constitutive penology asks us to rethink the discursive structures within which we situate our research on the penal question.

Constitutive penologists have suggested several directions and alternative notions for the development of social justice: social judo; replacement discourse; transpraxis; newsmaking criminology; narrative therapy; reconceptualizing crime as "harms of reduction" and "harms of repression"; recovering subjects; an understanding of the social formation more in terms of historically contingent and relatively stabilized configurations of coupled iterative loops (constitutive inter-relational [COREL] sets), which can be seen as the basis of contingent "structures" with effects; and forms of an empowered democracy in a political economy identified by Unger as "superliberalism."

Social judo responds to the state's continued investment in violence to counter harms (called criminal justice), which thereby escalates the overall prevalence of violence in society. It argues for creative responses whereby those investors in harm have their power turned against themselves. It is a policy of undermining excessive investors in harms. In its maximal beneficial form, conflict is an occasion to reexamine given societal relations, institutions, and structures and their tendencies toward harm. Reconceptualizing harm in terms of "harms of reduction," whereby a person is reduced from some standing, and "harms of repression," whereby a person is denied her or his ability to attain a position sought without it being at the expense of the other, provides a suggestion for an alternative way of perceiving harm. It takes us beyond the restrictions of the legalistic definition of crime.

The notion of COREL sets offers an alternative nonreductionist way of historically conceptualizing the interconnectedness of prison and prison policy with the social formation, and for shedding light in a political economy on the various forms of excessive investment to impose power on others in the form of harms of reduction or repression. Constitutive penology, then, would make as its first priority the development of a social formation, which minimizes harms of reduction and repression. They argue that it is in the very resolution of conflicts that we need creative initiatives that transform the process whereby the conflict reproduces harm that sets in place new conflict. They believe that this cycle of conflict production must end. Constitutive penologists have advocated a multifaceted approach to "criminal" justice policy. Their "radical accusatory" policy implicates the entire society for its contributions to harm; their "reformist remedial" policy is much in accord with Unger's superliberalism, which advocates an empowered democracy. A social justice approach would implicate the individual, community, and societal levels consistent with "transformative justice."

CONCLUSION

A genuinely alternative, replacement discourse would envelop not just the declarations of policy but the ways its practitioners and policy makers distinguish their reality from the totality and point toward ways these can be reintegrated. It would require a "bringing back in" of the underemphasized, informal, unofficial, marginalized practices (the unspoken) that are part of the totality of the prison business. Only with such a comprehension of the totality and the contribution of these excluded parts to the reality-making process, argue constitutive penologists, is it possible to provide an alternative understanding of the phenomena of crime and crime control in our society. Only from such an understanding of the total constitutive process is it possible to generate a replacement discourse that begins the deconstruction of penology, the correction of corrections, and the ultimate reconstruction of penal policy that is its own demise.

—Dragan Milovanovic and Stuart Henry

See also Abolition; Activism; Deterrence Theory; Michel Foucault; Incapacitation Theory; Just Deserts Theory; Rehabilitation Theory; Resistance

Further Reading

Arrigo, B. (1999) (Ed.). *Social justice/criminal justice.* Belmont, CA: Wadsworth.

Arrigo, B. (2001). Praxis. In E. McLaughlin & Muncie J. (Eds.), *The Sage dictionary of criminology* (pp. 219–221). London: Sage.

Bosworth, M. (1999a). Agency and choice in women's prisons: Toward a constitutive penology. In S. Henry & Milovanovic D. (Eds.). *Constitutive criminology at work: Applications to crime and justice* (pp. 205–226). Albany: State University of New York Press.

Bosworth, M. (1999b). *Engendering resistance: Agency and power in women's prisons.* Aldershot, UK: Ashgate.

Burnside, J., &. Baker, N. (Eds.). (1994). *Relational justice: Repairing the breach.* Winchester, UK: Waterside.

Duncan, M. (1996). *Romantic outlaws, beloved prisons.* New York: New York University Press.

Henry, S., & Milovanovic, D. (1991). Constitutive criminology: The maturation of critical theory. *Criminology, 29*, 293–315.

Henry, S., & Milovanovic, D. (1996). *Constitutive criminology: Beyond postmodernism.* London: Sage.

Henry, S., & Milovanovic, D. (Eds.). (1999). *Constitutive criminology at work: Applications to crime and justice.* Albany: State University of New York Press.

Matza, D. (1969). *Becoming deviant.* Englewood Cliffs, NJ: Prentice Hall.

Maurer, M. (1997). *Intended and unintended consequences: State racial disparities in imprisonment.* Washington, DC: Sentencing Project.

Milovanovic, D., & Henry, S. (1991). Constitutive penology. *Social Justice, 18*, 204–224.

Morris, R. (1994). *A practical path to transformative justice.* Toronto: Rittenhouse.

Morris, R. (2000). *Stories of transformative justice.* Toronto: Canadian Scholars Press.

Schehr, R., & Milovanovic, D. (1999). Conflict mediation and the postmodern: Chaos, catastrophe, and psychoanalytic semiotics. *Social Justice, 26*, 208–232.

Unger, R. (1987). *False necessity*. New York: Cambridge University Press.

CONSULAR VISITS

Pursuant to the guidelines established by the Vienna Convention on Consular Relations (VCCR) in 1963, any criminal justice or correctional institution detaining a foreigner must notify him or her of the right to have his or her consulate notified about the confinement. The United States, which ratified the convention in 1969, considers the right to consular visitation within correctional institutions so fundamental that the U.S. State Department requires it for all international detainees (other than those suspected of terrorism), even if an inmate's country of origin has not signed the VCCR. Following the detainee's request to have the consulate informed of the arrest and confinement, the custodial criminal justice institution may permit a locally stationed consul to visit the detainee in the institution without hindering access or communication.

WHAT DOES A CONSUL DO?

The consul is an official representative of a particular government who lives in a foreign country to help the home nation's citizens within that country and to represent the home country's interests in various affairs. Generally, consuls should provide

advice to the detainee on a range of matters. For example, they should furnish a list of possible sources of legal representation from the confining nation and provide information about the local legal system. They may also offer humanitarian assistance in addition to any other practical assistance required by the detainee. The consul may arrange for financial assistance in the form of a loan and may notify the detainee's family about the detention. However, consuls may not provide a detainee any direct aid or legal advisement.

The assistance a consul may provide a foreign national is limited. The consul may not demand the release of the detainee, provide legal advice, pay for legal services, get bail, pay fines, offer financial support beyond a prisoner loan, conduct an investigation, or get the detainee legal or institutional treatment that exceeds that of other inmates or other nationals. The consul's role is simply to provide indirect assistance to the detainee and represent the foreign government's interests in criminal cases.

If the confinement is ongoing or long term, consular visits may continue. The frequency of these visits will depend on various factors such as the length of sentence, how far the prison is from the consul's office, and the seriousness of the situation. Most important, visits require the consul to obtain the necessary local government's approval and prison clearance prior to any official visit. Some institutions are more restrictive than others, particularly those of higher security. Most consular visits do not occur more than once a year following initial visits at the beginning stages of incarceration.

SPECIAL CIRCUMSTANCES: DUAL NATIONALITY

Some detained foreigners maintain dual national status. If a dual national is detained in a country of one of his citizenships, the assistance a consulate is able to provide will likely be further restricted by the detaining nation, in accordance with a strict interpretation of international law. It is possible, however, that the local authorities will allow the consul to provide some limited assistance. The decision to do this is made entirely by the country detaining the law violator, leaving the consul from the other country of citizenship very little control.

CONCLUSION

Article 36 of the VCCR specifies that notifying detainees about their consular rights should be provided "without delay" by local or national authorities. This requirement was intended to prevent any type of interrogation prior to a consular visit, if this is what the detainee would like. However, there is some evidence that this mandate has been interpreted rather broadly by responsible authorities within U.S. institutions, resulting in consular notification that often follows detention by varying amounts of time. Similarly, changes in policy since the terrorist attacks of September 11, 2001, have meant that foreigners suspected of terrorism may be held indefinitely without charge and without access to a lawyer or any other kind of a representative, including their consul.

The extent to which U.S. law enforcement agencies may have breached their consular notification obligations has been evidenced in a recent lawsuit. In *Sorensen v. City of New York,* a Danish national sought punitive and compensatory damages for the failure of the New York Police Department to inform her immediately upon arrest that she had the right to consular notification and visitation. This court case revealed that more than 50,000 foreign nationals had been arrested in New York City during a one-year period of time, but official records showed that only four of these individuals had been notified of their consular rights. Thus, even though the United States has fully supported the tenets of the VCCR, consular officials are sometimes unable to provide the crucial assistance to foreigners at the stages of the criminal justice process when it would be most beneficial.

—Kelly Welch

See also Contact Visits; Cuban Detainees; Enemy Combatants; Foreign Nationals; Immigrants/ Undocumented Aliens; Long-Term Prisoners; Minimum Security; Political Prisoners; Prisoner of War Camps; Security and Control; USA PATRIOT Act 2001; Visits

Further Reading

Human Rights Watch. (2002, December). *Ending the abusive treatment of prisoners.* Retrieved from http://www.hrw.org/prisons/

Vienna Convention on Consular Relations and Optional Protocols. 1963, April 24). *U.N.T.S.* Nos. 8638–8640, *596*, 262–512.

CONTACT VISITS

Contact visits generally permit an inmate to visit with a friend or relative for a limited amount of time in the same room, rather than to communicate through a glass window. Most correctional facilities set strict visiting hours and policies and require that visitors be approved prior to their arrival, to give the institution reasonable time to conduct a background check of the visitor. Contact during these visits is usually closely monitored, allowing only minimal, if any, physical contact, such as handholding or a brief hug.

Contact visits are considered a privilege and can be revoked for any number of reasons. In higher-security institutions, or in the case of death row inmates, those in disciplinary detention, or those who are being kept in protective custody, contact visits are usually not allowed since it is thought that security concerns outweigh the benefits provided by allowing contact visits. Some states such as Michigan also severely restrict visits for inmates of any security level.

CONTACT VISITATION POLICIES

Correctional institutions that allow inmates contact visits have numerous and very specific rules and regulations that control the process. These rules, which include the number of individuals that may be on an inmate's visiting list and the frequency with which he or she may receive visits, generally vary according to the facility's security requirements, its traditions, and its availability of resources, including visiting space and personnel. Contact visits are most often afforded only to lower-security-risk inmates, although each institution may make exceptions depending on individual circumstances and the mandates of the jurisdiction.

Most correctional facilities require that eligible inmates provide lists at the outset of their incarceration of those whom they want to visit them. Usually, individuals may include parents, spouses, children, friends, attorneys, and religious leaders. However, prisoners are allowed to include only a small number of people on their visiting lists; they are usually forced to prioritize their contacts by those closest to them or those most likely to come. Most institutions conduct background checks on these individuals before they are allowed to visit to ensure that they present no security challenge and are not likely to pass contraband, such as drugs or weapons, to the inmates with whom they are in contact. Felons, parolees, and former inmates are generally not permitted to have contact visits with inmates.

BENEFITS OF CONTACT VISITS

The primary justification for allowing inmates contact visits is to decrease the potential negative psychological effects of being imprisoned. It has been suggested that contact with loved ones and others who are "on the outside" can decrease the effects of what Donald Clemmer (1939) has termed prisonization and what Gresham M. Sykes (1958) has called the pains of imprisonment. It is believed that if inmates are able to connect with those who are not institutionalized, they will be better able to adjust to their release. An inmate who has maintained contact with individuals outside of prison may have a group of people to help him or her start a new life upon release. The loved ones who came to visit may help him or her live a law-abiding life by providing financial assistance or by aiding in a job search.

Contact visits also allow children and incarcerated parents to maintain some relationship with each other. Children are often allowed to see their parents in jail or prison, and being allowed to touch or embrace them may be especially meaningful. Such physical contact could have implications for the child's sense of security and identity as well as the parent's success in transitioning to freedom once released back into society.

Some even suggest that the efficiency of correctional institutions may be enhanced by allowing contact visits since inmates look forward to them so much. They may act as an incentive for good behavior or participation in rehabilitation, educational, or life skills programs. Institutions that have contact visit policies seem to run more smoothly, because their inmates have a powerful motivation to comply with facility rules.

SOME PROBLEMS CAUSED BY CONTACT VISITS

Because visitors are the primary source of smuggled contraband, including drugs, weapons, and money to inmates, contact visits present special problems for correctional institutions. Although correctional officers and other staff attempt to ensure that visitors do not have materials that can be passed along to the inmates by conducting background checks and by searching their belongings, it is not possible to prevent all of this illegal activity. Even if visitors do not smuggle contraband to inmates, it is possible that they act as partners in crime by helping the inmate continue criminal activity from inside the correctional institution. In other situations, inmates might take advantage of sympathetic visitors by encouraging them to carry out some illegal action for the inmate. Some inmates may become depressed if they do not have anyone to come to see them. The isolation for these individuals is exacerbated by witnessing others getting out of work responsibilities or other obligations to meet with their friends and loved ones.

CONCLUSION

Contact visits are considered by many to be a successful method for jail and prison inmates to maintain bonds and associations with the world outside of the institution, making transitions upon release much smoother. These policies have also been touted as effective means for better controlling growing inmate populations. However, the very aspect that makes contact visits so valuable to inmates and correctional facilities also presents several problems, including the potential for contraband to flow from visitor to inmate and increased criminal activity within the institution. Even so, the benefits of contact visits appear to outweigh their risks, suggesting that better methods of screening and searching visitors is in order to ensure the highest security possible.

—Kelly Welch

See also Children; Children's Visits; Donald Clemmer; Conjugal Visits; Contraband; Deprivation; Drug Offenders; Long-Term Prisoners; Minimum Security; Mothers in Prison; Parenting Programs; Visits; Prisonization; Security and Control; Gresham Sykes; Wives of Prisoners

Further Reading

Dickinson, G., & Seaman, T. (1994). Communication policy changes from 1971–1991 in state correctional facilities for adult males in the United States. *The Prison Journal, 74*, 371–382.

Wilkinson, R. A., & Unwin, T. (1999). *Visiting in prison: Prison and jail administration's practices and theory*. Columbus: Ohio Department of Rehabilitation and Correction.

Wright, L. E., & Seymour, C. B. (2000). *Working with children and families separated by incarceration: A handbook for child welfare agencies.* Washington, DC: CWLA Press.

CONTRABAND

Contraband refers to any item in the possession of an inmate that was not directly issued by the institution or purchased through appropriate channels such as the commissary or a hobby-craft program. In most facilities, each prisoner has only a few square feet of space to store personal property. By limiting the type and quantity of personal property prisoners may keep in their possession, administrators try to reduce the possibility for contraband while also maintaining order in the institution.

WHY IS CONTRABAND A PROBLEM?

Above all, prison administrators want uniformity in the prison system. Prison should be classless, without

distinction or wealth or poverty. People must, therefore, wear the same clothing, eat from the same menu, and have comparable living quarters.

In their efforts to maintain order and sameness among the prisoner population, administrators issue a specific quantity of clothing to each inmate. If this clothing is altered in any way, such as a patch or the insertion of pockets, the clothing becomes defined as contraband. It may then be confiscated, and the inmate may face disciplinary action. For example, if an individual purchases a sweatshirt from the commissary with personal funds and then marks the sweatshirt with a name or symbol, the item becomes contraband.

Each prisoner is entitled to food, shelter, and clothing as provided by the institution. The prisoners may purchase specific items for personal use or consumption from the commissary, but only in limited quantities. They are not allowed to hoard items, to transfer ownership, or to relocate government-issued supplies from specifically authorized areas to nonauthorized ones. For example, although vegetables may be served and authorized in the food services department, kitchen foods immediately become contraband if they are transferred to the living quarters for consumption there.

WHY IS CONTRABAND IMPORTANT TO PRISONERS?

Just as administrators strive to create homogeneity within the confines of each institution, the prisoners struggle to preserve some aspect of their individuality. Their names have been replaced with numbers; they have been stripped of their freedom, their clothing, and their identities. As a result, acquiring something that is not government issue brings some flavor, some variety to the monotony of daily prison life.

Prisoners may also alter clothing or property for utilitarian reasons. For example, the prison commissary may sell athletic apparel without pockets. Prisoners are required, however, to carry their prison identification with them at all times. Some, therefore, sew pockets into their clothing to hold such items. The commissary may also sell battery-operated radios or reading lights. Prisoners may modify these items with electrical adapters so they can avoid the costly purchase of batteries.

Prisoners may purchase contraband food from those who hustle it out of the kitchen in order to eat on their own schedule rather than on those imposed by the prison authorities. They may use contraband fruit, sugar, and yeast as ingredients for a prison-made wine or hooch. Finally, they may modify structured elements of the prison such as a pipe or piece of steel into a weapon for use against others; they may collect rope as a tool for escape or for suicide.

WHERE DOES CONTRABAND COME FROM?

Contraband comes from inside and outside the prison walls. Prisoners may be limited to possession of five books, five magazines, $20 worth of stamps, or individual paperwork that does not measure more than three inches in height when stacked flat. Everything in excess of these standards is defined as contraband and subject to confiscation. Prisoners must, in other words, regularly send items home or discard property they have accumulated through the mail over time.

Other, more insidious forms of contraband may be smuggled into the institutions with the help of guards or visitors. Some guards may bring drugs, alcohol, weapons, or other prohibited items into the prison. Visitors may also try to pass such items during contact visits. This type of contraband is considered a serious breach of institutional security. Anybody found in possession of such items will be subject to criminal prosecution.

CONCLUSION

Obviously, not all contraband items present the same threat to the security and order of the institution. Prisoners caught with drugs or weapons may face further prosecution, while administrators have a variety of sanctions at their disposal with which to punish those who have been caught with items of a less threatening nature such as food. For these kinds of illicit items, prisoners may lose their commissary, visiting, or telephone privileges.

Despite the sanctions association with contraband, it remains a common part of prison life. Some guards use their discretion and overlook minor contraband violations, such as extra clothing or books. Others enforce prison rules strictly, confiscating all items and writing up prisoners for disciplinary infractions. Due to the large numbers of inmates compared to staff, it is impossible to catch all illicit items. As a result, contraband continues to play a significant role in most prisoners' experiences of incarceration.

—Michael Santos

See also Commissary; Correctional Officers; Deprivation; Hooch; Importation; Prison Culture; Resistance

Further Reading

Jones, R. A., & Schmid, T. (2000). *Doing time: Prison experience and identity among first-time inmates.* Greenwich, CT: JAI.

Ross, J. I., & Stephens, S. C. (2002). *Behind bars: Surviving prison.* Indianapolis, IN: Alpha.

Santos, M. (2004). *About prison.* Belmont, CA: Wadsworth.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison*. Princeton, NJ: Princeton University Press.

CONTRACT FACILITIES

The practice of contracting with private agencies for correctional services grew substantially in the late 20th century, coinciding with a steady growth in the size of the correctional population. Contract facilities have become increasingly common in English-speaking countries, particularly in the United States, the United Kingdom, and Australia. Also referred to as partial privatization or outsourcing, the practice has faded in, out, and back into popularity over the course of history. Under a contract system, correctional services are funded by the government agency responsible for custody of inmates but delivered by a third party. The government maintains control over the type and quality of services provided but delegates the service delivery to a private entity. Contracts are typically arranged with nonprofit agencies, for-profit companies, or other government units.

While the contracting out of particular services such as medical care, food service, maintenance, education, and mental health services is widespread in corrections, the contracting out of entire correctional facilities is limited and has remained a controversial practice, particularly when for-profit companies are involved. Concerns that private companies may sacrifice conditions of confinement in order to make money and general ethical concerns about the delegation of punishment underlie an ongoing debate over contract facilities. In practice, the respective advantages and disadvantages of using contract facilities tend to vary considerably depending on the individual ability of contractors, the capacity of governments to oversee contracts, and the extent of provisions covered under the contracted agreement.

HISTORY

Government contracting with the private sector in the United States dates as far back as 1785 when the nascent federal government contracted with private stagecoach operators to deliver mail and passed subsequent legislation that required the bidding process to be publicly advertised. The U.S. experience with contracting for prisons and correctional facilities dates to the early 19th century. Borrowing from European workhouse models, the earliest American prisons (such as Philadelphia's Walnut Street Jail) contracted out the labor of convicts to private entrepreneurs. While the practice extended well into the 20th century, it became increasingly controversial due to abusive treatment of inmates, insider contracting arrangements, and concerns that prison labor was unfairly depressing wages and cutting into the private sector job market. By 1940, federal and state laws severely restricted the market for prison-made goods.

In the juvenile justice field, contract facilities have been providing services to juvenile delinquents since the early 20th century. Unlike the adult contract system, contracts for juvenile facilities have been primarily with religious, charitable, and other nonprofit agencies rather than for-profit businesses. As a result, the practice of placing juvenile delinquents in privately run facilities has proceeded with far less controversy than has been the case in the

adult corrections arena. In the 1970s, the movement to deinstitutionalize status offenders from the youth correctional system created a demand for more contracted services and spawned considerable research on the effectiveness of contract facilities. As adult correctional populations increased during this time, at least 18 states passed "community corrections acts" designed to transfer resources and funding from state departments of correction to local governments and to provide community residential services to offenders. Many jurisdictions turned to private contractors to operate these facilities.

During the 1980s, governments throughout the world came under increased pressure to cut costs and reduce the public workforce while still meeting their legally mandated responsibilities to provide various public services. Advocates for "reinventing government" sought to lower costs and improve the quality of services by making many traditional government programs, such as corrections, open to competitive bidding by the private sector. A new model of contracting for correctional facilities emerged that differed fundamentally from the earlier century's model. Under the old model, contract facilities received funding by selling the labor of inmates. Under the new system, private contractors are paid simply to keep prisoners under custody, or for providing other services (such as education and counseling) that are specifically spelled out in a contract.

THE GROWTH OF CONTRACT FACILITIES

The primary advantage of using contract facilities rests in the speed with which additional prison capacity can be obtained and the possibility of increasing bed space without public capital expenditure. Unprecedented growth in the number of prisoners in the United States led to considerable overcrowding in public facilities; by 1989, two-thirds of the states were operating under court orders or consent decrees due to conditions of confinement suits brought on by overcrowding. By 1990, nine state systems were operating at more than 150% of capacity, 15 states were operating at between 125% and 150% of capacity, and the federal prisoner population was at roughly 190% of its rated capacity.

Burgeoning prisoner population rates were accompanied by rapidly rising correctional costs. State and local government annual operating costs for correctional facilities ballooned eight-fold between 1978 and 2000, from $5 billion to nearly $40 billion. Total capital outlay for new prison construction in the states averaged nearly $2 billion each year during the 1990s. Many jurisdictions could not issue bonds, the primary method of funding large, capital projects such as prisons and jails, without going directly to the voters—a time-consuming process with an uncertain outcome. In some cases, states were at or approaching debt ceilings, and expenditure on new prisons precluded spending on other needed capital projects. The entire process of planning, designing, permitting, building, staffing, and opening a new government-owned facility can take several years. Private entities, on the other hand, invest private capital into new facilities and can cut a substantial amount of time off the development process. Moreover, by contracting with another government jurisdiction or private provider that has existing unused bed space, governments can forestall capital investment in new prisons and quickly relieve immediate problems of prison overcrowding.

The demand for increased capacity caused by prison overcrowding and the relative expediency of using contract facilities combined to fuel rapid growth in the private prison industry in the United States. Between 1988 and 1998, the number of contracted prison beds increased from 3,000 to 132,000. By 1998, there were 158 private correctional facilities contracting for the placement of about 5% of the total U.S. correctional population. But by the end of the 1990s, incarceration rate growth began to cool off, prison capacity began to more closely approximate need, and the rate of growth in contract facilities declined accordingly.

AVOIDING PROBLEMS WITH CONTRACT FACILITIES

Simply contracting with a nongovernment entity to provide correctional services does not guarantee that contract facilities can actually provide correctional

services at less cost or greater quality than government programs. The body of research comparing public and private facilities finds that cost savings in contract facilities are most likely to occur in jurisdictions where the wages and benefits of public employees exceed the national average and that, on the whole, contract facilities provide a quality of inmate care on parity with public facilities. However, research also shows that many problems in contract facilities are prompted by poorly written contracts or by inadequate contract monitoring by government agencies.

Prior to entering into the contract process, government agencies should consider whether they have the capacity to manage and monitor contracts with private entities adequately. While the use of contract facilities may streamline government operations, it does not relieve government from the ultimate responsibility for custody and care of inmates. At minimum, successful contracting requires that governments assign full-time staff to the tasks of contract management. Contract development should begin with a competitive bidding process that permits bids by nonprofit as well as for-profit organizations. Many government jurisdictions also allow government agencies, including divisions within the contracting jurisdiction, to compete head-to-head with nongovernment bidders. Commonly referred to as "market testing," this practice was pioneered in the United Kingdom and has had the collateral effect of prompting government-operated facilities to adopt cost-saving strategies in order to remain competitive with the private sector.

Contracts should be thorough and specific to ensure accountability, detailing all areas of operations, including: staffing patterns, care and treatment provided to inmates, and policies and procedures for dealing with serious incidents. Quantifiable performance standards should be established to set acceptable levels for all operations along with procedures for government access to the contractor's facility, records, and staff. The contract should also specify the payment structure and billing policies to be used. Most contract facilities operate under a per diem payment system, whereby the provider is paid only for actual bed days used. The length of the agreement should be kept as short as possible by requiring that the contract be rebid every three to five years.

The contract should also describe courses of action to be taken should the contractor fail to live up to any contract provisions, be found to be deficient in any operational areas, change its management structure, or go out of business. Such stipulations should include a corrective action process to deal with deficiencies, a dispute resolution process for handling disagreements between the government and the contractor, and a system of liquidated damages that details financial penalties, to be deducted from contract payments, when serious deficiencies occur or previously identified compliance problems are not corrected. Finally, the contract should specify grounds for termination of the agreement, including grounds for termination for cause and termination by mutual consent.

CONCLUSION

Contract facilities, it seems, are here to stay. Their standards must, however, be carefully monitored, by criminologists, government agencies, and private businesses alike. Ongoing research and documentation will ensure that conditions in these institutions does not fall below comparable ones in state-run facilities.

—Richard Culp

See also Community Corrections Centers; Corrections Corporation of America; Convict Lease System; Privatization; Wackenhut Corporation

Further Reading

Austin, J., & Coventry, G. (2001). *Emerging issues on privatized prisons.* Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance.

Collins, W. (2001). *Contracting for correctional services provided by private firms.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Corrections Program Office.

Cooper, P. J. (2003). *Governing by contract: Challenges and opportunities for public managers.* Washington, DC: Congressional Quarterly Press.

Jensen, C. (Ed.). (1987). *Contracting for community corrections services.* Sacramento: California State University, Center for California Studies.

CONTRACT MINISTERS

Contract ministers are employed by all prison systems in the United States to offer pastoral care to inmates whose religious beliefs may not be adequately covered by the staff prison chaplain. Increasing numbers of these contract workers are being hired, as some jurisdictions have decided not to employ full-time chaplains. At their best, contract ministers can offer a broad range of religious options and care to the inmate community. They may also, however, operate at somewhat of a disadvantage, since they are not part of the full-time prison staff. In general, contractors are expected to respect the interfaith ethos of prison ministry and it is understood that proselytism in all forms is forbidden.

STAFF CHAPLAINS IN PRISON MINISTRY

All federal and most state prisons in the United States have at least one chaplain on staff who ministers to the diverse religious needs of the inmate community. With the passage of the Religious Freedom Restoration Act (RFRA) of 1993, which prohibits the state from taking any action that would substantially burden a prisoner's religious exercise, some state prisons that previously did not have a chaplaincy program have since employed a staff chaplain. The RFRA challenged the notion that a prisoner's right to religious observation could be refused because of perceived security threats and has now placed the burden of proof on the state or institution to prove any such threat.

A prison chaplain is responsible for providing all inmates with sufficient opportunities for religious worship, religious education, counseling, and crisis intervention. Besides providing these direct services, the prison chaplain is also in charge of administrative functions such as hiring contractors and coordinating prison volunteers as well as representing corrections to the larger community. Most prison chaplains are required to hold a master's in divinity degree, possess at least two years of pastoral care experience, and be endorsed by their own religious tradition. However, in some state prisons, lay people may also qualify for a chaplaincy position after completing a prison chaplaincy training program.

Prison chaplains' professional code of ethics obliges them to emphasize an impartial and interfaith approach to their prison ministries. For instance, they are meant to discourage the usage of their own denominational title (e.g., Rabbi, Father, Imam) within the prison setting, in favor of the more generic title of Chaplain. In addition, they must ensure that the diverse religious worship needs of all prisoners within the institution are being met. To meet these diverse needs, a prison chaplain may hire contractors (i.e., qualified clergy from a particular denomination) to perform religious worship services.

THE USE OF CONTRACTORS IN PRISON MINISTRY

There are a variety of possible scenarios in which a chaplain may be required to use outside contractors. In some situations, a contractor may be hired to conduct religious worship services that fall outside of the chaplain's own denomination. For example, a Protestant chaplain may hire a contract imam to perform worship services for the Islamic inmates if there is no Muslim chaplain on staff to meet this need. Outside contractors of the same faith background as the chaplain may also be recruited in the following instances: the prison chaplain is a lay person who is not allowed to perform certain, liturgical duties; there is an inordinately large number of inmates of that faith background who require multiple worship services a week; or the prison's physical layout is such that separate worship services are needed such as in a high-rise building.

A signification portion of most U.S. prison chaplaincy budgets are earmarked for the hiring of contractor services. However, due to budgetary considerations, contractors are recruited in most cases only when there is a critical mass of inmates requiring their services. For example, a prison chaplain could not divert resources to hiring a contract rabbi if there was only one Jewish inmate in the institution. Instead, the staff chaplain would have to meet the religious worship needs of the Jewish inmate by either coordinating a volunteer rabbi or the inmate's

own rabbi to come in and perform the necessary liturgical duties for the inmate.

A CASE STUDY OF A CONTRACT MINISTER

Paul Rodgers is president of the American Correctional Chaplains' Association and the full-time chaplain at Dodge Correctional Institution, a state prison in Waupan, Wisconsin. In his role as chaplain, Rodgers uses contractors to fill the unmet religious worship needs of various groups of inmates. The faith backgrounds and worship needs of incoming inmates are generally determined by having them fill out a Religious Preference Form when they enter the institution.

Although the majority of inmates at Dodge Correctional Institution come from mostly Protestant backgrounds (i.e., mainly Lutheran and Methodist), there is a sizable enough Catholic population that Rodgers contracts Catholic priests to meet the religious worship needs of the Catholic inmates on a weekly basis. Rodgers himself is Catholic, but as a layman chaplain cannot perform mass or serve the Eucharist.

There are only 25–40 Jews among the 20,000 men and women who are incarcerated in the state of Wisconsin. In addition, Muslims, Buddhists, Native Americans, and those belonging to other religious groups represent only a small fraction of the state's total prisoner population. To meet the needs of these religious minorities, the state of Wisconsin's corrections system hires individual contractors to travel throughout the state to a number of prisons to perform religious services for these underserved groups. Chaplain Rodgers, as well as other prison ministers, also use volunteer clergy from these various faith traditions to help serve the religious minorities within Wisconsin's state prison system.

CONCLUSION

Contractors as well as volunteers help to meet the worship needs of prisoners at many penal institutions. Even though staff prison chaplains are obliged to foster an interfaith, impartial environment and to provide counseling and crisis intervention to inmates of all faith traditions, contract ministers are often required to assist them, if the prison holds a particularly diverse population. By supplementing the work of prison chaplains, contractors and volunteers ensure that a prisoner's right to religious observation are upheld.

—Jeneve Brooks-Klinger

See also Chaplains; History of Religion in Prison; Islam in Prison; Judaism in Prison; Native American Spirituality; Religion in Prison; Quakers; Volunteers

Further Reading

Beckford, J., & Gilliat, S. (1998). *Religion in prison: Equal rites in a multi-faith society.* Cambridge, UK: Cambridge University Press.

Cowart, J. (1996). *The prison minister's handbook: Volunteer ministry to the forgotten Christian.* San Jose, CA: Resource Publications.

Rodgers, P. (2003, January). *A message from our president*. Retrieved from http://www.correctionalchaplains.org

Shilder, D. (1999). *Inside the fence: A handbook for those in prison ministry.* Staten Island, NY: Alba House.

U.S. Department of Justice, Federal Bureau of Prisons. (2001). *Chaplains' employment, responsibilities, and endorsements* (PS3939.07). Washington, DC: Author.

CONTROL UNIT

The National Institute of Corrections defines a *control unit* as

> a highly restrictive, high custody housing unit within a secure facility, or an entire secure facility, that isolates inmates from the general population and from each other due to grievous crimes, repetitive assaultive or violent institutional behavior, the threat of escape or actual escape from high-custody facility(s), or inciting or threatening to incite disturbances in a correctional institution. (Riveland, 1999, p. 6)

Control units are also referred to as administrative maximum penitentiaries, intensive housing units, intensive management units, maxi-maxi units, maximum control facilities, restrictive housing units, secured housing units, and special housing

units. These days they exist in almost all penal systems.

HISTORY

Since the inception of prisons, correctional administrators have always had to determine what to do with those inmates who did not conform to institutional rules. Both the Auburn and Pennsylvania models of the penitentiary that developed in the 19th century relied heavily on isolation to foster inmate reform and obedience. In these systems, women and men were held in isolation for long periods of time and forbidden to communicate with one another. They were also forced to labor. Unlike today, recalcitrant prisoners could also be whipped. Once corporal punishment was outlawed, correctional officials began more frequently to remove recalcitrant inmates from the general population often placing them in solitary confinement, more commonly referred to as "the hole" or "the box." Inmates in solitary confinement were unable to interact with others and placed on restricted diets for a period of time determined by the correctional administration. In two landmark cases, *Wolff v. McDonnell* (1974) and *Sandin v. Conner* (1995), the U.S. Supreme Court further delineated the due process rights afforded inmates before they could be placed in isolation for a set period of punishment in response to violation of an institutional rule.

The Federal Bureau of Prisons is often credited with the development of super-maximum secure facilities when it opened Alcatraz in San Francisco Bay to hold habitual felons. When Alcatraz closed in 1963, its inmates were spread throughout the bureau's remaining federal penitentiaries. In 1978, in response to the high level of violence in the federal prison system, U.S. Penitentiary in Marion, Illinois, opened a high-security control unit. As a result of continued violence at Marion, the entire prison was converted to lockdown, otherwise known as indefinite administrative segregation. In 1994, the Federal Bureau of Prisons opened the Administrative Maximum Penitentiary in Florence, Colorado, that now houses the federal prison system's most serious and chronic troublemakers.

State correctional systems soon followed the federal prison system's example and developed segregated housing areas or units within existing prisons, or built separate prisons for this purpose. A recent survey by the National Institute of Corrections reports that 30 states are operating one or more such facilities or units. Nationally, there are at least 57 control units/facilities, providing more than 13,500 beds. Similarly, Canada reported that between 1991 and 2001, its percentage of segregated prisoners more than doubled to represent 5.5% of federally sentenced prisoners. Such facilities are usually justified by a perceived need to manage an increasing number of violent and seriously disruptive inmates.

POPULATION CHARACTERISTICS

Who exactly is housed in control units is unclear. Although the U.S. Department of Justice provides statistics on the number of penal facilities by security level (maximum, medium, minimum), it does not provide separate information on those held in control units or super-maximum secure prisons. Indeed, given that most prisoners are confined in control units only for short periods of time, accurate information might be difficult to obtain.

Compounding the problem, there are few empirical studies of inmates housed in control units in the United States or Canada. Since most of the research that does exist focuses on a small number of control units in a handful of correctional institutions, the demographic information of the samples may not be representative of the larger control unit population. With these caveats in mind, studies indicate that in both Canada and the United States men housed in control units have an average age of 29. Over half are Caucasian and about one-quarter are black.

Not unexpectedly, information about women in control units in the United States and Canada is also very limited. Once again, from the limited body of literature that exists, it appears that segregation is practiced similarly in men's and women's prisons, with two exceptions. First, women may have greater freedoms within control units than men since they are usually allowed reading materials and

personal toiletries such as make-up. They are also usually permitted to congregate for meals. Somewhat paradoxically, however, women are more likely to be placed in control units for relatively minor infraction most of which appear merely to be conduct that violates their gender roles, such as swearing, tattooing, and "mouthing off." The demographic characteristics of women housed in segregation in Canada and the United States indicate an average age of 31. In Canada, women housed in segregation are 67% Aboriginal, 23% Caucasian, and 10% black.

PLACEMENT IN CONTROL UNITS

In both the United States and Canada, inmates are placed in control units at the discretion of correctional administrators for one of three purposes. Those who are charged with a serious rule violation may be moved to a control unit while the investigation of their crime and disciplinary hearing takes place. If they are found guilty of violating a serious rule (one that involved the threat or use of violence), they may be returned to the control unit to serve a specified number of days or months as imposed by the hearing officer. When control unit confinement is a sanction for prisoners found guilty of violating serious prison rules, it is called disciplinary segregation or punitive segregation. In some instances, when a rule violation also contravenes state laws, as is the case in assaults, homicides, and drug trafficking, prisoners may be convicted for these additional crimes.

Inmates suspected of playing a role in an incident or potential incident within the prison, and who have not yet been formally charged, may also be detained in a control unit until the investigation is complete. This type of isolation is referred to as administrative segregation or administrative detention.

Last, inmates may be placed in a control unit when prison officials believe they are dangers to themselves or will be victimized by others. Control units thus provide protective custody to vulnerable inmates, such as those who have been threatened or experienced physical or sexual assaults, those who are unable to function in the general population perhaps because of their mental or physical disabilities, and those who serve as informants for the administration. Inmates who are repeatedly involved in serious institutional rules (assaults, predatory behavior, inciting riots, or attempting escapes) could be segregated until the administration believed that they were no longer a threat to institutional security.

WHAT ARE CONTROL UNITS LIKE?

Control units are basically a miniature prison within the larger institution. They vary widely in the degree of restrictions placed on those living in them, but their primary purpose is always to control inmate behavior. Those held for protection are likely to have more privileges afforded to them than are those held for administrative or disciplinary purposes.

Regardless of the reason for their confinement, control unit inmates typically remain in their small cells for 22–23 hours a day. The cells are often equipped with solid steel doors that prevent any communication between prisoners. Remote-controlled electronic sliding doors and intercom systems further reduce the direct interaction and contact between inmates and correctional staff. No communal dining, exercise, or religious services are provided. If inmates are offered programs/services such as education or substance abuse treatment, these are typically brought to the inmates via counseling staff or through television or cable programming. Work opportunities are almost nonexistent. Human contact is often limited to medical staff, clergy, and counselors who visit the inmate. Noncontact visits with approved visitors are permitted for some inmates housed in control units.

THE CASE FOR AND AGAINST CONTROL UNITS

Current policies in most jurisdictions allow for inmates to be housed for administrative reasons and protection for indefinite periods of time. A few studies have examined the effects of short-term periods of isolation (60 days or less) and report that inmates adapt initially by increased pacing and sleeping, and then typically shift into reading,

physical exercise, or meditation to deal with the lack of stimulation. Individuals housed in control units evidence more internalized problems, interpersonal distress, and psychiatric symptoms than those in the general population. However, at least one study found no empirical evidence that these symptoms deteriorated after confinement in control units for periods less than 60 days. The effects of longer terms of solitary confinement have not been studied, although personal accounts suggest that it is stressful and may limit inmates' coping abilities.

The use of control units has been criticized by several organizations including Amnesty International, Human Rights Watch, the American Friends Service Committee, and the National Lawyers Guild, and some have formed campaigns to shut down all control units. These groups raise concerns about the negative psychological impact that such confinement may have on inmates. There is consensus that inmates with serious mental health problems should not be placed in control units. The high constructional and operational costs due to the enhanced security features and intensive staffing necessary to deliver services and programs to inmates individually are also a source of concern for some critics.

In contrast, correctional administrators usually tout three benefits of control units. First, they reduce the level of violence in other correctional institutions throughout a correctional system. The threat of transfer to control units serves as a deterrent to violence, and thus makes the inmate population more manageable. Second, control units house only the most violent prisoners who have demonstrated that they cannot be held at other prisons without jeopardizing the safety of other inmates and correctional staff. However, there is some evidence that in practice broader criteria for entry are employed. Last, the reduction of violence that results from use of control units allows the security at other prisons in that system to be relaxed. No empirical data have been collected to test these claims.

CONCLUSION

In recent years, control units have become commonplace in many penal systems. Given the controversies that still rage over their effectiveness and impact on psychological health, clearly more research needs to be done. Until it is clearer what this modern form of solitary confinement actually achieves, there is a fairly strong case that its use should be kept to an absolute minimum.

—Mary A. Finn

See also ADX (Administrative Maximum) Florence; Alcatraz; Disciplinary Segregation; Lexington High Security Unit; Marion, U.S. Penitentiary; Maximum Security; Mental Health; Pelican Bay State Prison; Protective Custody; Solitary Confinement; Special Housing Unit; Supermax Prisons; Violence

Further Reading

American Friends Service Committee. (1997). *National campaign to stop control unit prisons.* Retrieved from http://www.afsc.org/crimjust/controlu.htm

Barak-Glantz, I. L. (1983). Who's in the "hole"? *Criminal Justice Review, 8,* 29–37.

Korn, R. (1988). The effects of confinement in the high security unit at Lexington. *Social Justice, 15*(1), 1–8.

LIS, Inc. (1997). *Supermax housing: A survey of current practice.* Longmont, CO: U.S. Department of Justice.

Martel, J. (2001). Telling the story: A study in the segregation of women prisoners. *Social Justice, 28*(1), 196–215.

Riveland, C. (1999). *Supermax prisons: Overview and general considerations.* Washington, DC: National Institute of Corrections.

Shafer, C. (1998). It's like living in a black hole: Women of color and solitary confinement in the prison-industrial complex. *New England Journal on Criminal and Civil Confinement, 24*(2), 385–416.

Zinger, I., Wichmann, C., & Andrews, D. A. (2001). The physical effects of 60 days in administrative segregation. *Canadian Journal of Criminology, 43*(1), 47–83.

Legal Cases

Sandin v. Conner, 515 U.S. 472; 115 S. Ct. 2293; 132 L. Ed. 2d 418; 1995 LEXIS 4069.

Wolff v. McDonnell, 416 U.S. 966; 945 S. Ct. 1987; 40 L. Ed. 2d 556; 1974 LEXIS 346.

CONVICT CRIMINOLOGY

There are a significant number of former prisoners studying criminology and becoming professors. As a result of their experiences of arrest, trial, and

years of incarceration, they have profound insight that promises to update and inform what we know about crime and correction. Since 1997, ex-convict criminology and criminal justice professors have organized sessions at annual meetings of the American Society of Criminology, Academy of Criminal Justice Sciences, and American Correctional Association. These professors discuss academic response to and responsibility for deteriorating prison conditions.

THE NEW SCHOOL OF CONVICT CRIMINOLOGY

The conference presentations were used to build a working group of ex-convict and nonconvict critical criminologists to invent the "new school of convict criminology." This is a new criminology led by ex-convicts who are now academic faculty. These men and women, who have worn both prison uniforms and academic regalia, served years behind prisons walls, and now as academics are the primary architects of the movement. As ex-convicts currently employed at universities, the convict criminologists openly discuss their personal history and distrust of mainstream criminology.

Regardless of criminal history, all the group members share a desire to go beyond "managerial" and "armchair" criminology by conducting research that includes ethnography and the inside perspective. In contrast to normative academic practice, the "convict criminologists" hold no pretense for value-free criminology and are partisan and proactive in their discourse. This includes merging convict, ex-convict, and critical voices in their writing. As Rideau and Wikberg (1992) wrote, "That's the reality, and to hell with what the class-room bred, degree toting, grant-hustling 'experts' say from their well-funded, air-conditioned offices far removed from the grubby realities of the prisoners' lives" (p. 59).

CONVICT CRIMINOLOGISTS

The ex-convicts can be described, in terms of academic experience, as three distinct cohorts. The first are the more senior members, full and associate professors, some with distinguished research records. A second group of assistant professors is just beginning to contribute to the field. The third, only some of whom have been identified, are graduate student ex-convicts.

While all these individuals provide convict criminology with unique and original experiential resources, some of the most important contributors may yet prove to be scholars who have never served prison time. A number of these authors have worked inside prisons or have conducted extensive research on the subject. The inclusion of these "non-cons" in the new school's original cohort provides the means to extend the influence of the convict criminology while also supporting existing critical criminology perspectives.

Convict criminologists recognize that they are not the first to criticize the prison and correctional practices. They pay their respects to those who have raised critical questions about prisons and suggested realistic humane reforms. The problem they are most concerned with is that identified by Todd Clear in the foreword to Richard McCleary's *Dangerous Men* (1978/1992): "Why does it seem that all good efforts to build reform systems seems inevitably to disadvantage the offender?" The answer is that, despite the best intentions, reform systems were never intended to help convicts. Reformers rarely even bothered to ask the convicts what reforms they desired. The new school "con-sultants" correct this problem by entering prisons and directly asking the prisoners what they want and need.

ETHNOGRAPHIC METHODOLOGIES: INSIDER PERSPECTIVES

Convict criminologists specialize in "on site" ethnographic research where their prior experience with imprisonment informs their work. They interview in penitentiary cellblocks, in community penal facilities, or on street corners. Their method is to enter jails and prisons and converse with prisoners. This may include a combination of survey instruments, structured interviews, and informal observation and conversation. As former prisoners they know the

"walk" and "talk" of the prison, as well as how to gain the confidence of the men and women who live inside. Consequently, they have earned a reputation for collecting quality and controversial data.

Ex-convict academics have carried out a number of significant ethnographic studies. John Irwin, for example, who served a prison sentence in California, drew on his experience to write the *The Felon, Prisons in Turmoil, The Jail,* and *It's About Time* (with James Austin). Richard McCleary, who did both state and federal time, wrote his classic *Dangerous Men* based on his participant observation of parole officers. Charles M. Terry, a former California and Oregon state convict, wrote about how prisoners used humor to mitigate the managerial domination of penitentiary authorities. Greg Newbold, having served prison time in New Zealand, wrote *The Big Huey, Punishment and Politics,* and *Crime in New Zealand* to analyze crime and corrections in his country. Stephen C. Richards and Richard S. Jones, both former prisoners, used "inside experience" to inform their studies of prisoners returning home. Finally, Jeffrey Ian Ross and Stephen C. Richards coauthored *Behind Bars* and coedited *Convict Criminology.*

Prison Writing

Officially, the Federal Bureau of Prisons supports the writing of prisoners, but there are a number of ambiguous policy and program statements that allow the administration to come out of nowhere, start writing you shots, and put you in SHU. My experience is a perfect example of what happens to prison writers.

I started out getting published in underground magazines. My first published pieces were poems and essays on prison life. Then I started writing about prisoners with special talents like musicians, basketball players, and other types of phenomenal athletes. Back then my writing never created a stir with the administration. Sometimes I would even show my case manager or counselor the pieces I had published.

Then one time I wrote a piece that was published in *Don Diva* magazine, a thuglife publication based in New York City. The piece harshly criticized the war on drugs and I compared the future drug war trials to the Nuremburg Trials. As soon as the administration found out about this article I was shipped right out of the low security prison I had resided in for three years with no problems to a higher security prison where I was harassed and retaliated against for the next six months.

But I persevered and to this day I am still writing and getting published. I have heard other stories about writers in prison too. For example, Dannie Martin, a.k.a. Red Hog, who was thrown in and out of the hole for years, has finally got out and now has an agent and several books under his belt. I believe that prison writing is a good profession to try to start while in prison because when you get out you have viable options, plus it's better than working at McDonald's.

Seth Ferranti
FCI Fairton, Fairton, New Jersey

LANGUAGE AND POINT OF VIEW

The convict criminologists all share an aversion to the language used in most academic research writing on crime and corrections. Typically, researchers use words such as *offender* and *inmate*. In comparison, convict criminology prefers to use *convicts, prisoners*, or simply *men* or *women*. The distinction is important because it illustrates the different point of view of researchers and authors who have never been incarcerated with those that have. *Offender* and *inmate* are managerial words used by police, court officials, and criminal justice administrators to deny the humanity of defendants and prisoners. To the ear of a former prisoner, being referred to as an offender or inmate is analogous to a man being called a boy, or a women a girl. Clearly, the struggle feminists fought to redefine how women were addressed and discussed taught an important lesson to the convict criminologists: Words are important.

RESPECT FOR CONVICT AUTHORS STILL IN PRISON

A number of the convict criminologists continue friendships and working relationships with writers in prison, some of whom are well published in

criminology. This includes Victor Hassine, a prisoner in Pennsylvania who wrote *Life Without Parole;* Wilbert Rideau, a convict in Louisiana who wrote *Life Sentences* (with Ron Wikberg); and Jon Marc Talyor, serving time in Missouri and the author of numerous newspaper and journal articles. The ex-convict academics use correspondence, phone calls, and prison visits to communicate with these prisoners in order to stay current with prison conditions.

The convict authors write serious commentaries on prison life. Unfortunately, much of their research and writing, while critically informed, based on their experiences inside prisons, may be only partially grounded in the academic literature. After all, many of these authors lack or have difficulties obtaining the typical amenities that most scholars take for granted. For example, they may not have access to a computer for writing, to a university library, and or to colleagues educated in criminology. They struggle to write by hand, or with broken or worn out machines, and lack of supplies. They may be unable to procure typewriter ribbons, paper, envelopes, stamps, and so on. In addition, their phones calls are monitored and recorded, and all their mail is opened, searched, and read by prison authorities. In many cases, they suffer the retribution of prison authorities, including denial of parole, loss of "good time" credit, physical threats from staff or inmates, frequent cell searches, confiscation of manuscripts, trips to the hole, and disciplinary transfers to other prisons.

In comparison, convict criminologists have academic resources and credibility to conduct a wide range of research and writing. These resources allow them to use developments in theory, methodology, and public policy to hone their discourse. As academics they know the scholarly literature on prison, including theory, methodologies, and how issues have been debated over the years. This knowledge provides them with the opportunity to generalize from research findings and to understand better how prison conditions compare over time, from state to state, or country to country.

RECENT POLICY RECOMMENDATIONS

Convict criminologists have come up with several policy recommendations. First, the group advocates dramatic reductions in the national prison population through diversion to probation or other community programs. Today, many men and women are sentenced to prison for nonviolent crime. These people should be evaluated as candidates for early release, with the remainder of their sentence to be served under community supervision. The only good reason for locking up a person in a cage is if he and she is a danger to the community. A prisoner should have an opportunity to reduce his or her sentence by earning good-time credit for good behavior and program participation. Unfortunately, many state correctional systems, following the federal model, have moved toward determinate sentencing. This "truth in sentencing" has limited provisions for good-time reductions in sentences, and no parole.

One problem with reducing the prison population is predicting who might commit new crimes. Despite numerous attempts, we still have no reliable instruments to predict the potential risk of either first-time or subsequent criminal behavior by either free or incarcerated individuals. The problems are many, including "false positives," which predict a person to be a risk who is not. Conversely, "false negatives" are persons predicted not to be dangerous who turn out to be so. Even so, the fact that our science is less than successful at devising classification schemes and prediction scales is not an adequate rationale for failing to support reductions in prison admissions and population.

Second, convict criminologists support the closing of large-scale penitentiaries and reformatories, where prisoners are warehoused in massive cellblocks. Over many decades, the design and operation of these "big house" prisons has resulted in murder, assault, and sexual predation. A reduced prison population housed in smaller institutions would be accomplished by constructing or redesigning prison housing units with single cells or rooms. Smaller prisons, for example, with a maximum of 500 prisoners, with single cells or rooms, should become the correctional standard when we begin to seriously consider the legal requirement for safe and secure institutions. As a model, we should turn to European countries that have much lower rates of incarceration, shorter sentences, and smaller prisons.

Third, we need to listen carefully to prisoner complaints about long sentences, overcrowding, double celling, bad food, old uniforms, lack of heat in winter and air-conditioning in summer, inadequate vocational and education programs, and institutional violence. The list grows longer when we take a careful look at how these conditions contribute to prisoners being poorly prepared for returning home and the large number that return to prison.

Fourth, we have strong evidence that prison programs are underfunded, since administrators and legislators continue to emphasize custody at the expense of treatment. Prisoners should be provided with opportunities for better-paid institutional employment, advanced vocational training, higher education, and family skills programs. It is true that most institutions have "token" programs that serve a small number of prisoners. For example, a prison may have paid jobs for 20% of its prisoners, low-tech training, a general equivalency diploma (GED) program, and occasional classes in life skills or group therapy sessions. The problem is that these services are dramatically limited in scope and availability.

We need to ask convicts what services and programs they want and need to improve their ability to live law-abiding lives rather than assume and then implement what we believe is good for them. One recommendation is that prisoners be provided with paid employment, either inside or outside of the prison, where they will earn enough to pay for their own college tuition. At the very least, all prisons should have a program that supports prisoners to complete college-credit courses by correspondence.

At the present time, most U.S. prisons systems budget very little for prisoner programs. Instead they spend on staff salaries and security. This is because prison administrators are evaluated on preventing escapes and maintaining order in their institutions. So the prisons are operated like zoos where human beings live in cages, with few options to develop skills and a new future.

Fifth, convict criminology advocates voting rights for all prisoners and felons. The United States is one of the few advanced industrial countries that continues to deny prisoners and felons voting rights. We suggest that if convicts could vote, many of the recommendations we advocate would become policy because the politicians would be forced to campaign for convict votes. State and federal government will begin to address the deplorable conditions in our prisons only when prisoners and felons become voters. We do not see prisoners as any less interested than free persons in exercising the right to vote. To the contrary, if voting booths were installed in jails and prisons, we think the voter turnout would be higher than in most outside communities.

Sixth, we advocate that prisoners released from prison have enough "gate money" that would allow them to pay for three months' worth of rent and food. The ex-cons could earn some of this money working in prison industries, with the balance provided by the institution. All prisoners exiting correctional institutions should have clothing suitable for applying for employment, eyeglasses (if needed), and identification including a social security card, state ID or driver's license, and a copy of their institutional medical records. They should be given credit for time served on parole supervision. Finally, we need to address the use of drug and alcohol testing as the primary cause of parole violations.

Seventh, our most controversial policy recommendation is eliminating the snitch system in prison. The snitch system is used by "guards" in old-style institutions to supplement their surveillance of convicts. It is used to control prisoners by turning them against each other and is therefore responsible for ongoing institutional violence. If our recommendations for a smaller population, housed in single cells or rooms, with better food and clothing, voting rights, and well-funded institutional programming were implemented, the snitch system would be unnecessary. In a small prison, with these progressive reforms, prison staff would no longer be forced to behave as guards, instead having the opportunity to actively "do corrections" as correctional workers. The staff would be their own eyes and ears, because they would be actively involved in the care and treatment of prisoners.

Finally, we support the termination of the drug war. Military metaphors continue to confuse our

thinking and complicate our approach to crime and drug addiction. For example, the theory of judicial deterrence, discussed as a rationale for sentencing in nearly every criminal justice textbook, is derived from the Cold War idea of nuclear deterrence. This idea evolved into mutually assured destruction (MAD), which was the American rationale for building thousands of nuclear bombs to deter a possible Soviet nuclear attack. The use of deterrence and war has now bled over from the military strategic thinking to colonize criminal justice. The result is another cold war, this one against our own people. We advocate an end to the drug war, amnesty for drug offenders, and a reexamination of how our criminal justice priorities are set.

PROS AND CONS OF CONVICT CRIMINOLOGY

The first strength of convict criminology is that it is based on a bottom-up, inside-out perspective that gives voice to the millions of men and women convicts and felons. The second is that the group is composed of men and women who have served prison time in many different environments including the Federal Bureau of Prisons, various state systems, different countries, and at different levels of security. Altogether, the founding members of the group have served more than 50 years in prison. Finally, it should be remembered that it would have been much easier for the ex-convict professors to conceal their past and quietly enjoy their academic careers. Instead, they decided to "come out of the closet," develop their own field of study, and take up the fight against the liberal-conservative consensus that continues to ignore the harm done by mass incarceration in the United States.

There are two glaring weaknesses of this new field. First, most of the ex-convict professors are white males. This is the result of two facts: Very few minorities leave prison prepared to enter graduate school, and over 90% of prisoners are male. To some extent, this problem is being addressed through active recruitment of minorities and women into the group. For example, the group does include feminist non-con criminologists who conduct prison research.

Second, because the group is partisan and activist it is clearly biased in its approach to research and publication. On the other hand, the convict criminologists would argue that given the prejudice most people, academics included, have against criminals, convicts, and felons, the idea of value-free prison research is at best a polite fantasy. The only solution to this dilemma is for all researchers who contribute to the literature to discuss their biases openly, including former criminal justice personnel.

CONCLUSION

Convict criminology is a new way of thinking about crime and corrections. The alumni of the penitentiary now study in classrooms and serve as university faculty. The old textbooks in criminology, criminal justice, and corrections will have to be revised. A new field of study has been created, a paradigm shift occurred, and the prison is no longer so distant.

—Stephen C. Richards and Jeffrey Ian Ross

See also Jack Henry Abbott; Celebrities in Prison; Constitutive Criminology; Angela Y. Davis; Education; Gary Gilmore; John Irwin; George Jackson; Literature; Malcolm X; Prison Culture; Prisoner Writing; Resistance

Further Reading

Austin, J., Bruce, M. A., Carroll, L., McCall, P. L., & Richards, S. C. (2001). The use of incarceration in the United States. American Society of Criminology National Policy Committee. *Critical Criminology: An International Journal, 10*(1), 17–41.

Austin, J., & Irwin, J. (2002). *It's about time: America's incarceration binge* (3rd ed.). Belmont, CA: Wadsworth.

Irwin, J. (1970). *The felon.* Englewood Cliffs, NJ: Prentice Hall.

Irwin, J. (1985). *The jail.* Berkeley: University of California Press.

McCleary, R. (1978/1992). *Dangerous men: The sociology of parole.* New York: Harrow and Heston.

Newbold, G. (1982/1985). *The big Huey.* Auckland, New Zealand: Collins.

Richards, S. C., & Jones, R. S. (1997). Perpetual incarceration machine: Structural impediments to post-prison success. *Journal of Contemporary Criminal Justice, 13*(1), 4–22.

Richards, S. C., & Ross, J. I. (2001). The new school of convict criminology. *Social Justice, 28*(1), 177–190.

Rideau, W., & Wikberg, R. (1992). *Life sentences: Rage and survival behind bars.* New York: Times Books.

Ross, J. I., & Richards, S. C. (2002a). *Behind bars: Surviving prison.* New York: Alpha.

Ross, J. I., & Richards, S. C. (Eds.). (2002b). *Convict criminology.* Belmont, CA: Wadsworth.

Terry, C. M. (1997). The function of humor for prison inmates. *Journal of Contemporary Criminal Justice, 13*(1), 23–40.

CONVICT LEASE SYSTEM

Convict leasing refers to a particular means of putting inmates to work that originally developed in the South following the end of the Civil War, but was eventually used all over the United States. In this system, persons convicted of criminal offenses were sent to sugar and cotton plantations, coal mines, turpentine farms, phosphate beds, brickyards, sawmills, and cotton mills. They were leased to businessmen, planters, and corporations in one of the harshest and most exploitative labor systems known in American history. Though this practice no longer strictly exists in the United States, remnants of it can be found in joint venture programs where prisoners work for the profit of private corporations.

HISTORY

Convicts have been used as a source of cheap and profitable labor for centuries. The ancient Greeks and Romans both put convicted criminals to work on state-operated public works. In the Middle Ages, convicts were routinely sold into slavery, especially galley slavery. By the late 15th and 16th centuries, workhouses were established to confine beggars and vagabonds, to put them to work grinding corn, making nails, spinning fabric, or other labors.

This same trend occurred in the American colonies. In 1699, Massachusetts "declared that rogues and vagabonds were to be punished and set to work in the house of correction" (Rothman, 1971, p. 26). Other colonies followed suit. Inmates of the first American prisons were forced to labor as part of their incarceration. The Walnut Street Jail, which began to accept prisoners in 1790, set its inmates to work under what we now call the piece-price system. With the rise of the penitentiary system in the early 1800s, convict labor was a central focus of reform.

THE AMERICAN CONTEXT

The early debate over the merits of the Pennsylvania and Auburn systems focused on the uses of convict labor and, ultimately, on profitability. The Pennsylvania system reflected a plan for solitary confinement of inmates. Each inmate worked alone in his cell without contact with other inmates. Work was mostly menial and unprofitable for the institution. The Auburn system combined separate confinement with silent, collective work. This system became the model for most prisons in the United States.

A few years after the first prison opened in Auburn, New York, in 1817, a local citizen was given a contract to operate a factory within the prison walls. Prisoners were also leased out to private bidders to be housed, fed, and worked for profit. This practice provided the beginnings of the lease system.

Eventually, three systems of convict labor emerged in the 19th century: the contract system, the state use system, and the convict lease system. The contract system dominated prisons in the northern part of the country. Under this system, the state feeds, clothes, houses, and guards the convict. To do this, the state maintains an institution and a force of guards and other employees. The contractor pays the state a stipulated amount per capita for the services of the convict and sells the final product on the open market. In the lease system, the state enters into a contract with a lessee who agrees to receive the convict; to feed, clothe, house, and guard him; to keep him at work; and to pay the state a specified amount for his labor. The state does not maintain an institution to house prisoners. In the state use system, the state conducts a business of manufacture or production but the sale of the goods produced is limited to state agencies. Today, the state use system is the most commonly used of the systems.

RELATIONSHIP BETWEEN SLAVERY AND CONVICT LEASING

The convict lease system was inexorably intertwined with the post–Civil War economic recovery of the South. Emancipation moved the Southern

economy from a slave society based on forced labor to a caste society based on more overt, coercive techniques. The antebellum South was a labor-intensive, agricultural society. The convict lease system helped restore the basis of agricultural profitability by alleviating the shortage of labor. The legal system provided a cheap labor force of experienced agricultural workers and helped to control the black population.

In Southern states, prisons were not used extensively prior to the Civil War. After the war, the South was faced with severe economic, political, and social problems. At the time, the North and the South both incurred vast increases in prison populations due to the large numbers of returning servicemen and the postwar recession. The situation was more acutely felt in the war-ravaged South as prisons, railroads, factories, and much of the land itself had been almost totally destroyed in many areas. The destruction of the economy coincided with the emancipation of black slaves, creating a further strain on economic and social institutions. The South's solution to this problem was to create a system of convict leasing, as well as to found a number of plantation-style penitentiaries. Both served to perpetuate race and class divisions while profiting the state.

The lease system worked in concert with the new criminal codes of the postwar South, which, in a series of laws known as the Black Codes, piled up heavy penalties for petty offenses against property while at the same time weakening the protection afforded blacks in court. Prior to the Civil War, blacks were not sent to prison in great numbers. When a slave did commit a crime, the matter was usually resolved locally. A range of corporal punishments (flogging, beating, etc.) was typically used for petty criminal acts, while more serious offenses were dealt with through shootings or lynchings. After the war, the implementation of vaguely worded laws (vagrancy, loitering, etc.) meant that just about any former slave could be arrested and sentenced to prison.

The "pig law" of Mississippi, passed in 1876, illustrates the nature and effect of the Black Codes well. This bill "declared the theft of any property valued at more than ten dollars, or of any kind of cattle or swine, regardless of value, to be grand larceny," which was punishable by up to five years in the state prison (quoted in Shelden, 1980, p. 6). After its adoption, the number of state convicts in Mississippi increased from 272 in 1874 to 1,072 by the end of 1877. The number in Georgia increased from 432 in 1874 to 1,441 in 1877 (Woodward, 1971, p. 213).

Such laws caused not only a dramatic increase in prison populations but also a shift in the racial make-up of who was incarcerated. McKelvey (1977) noted: "In the Deep South [African Americans] soon exceeded 90% of the total prison population, making the traditions and methods of the old slave system seem more logical patterns for southern penology than the costly methods of the north (p. 198). Shelden (1980, p. 5) noted that the black population at the main prison in Nashville, Tennessee, went from 33% in 1865 to 67% in 1867 and remained at 60% well in to the 20th century.

LEASING, CAPITALISM, AND VIOLENCE

The lease system rapidly became a large-scale business. Leases of 20 and 30 years were granted by legislatures to powerful politicians, Northern syndicates, mining corporations, and individual planters. The Tennessee Coal and Iron and Railroad Company (later to become a subsidiary of the U.S. Steel Corporation), dealt in convict "futures" in the same way brokers dealt in wheat and corn futures. Most problematically, as McKelvey (1977) noted, under the lease system, "there was no check, as in the North, where cells rapidly became crowded and compelled the construction of costly bastilles if convictions were too frequent" (p. 211).

In effect, under the leasing system, convicts became the slaves of the lessee as the latter had complete control over their food, clothing, discipline, and especially working conditions. Though the lessee was nominally responsible for the health and well-being of his convict-workers, abuses, brutality, and degradation became part of the system as lessees deprived convicts of necessary care and resorted to brutal punishments to extract more

work from them. A grand jury investigation of the penitentiary hospital in Mississippi reported that inmates were

> all bearing on their persons marks of the most inhuman and brutal treatment. Most of them have their backs cut in great wales, scars and blisters, some with the skin peeling off in pieces as the result of severe beatings . . . they were lying there dying, some of them on bare boards, so poor and emaciated that their bones almost came through their skin, many complaining for want of food. . . . We actually saw live vermin crawling over their faces, and the little bedding and clothing they have is in tatters and stiff with filth. (quoted in Woodward, 1971, p. 214)

As a result of such treatment, the mortality rate for convicts rose dramatically. In the South, for instance, the rate of mortality was 41.3 per thousand convicts, while the rate for Northern prisons was only 14.9 (McKelvey, 1977, p. 183). The average annual death rate among Negro convicts in Mississippi from 1880 to 1885 was almost 11%; for white convicts it was half that. The death rate among prisoners of Arkansas was reported in 1881 to be 25% annually (Woodward, 1971, p. 141). In Louisiana between 1870 and 1901, 3,000 black convicts died under the lease system (Carelton, 1971, p. 46).

THE END OF THE LEASE SYSTEM

The reformist literature portrayed the lease system as being worse than slavery. An unidentified Southern man succinctly summarized the situation in 1883: "Before the war, we owned the Negroes. If a man had a good negro, he could afford to take care of him. He might even get gold plugs in his teeth. But these convicts: we don't own 'em. One dies, get another " (quoted in Carleton, 1971, p. 46).

Nonetheless, the lease system disappeared largely because of economic objections of both labor and business, rather than because of humanitarian objections. Free labor complained that convict labor deprived free men of jobs and businesses complained of unfair competition. McKelvey (1968) noted: "But the lease system was doomed by its decreasing usefulness to the state, and it was not abandoned until profitable substitutes were perfected." These other systems included plantations, industrial prisons, and the chain gang, which still exists today (McKelvey, 1968, p. 185).

CONCLUSION

Today, private companies are once again increasingly using inmate labor. Though convict leasing is no longer practiced, some critics point to the similarities between it and current joint venture schemes. Other similarities can also be found in the racial constitution of the prison population, where African Americans remain disproportionately incarcerated. Though the abuses of the past are unlikely to be repeated, the problematic history of convict leasing is important to recall when evaluating the role of private businesses in prison work programs.

—William Farrell

See also Auburn Correctional Facility; Auburn System; Contract Facilities; Hard Labor; John Howard; Labor; Parchman Farm, Mississippi State Penitentiary; Plantation Style Prisons; Pennsylvania System; Privatization; Slavery; Walnut Street Jail

Further Reading

Cable, G. (1889). *The silent South.* New York: Scribner's.

Carelton, M. (1971). *Politics and punishment: The history of the Louisiana State penal system.* Baton Rouge: Louisiana State University Press.

Crowe, J. C. (1956). The origin and development of Tennessee's prison problem. *Tennessee Historical Quarterly*, *15*(2), 122–130.

Farrell, W. J. (1994). *Prisons, work and punishment.* Dubuque, IA: Kendall-Hunt.

Green, F. (1949). Some aspects of the convict lease system in the Southern states. In *Essays in Southern history* (Vol. 31). Durham: University of North Carolina Press.

Mancini, M. (1996). *One dies, get another: Convict leasing in the American South, 1866–1928.* Columbia: University of South Carolina Press.

McKelvey, B. (1968). *The emergence of metropolitan America, 1915–1966.* New Brunswick, NJ: Rutgers University Press.

McKelvey, B. (1977). *American prisons: A history of good intentions.* Montclair, NJ: P. Smith.

Meier, A., & Radwick, E. (1970). *From plantation to ghetto.* New York: Hill and Wang.

Miller, M. (1974). At hard labor: Rediscovering the nineteenth century prison. *Issues in Criminology, 9*, 91–114.

Rothman, D. (1971). *The discovery of the asylum.* Boston: Little, Brown.

Sellin, T. (1976). *Slavery and the penal system.* New York: Elsevier.

Shelden, R. (1980, Winter). From slave to caste society: Penal changes in Tennessee, 1840–1914. *Tennessee Historical Quarterly, 39*.

Shelden, R. (1981). Convict leasing: An application of the Rusche-Kirchheimer thesis to penal changes in Tennessee, 1830–1915. In D. Greenberg (Ed.), *Crime and capitalism.* Palo Alto, CA: Mayfield.

Wilson, W. (1933). *Forced labor in the United States.* New York: International Publishers.

Woodward, C. V. (1971). *Origins of the new South.* Baton Rouge: Louisiana State University Press.

COOK COUNTY, ILLINOIS

Cook County, Illinois, founded the first juvenile court in the United States in 1899. Today, the juvenile court has become a model for dealing with various social and psychological problems besetting youths in the United States.

HISTORY: THE FIRST JUVENILE COURT

The first juvenile court was established in Illinois largely due to the collaborative efforts of the Chicago Women's Club, the Chicago Bar Association, and the Illinois State Conference of Charities. The club convinced the Chicago Bar Association to draft a juvenile court bill, which was subsequently passed by the Illinois House. The bill was the 1899 Illinois Juvenile Court Act, which suggested that the state should care for dependent and/or neglected children who had been abandoned or lacked proper parental care, support, or guardianship. The early juvenile court functioned as an administrative agency of the circuit or district courts, and it was mandated as such by legislative action. By 1945, almost all states had developed similar juvenile court systems.

The Illinois Juvenile Court Act contained a number of important features. For the first time it defined a delinquent as under the age of 16. It also mandated that children must be kept separate from adult institutions, while prohibiting altogether the detention of children under age 12 in jail or police custody. It established special, informal procedural rules in juvenile court by employing a social work approach rather than a law enforcement or prosecutorial one in which probation officers handled the intake phase. The act also introduced private hearings in limited courts of record, where notes might be taken by the judges to reflect judicial actions. It granted original jurisdiction and individualized justice (based on each child's needs) in all cases concerning people under the age of 16. In this manner, the law divested the adult courts of all jurisdiction over children and reflected the concept of *parens patriae* (the duty of the state to act as the children's parents) as a functional approach.

The juvenile court as conceived in Cook County emphasized rehabilitation instead of punishment. In contrast to earlier practices, it relied on probation officers in diagnosis and processing for adjudicatory hearings instead of criminal prosecutors. In effect, the courts hoped to redeem all salvageable children while leaving only those not amenable to correction to be waived to adult criminal court processing.

THE SITUATION TODAY

Today, Cook County, Illinois, is still at the forefront in juvenile corrections. The historical Chicago Area Project, instituted in the early 1930s and based on social disorganization theory and the ecological approach that was developed by researchers at the University of Chicago, is still a model. As a demonstration program, the project was designed to discover a procedure for the treatment of delinquents and the prevention of delinquency in those Chicago neighborhoods that sent disproportionately large numbers of boys to the Cook County Juvenile Court. The project currently operates out of the Division of the Illinois Department of Corrections, and through research, has contributed immensely to the field of American criminology and corrections.

The Chicago Area Project has empowered many neighborhoods through involving community volunteers, community organizations, local churches, and other institutions in the process of program development and implementation. In cooperation

with neighborhood residents, the project has affected social and environmental transformations by providing facilities, professional guidance, and child welfare programs.

Numerous other community-based youth-oriented diversion and delinquency prevention programs have based their activities on the Chicago Area Project. Just one example can be found in the Atlanta Operation Weed and Seed that started in the 1980s. Like the Chicago Area Project, it is a neighborhood empowerment program designed to work with community organizations and volunteers, local churches, and other institutions to revamp socially disorganized neighborhoods and empower them to become self-reliant. It was initiated in collaboration with Atlanta University, and grant funds came from both federal and state governments. It offered counseling, social services, and back-to-school or work curriculum as essential ingredients of the project.

Other correction-related juvenile programs in Cook County include the 4-H program and the Center for Conflict Resolution (CCR). A youth development program of the University of Illinois Cooperative Extension Service (CES), about 60,000 Cook County children and teenagers are enrolled annually in 4-H clubs. Through hands-on learning experiences in the arts and sciences and community service projects, and participation in official club meetings and activities, the clubs help these children grow and develop. CES also works with the Juvenile Detention Center to provide stress management, crisis coping, and leadership skills and self-esteem workshops for the detainees.

The CCR is one of the numerous distinguished programs in Cook County. Since 1992, it has been engaged with the Cook County State's Attorney's Office to provide mediation services for both the minors charged with crimes and the victims of those crimes. In cases involving criminal damages, criminal trespass, battery, assault, and simple theft, mediation is often used as an alternative to adjudication process. It is also employed in cases where victims seek restitution or want the juvenile to perform community service, or when the victim and the juvenile still have an ongoing relationship. On average, CCR mediates about 150 cases annually.

Finally, Cook County vigorously enforces the Safe School Zone Act passed by Illinois legislature in 1985. The act requires that 15- and 16-year-olds charged with delivery of a controlled substance within 1,000 feet of a school be tried in adult court. In 1987, the act was merged with the Juvenile Court Act, thereby making drug offenses higher-level crimes, especially when they are committed within the school safe zone. In 1989, the "Safe Zone Act" was extended to public housing developments in the state. It is, however, particularly in Cook County that this law is vigorously enforced.

CONCLUSION

Cook County, Illinois, made a lasting impact on juvenile corrections in the United States. Until 1898, children were arrested, charged, tried, and sentenced to adult prisons. Illinois was the first state to pass a bill that separated juveniles from adults, and Cook County was the first to direct the juvenile court toward meeting the goals of the juvenile bill. The pioneering roles of the Chicago Area Project and the 4-H program in delinquency prevention and control clearly place Cook County in the annals of juvenile justice and correctional history. Recently, however, many of the ideas of the first juvenile reformers have come under attack as more and more states choose to waive young offenders to adult courts, and even to incarcerate them in adult prisons. Whether the views and practices of Cook County will survive these changes remains unclear.

—Emmanuel C. Onyeozili, Jonathan C. Odo, and Ihekwoaba D. Onwudiwe

See also Child Savers; Juvenile Detention Centers; Juvenile Justice System; Juvenile Offenders: Race, Class, and Gender; Juvenile Reformatories; Massachusetts Reformatory; *Parens Patriae*; Waivers Into Adult Courts

Further Reading

Abadinsky, H. (2003). *Probation and parole: Theory and practice.* Upper Saddle River, NJ: Prentice Hall.

Clement, M. (1997). *The juvenile justice system: Law and process.* Boston: Butterworth-Heinemann.

Empy, L. T. (Ed.). (1979). *Juvenile justice: The Progressive legacy and current reforms.* Charlottesville: University Press of Virginia.

Krisberg, B. (1988). *The juvenile court: Reclaiming the vision.* San Francisco: National Council on Crime and Delinquency.

Krisberg, B., & Austin, J. F. (1993). *Reinventing juvenile justice.* Newbury Park, CA: Sage.

Platt, A. M. (1974). *The child savers: The invention of delinquency.* Chicago: University of Chicago Press.

Rosenbaum, D. P., Lurigio, A. J., & Davis, R. C. (1998). *The prevention of crime: Social and situational strategies.* Belmont, CA: West/Wadsworth.

Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas.* Chicago: University of Chicago Press.

CORCORAN, CALIFORNIA STATE PRISON

One of the 33 state prisons in the California archipelago, California State Prison, Corcoran (CSP-C) houses approximately 6,000 minimum-, medium-high-, and maximum-security inmates. Corcoran provides a variety of educational and vocational programs, as well as an acute care hospital and a substance abuse program. But Corcoran, dubbed "America's most violent prison," has achieved media notoriety not for its innovations in corrections but for claims of serious human rights violations.

OVERVIEW OF THE FACILITY

Corcoran is located in California's Central Valley, approximately midway between Fresno and Bakersfield. Opened in February 1988, Corcoran Prison was built on 942 acres that was once Tulare Lake. It is designated as a Level I, Level III, Level IV, General Population, and Security Housing Unit/Protective Housing Unit institution.

Minimum-security Level I facilities are characterized by open dormitories without a secure perimeter. At Corcoran, five Level I dormitories house about 884 inmates. A substance abuse program was activated in January 2001, providing alcohol and drug treatment for 190 Level I inmates. Medium-high Level III facilities usually have individual cells, fenced perimeters, and armed coverage. At Corcoran, about 1,000 inmates occupy five Level III buildings. Maximum-security Level IV facilities are characterized by cells, fenced or walled perimeters, electronic security, and armed officers both inside and outside the installation. At Corcoran, about 2,000 inmates occupy 10 buildings in Level IV general population.

Another 2,000 Level IV inmates at Corcoran occupy two special housing unit (SHU) facilities. Corcoran was the first California prison with a separate facility built to house SHU inmates exclusively. Special units within the SHU facilities accommodate handicapped inmates, those with HIV, and prisoners requiring protective housing.

In addition to the Levels I, III, and IV facilities, Corcoran Prison maintains an acute care hospital (ACH) with 75 beds. The ACH is a maximum-security facility, providing acute medical, surgical, mental health crisis, and specialty outpatient services to inmates. Corcoran also employs about 600 inmates through prison industry authority (PIA) programs. Inmates work in Corcoran's manufacturing yards, institutional laundry, 400-acre agribusiness center, warehouse/freight distribution center, or industrial maintenance and repair facilities.

ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS

Throughout the late 1990s, prison activists and journalists reported that serious human rights violations were occurring at Corcoran Prison on a regular and ongoing basis. Otherwise incredible claims of "gladiator fights" and state-sanctioned rape seemed plausible when several whistleblowers, all former Corcoran guards, substantiated the accounts. In 1998, state legislative hearings concluded that a pattern of brutality existed at Corcoran. An independent panel confirmed that 24 of the 31 serious or fatal shootings at Corcoran between 1988 and 1995 had involved unjustified use of deadly force. Investigations by the state attorney general and the Federal Bureau of Investigation (FBI) followed, and although all were acquitted, several guards were prosecuted in a series of high-profile trials.

ASSAULTS

According to reports, a group of rogue Corcoran guards (calling themselves the "Sharks") met a busload of new prisoners in 1995. The Sharks mistakenly believed that these prisoners had been involved in the assault of a correctional officer at another California correctional institution, Calipatria Prison. The officers dressed in dark jumpsuits and riot gear. They covered their badges with tape so they could not be identified. Then they pulled the shackled prisoners off the bus and subjected them to an anonymous hail of fists, steel-toed boots, and metal batons that continued for more than 30 minutes. Other examples of coordinated assaults have been reported. Corcoran prisoners recount similar events that took place as early as 1988.

RAPE

Corcoran guards were accused of orchestrating inmate rapes. According to former Corcoran guard Roscoe Pondexter, officials knowingly placed 118-pound Eddie Dillard into a cell with 220-pound Wayne Robertson, despite the fact that Robertson was listed in prison records as Dillard's enemy. They did so because Robertson, known as the "Booty Bandit," regularly raped prisoners as a favor for Corcoran guards. He was employed as a tool of punishment; in exchange, he was rewarded with extra privileges.

Dillard maintains that Robertson raped him repeatedly over a three-day period. A full rape examination was ordered, but inexplicably cancelled. Although Dillard's claims were corroborated by Pondexter's testimony, investigative reports, and Robertson's own boasting, the four Corcoran guards who were tried for intentionally placing Dillard into the cell with Robertson were acquitted in November 1999.

GLADIATOR FIGHTS

Corcoran guards were also accused of staging fights among rival gangs in the SHU yards, then shooting at them when fights broke out. Under the California Department of Corrections (CDC) "integrated yard policy," rival gang members were assigned to common exercise yards in order to destabilize ethnic gangs. But, whistleblowers alleged, the resulting "gladiator fights" were regulated by Corcoran guards for amusement and blood sport.

On April 2, 1994, Preston Tate was taken from his SHU cell to participate in a gladiator fight. Predictably, Tate and his cellmate were attacked by two rival inmates. After several seconds of flailing punches, guards fired 37 mm wooden baton rounds, then fired a single 9 mm round, blowing Tate's skull open.

Tate's shooting, combined with testimony from former Corcoran guards, prompted U.S. Attorneys to indict eight Corcoran guards on charges of violating the civil rights of prisoners in 1998. In June 2000, all eight guards were acquitted. The CDC did, however, pay $825,000 to Tate's parents in a civil settlement, the CDC's largest settlement for a shooting death.

CONCLUSION

Since opening in 1988, Corcoran Prison has retained a reputation for being a brutal and violent institution. Allegations of orchestrated assaults, coordinated rapes, and gladiator fights were made throughout the 1990s, sparking local and federal investigations and leading to the prosecution of several correctional officers. These officers were acquitted, but there is no question that Corcoran has been stained by a legacy of institutional violence. Although conditions have certainly improved at Corcoran, the advocacy group California Prison Focus maintains that Corcoran remains plagued by prisoner abuse, staff misconduct, medical neglect, and safety violations to this day.

—J. C. Oleson

See also Correctional Officers; Disciplinary Segregation; Gangs; Marion, U.S. Penitentiary; New Mexico Penitentiary; Pelican Bay State Prison; Racial Conflict Among Prisoners; Rape; San Quentin State Prison; Special Housing Unit; Violence

Further Reading

Arax, M. (2000, June 10). 8 prison guards are acquitted in Corcoran battles. *Los Angeles Times,* p. A1.

California Prison Focus. (2004). *Corcoran State Prison 2001–2002: Inside California's brutal maximum security*

prison. Retrieved from http://www.prisons.org/Corcoran02.htm

Quinn, T. (Ed.). (1999). *Maximum Security University: A documentary history of death and cover-up at America's most violent prison.* San Francisco: California Prison Focus.

Wisely, W. (1998, October). Corcoran Prison: Sex, lies, and videotape. *Prison Legal News*, pp. 8–11.

CORPORAL PUNISHMENT

Corporal punishment refers to physical penalties that cause pain or disfigure the body. It is usually contrasted with practices such as imprisonment, probation, or parole, which control but are not meant specifically to harm the body. Of course, incarceration may cause discomfort and potentially subject inmates' bodies to violence such as rape, but it is not the same as whipping or flogging where the judicial sentence directly requires acute pain as the payment for an offense. While executions obviously harm the body by putting someone to death, legally they must not involve torture or unnecessary pain and suffering.

HISTORY AND EXAMPLES OF CORPORAL PUNISHMENT

Corporal punishments predate the birth of the prison. Indeed, early jails and prisons were designed merely to hold offenders until their corporal punishment could be carried out. A common strategy until around 1800 was to hold an offender in the stocks. Just as every community now has a jail, historically every village had stocks. For this punishment, offenders were placed in hinged heavy timbers with holes cut in them to hold arms and/or legs, so that they were "powerless to escape the jests and jeers of every idler in the community" (Earle, 1896/1995, p. 37). Stocks could be used to hold offenders prior to another penalty or as a form of punishment itself.

Another method commonly used at this time was the pillory. The pillory was similar to the stocks in design (and ubiquity) but held "the human head in its tight grasp, and thus holds it up to the public gaze" (Earle, 1896/1995, p. 44). Individuals held in this structure were further humiliated by the public who would throw at them "rotten eggs, filth, and dirt from the streets, which was followed by dead cats, rats" and "ordure from the slaughter-house" (Andrews, 1890/1991, pp. 85, 86). They might also have their ears nailed to either side of the head hole or cut off entirely ('cropped') for additional ridicule. Some communities put offenders in the pillory during public market days to increase their exposure.

Whipping posts were usually similar to the pillory in design, although they also could be little more than a post to which an individual was secured. Some communities tied an offender to a whipping cart and walked him or her through town "till his body became bloody" (Earle, 1896/1995, p. 70). This technique, which was popular until the 1800s, could be done with a variety of implements such as reeds, birch rods, and whips; famously the cat-o'-nine-tails was made of a rope that was unraveled and knotted at the ends to inflict maximum discomfort.

Finally, more permanent methods of corporal punishment existed such as branding, maiming, and amputation. Branding involved burning a sign into someone's flesh that forever labeled him or her a criminal. Often the sign would vary depending on the crime. Maiming could take many forms and was usually aimed symbolically at addressing the crime: A blasphemer would have his tongue cut out or fixed to the side of his cheek, thieves would have a hand cut off, and so on. In extreme cases, offenders' hearts could be cut out, or their limbs amputated.

GENDER AND CLASS

As with most forms of social control, corporal punishment was never applied equally across social classes or groups. Aristocrats, for example, were usually exempt from such practices, while certain techniques—such as the dunking stool and scold's bridle—were almost exclusively reserved for women for gendered crimes like gossiping or being argumentative. The dunking stool was used occasionally for men accused of slander or for quarrelsome married couples. It usually resembled a see saw onto which the offender could be placed in a

chair that was then plunged into cold water "in order to cool her immoderate heat" (Andrews, 1890/1991, p. 4). The bridle was "a sort of iron cage, often of great weight; when worn, covering the entire head; with a spiked plate or flat tongue of iron to be placed in the mouth over the tongue" so "if the offender spoke she was cruelly hurt" (Earle, 1896/1995, p. 96). This device locked in the back, and women would either be led around town or attached to a post. The bridles were sometimes ornamented to give the wearer's face a bestial appearance. The women staked out in the public square could expect "painful beatings, besmearing with feces and urine, and serious, sometimes fatal wounding–especially in the breasts and pubes" (Held, 1985, p. 150).

CORPORAL PUNISHMENT AND EXECUTIONS

Until the 19th century, abuse and torture were integrated into the death sentence to maximize a person's suffering. For example, an English sentence for treason in 1691 required the offenders to be

> hanged by the neck, to be cut down while ye are yet alive, to have your hearts and bowles taken out before your faces, and your members cut off and burnt. Your heads severed from your bodies, your bodies divided into quarters . . . and disposed of according to the king's will and pleasure; and the Lord have mercy upon your souls. (quoted in Johnson, 1998, p. 14)

Depending on the jurisdiction and the time, offenders were burned to death, broken on the wheel (breaking the major bones of their body with an iron rod while tied to a large circle symbolizing eternity), impaled, disemboweled, and beheaded. They could also be drawn and quartered by being tied to four horses that pulled in different directions. After executions, the corpse might be gibbeted and displayed hanging in chains. As medical schools sought after corpses to teach anatomy and improve surgical success, poor offenders were sentenced to be dissected, sometimes in a public hall. The previous practice of robbing graves for cadavers provoked hostility in villages, which occasionally burned down medical schools in retaliation for the digging up the recently deceased and the "deliberate mutilation or destruction of identity, perhaps for eternity" that dissection entailed (Richardson, 1987, p. 29). The strong reaction reveals how dissection and the potential evisceration of a person's body were seen as punishment even after death.

FOUCAULT AND THE BIRTH OF PRISON

The transition to prison from corporal punishments and the spectacle of execution is the subject of *Discipline and Punish* by French philosopher Michel Foucault (1979). This book famously starts with a gruesome description of the 1757 execution of Damiens, who had been convicted of regicide. Before he dies, Damiens's flesh was torn with red-hot pincers, he was partly burned and eviscerated, and then, unsuccessfully drawn and quartered. The executioner finally had to cut Damiens's body apart and then burn the pieces. The second type of punishment that Foucault describes is a "House of young offenders" 80 years later, based on a strict timetable or schedule. Using these two examples, Foucault (1979) argues that punishment underwent major changes between 1760 and 1840 "from being an art of unbearable sensations, punishment has become as economy of suspended rights" (p. 11). According to him, in less than 100 years, public spectacle disappeared, physical pain was downplayed, the prison replaced corporal punishment, and punishment became hidden and part of "abstract consciousness."

Foucault argues that spectacles of pain associated with corporal punishment were rooted in the sovereign's power to wage war against his enemies and were intended to terrorize citizens into obedience. Such displays, however, were inefficient systems of social control and with the rise of capitalism states sought to find better ways of appropriating bodies rather than killing them. The new goal, which Foucault views as creating "docile bodies," advanced through mechanisms of surveillance and control that were typified by the prison but existed in many other social institutions as well: "Prisons resemble factories, schools, barracks, hospitals, which all resemble prisons" (Foucault, 1979,

p. 228). The result is generalized surveillance and the formation of a disciplinary society based on a strict organization of space, timetables, performance standards, repetitive exercises, and drills. The end of corporal punishment is thus not seen as a humanitarian step but a transformation to more totalizing forms of power and domination. Foucault (1979) ominously states:

> Historians of ideas usually attribute the dream of a perfect society to the philosophers and jurists of the eighteenth century; but there was also a military dream of society; its fundamental reference was not to the state of nature, but to the meticulously subordinated cogs of a machine, not to the primal social contract, but to permanent coercions, not to fundamental rights, but to indefinitely progressive forms of training, not to general will, but to automatic docility. (p. 169)

CONTEMPORARY ARGUMENTS

Because many non-Western countries practice corporal punishment, Westerners somewhat ethnocentrically tend to see this penalty as primitive or barbaric. Even so, occasionally politicians in the United States, United Kingdom, or Australia attempt to reintroduce corporal punishment as part of a "tough on crime" agenda. Likewise, people commonly debate whether public school teachers should be allowed to spank or cane students for disciplinary reasons. The most important current advocate of corporal punishment is criminologist Graeme Newman. In his text *Just and Painful* (1995), he makes a case for corporal punishment that also serves as a critique of prison, which he sees as overused, violent, and expensive.

Newman's suggestion is to implement corporal punishment in the form of electric shocks to be used instead of prison for minor offenses; he sees the combination of shock and prison to constitute torture, which is not the case for a one-time infliction of pain. Shocks would be done in a public punishment hall, after which the offender would be released. For Newman, the pain of punishment can be matched to the severity of crime by controlling the number of shocks, the voltage, and duration of the jolts. Acute physical pain, Newman argues, is experienced more similarly by people than the chronic pain of a prison sentence, which will vary between institutions and even for individuals in the same prison. While men, women, whites, and minorities "respond to and interpret pain differently, there is every chance that they actually feel pain in about the same way" (Newman, 1995, p. 60). Newman further argues that minority overrepresentation in punishment is a "silent statistic," but if blacks were punished in public to the differential extent they are now, "it would be *too much.* It would force us to be accountable for the excesses of prison" (p. 62, emphasis in original).

While some see Newman's system as humiliating to the offender, he argues that many forms of punishment such as boot camps are built on degrading activities like cleaning toilets with toothbrushes. He argues that the obviously painful nature of corporal punishment would force society to take responsibility for it, in contrast to prison violence and rape, which usually we feel is not our concern. Corporal punishment in the form of electric shocks could also be administered more cheaply than prison, and would not require a primary wage earner or parent to be imprisoned. It would, therefore, cause less disruption to people's lives.

Newman (1995) notes that his book is "a polemic, intended to inflame and provoke" (p. 2). The point is thus less political advocacy of corporal punishment than an attempt to have people think more deeply about why and how society punishes offenders. He fears that many who say they support his position do so for the wrong reasons, while others reject it because of complacency with mass incarceration or cultural arrogance about "barbaric" Islamic countries that practice corporal punishment.

Newman, however, agrees with criticisms from human rights organization about practices in non-Western countries that combine corporal punishment with incarceration. For example, Amnesty International (2002a) notes, "Caning is used in Malaysia as a supplementary punishment for at least 40 crimes even though it contravenes international human rights standards." Newman would not support such sentences, because he believes the criminal should be incarcerated *or* experience corporal punishment; it is the combination of the two that he

sees as torture, which is a process and different from a one-time infliction of pain. Thus, he would also agree with Amnesty International in condemning Saudi Arabia for sentencing two defendants charged with drug crimes to "to 1,500 lashes each, in addition to 15 years' imprisonment. The floggings were scheduled to be carried out at a rate of 50 lashes every six months for the whole duration of the 15 years" (Amnesty International, 2002b).

CONCLUSION

Corporal punishment has been involved in some of the spectacular excesses of the criminal justice punishment, but it is a type of punishment of interest to people across schools of punishment. Retributivists are attracted by the increased ability to create "just deserts" by matching the crime with a wide range of corporal punishments. Utilitarians, going back to Jeremy Bentham's vision of a spanking machine (Farrell, 2003), see potential for more uniform and precise punishments than incarceration can offer.

In spite of widespread "tough on crime" rhetoric, the public has ambivalent feelings about the deliberate infliction of physical pain as the official sentence. In addition, sentencing women, especially white women, to corporal punishment would present another barrier. Women's demands for equal rights have sometimes resulted in a backlash in the form of harsher sentences, a phenomenon referred to as "equality with a vengeance." Yet executions of women are more troublesome to many than the execution of men. And the Alabama prison commission was fired by the governor in 1996 when he suggested women join the predominantly black men on the state's chain gangs (Gorman, 2001, p. 405).

Corporal punishment, like the chain gang, will continue to attract interest because there is something about the notion of "punishment for punishment's sake, that appeals to an electorate scared of crime [and] fed up with what it sees as coddling" (Gorman, 2001, p. 406). Both, however, are inconsistent with the trend described by Foucault as moving away from spectacle to the surveillance-based society.

—Paul Leighton

See also Jeremy Bentham; Capital Punishment; Chain Gangs; Flogging; Michel Foucault; History of Prisons; Alexander Maconochie

Further Reading

Amnesty International. (2002a). *Malaysia: Caning should be abolished.* Retrieved from http://web.amnesty.org/library/index/ENGASA280032002

Amnesty International. (2002b). Saudi Arabia. *Annual report 2002*. Retrieved from http://web.amnesty.org/web/ar2002.nsf/mde/saudi+arabia!Open

Andrews, W. (1991). *Old time punishments.* New York: Dorset. (Original work published 1890)

Earle, A. M. (1995). *Curious punishments of bygone days.* Bedford, MA: Applewood. (Original work published 1896, Chicago: H. S. Stone)

Farrell, C. (2003). World corporal punishment Web site. Retrieved from http://www.corpun.com/

Fillingham, L. A. (1993). *Foucault for beginners.* New York: Writers and Readers.

Foucault, M. (1979). *Discipline and punish.* New York: Vintage.

Gorman, T. (2001). Back on the chain gang: Why the Eighth Amendment and the history of slavery proscribe the resurgence of chain gangs. In P. Leighton & J. Reiman (Eds.), *Criminal justice ethics.* Upper Saddle River, NJ: Prentice Hall.

Held, R. (1985). *Inquisition: A bilingual guide to the exhibition of torture instruments.* Florence: Qua D'Arno.

Johnson, R. (1998). *Death work: A study of the modern execution process* (2nd ed.). Belmont, CA: Wadsworth.

Newman, G. (1985). *The punishment response.* Albany, NY: Harrow and Heston.

Newman, G. (1995). *Just and painful: A case for the corporal punishment of criminals.* Albany, NY: Harrow and Heston. The full text of the first edition is available online through http://www.albany.edu/~grn92/jp00.html.

Richardson, R. (1987). *Death dissection and the destitute.* New York: Routledge & Kegan Paul.

CORRECTIONAL OFFICER PAY

Historically, prison guards were paid poorly for their work and were subjected to poor working conditions. Today, the pay and position of the correctional officer has improved dramatically in many jurisdictions. However, differences in pay still exist between states and by gender.

HISTORY OF OFFICER PAY

Historically, the position of prison guard has had low social status. Subject to poor working conditions

and low pay, it was a field that few aspired to and often entered only as a last resort. Usually, guards lived on the prison grounds and were thus continually interacting with prisoners. Such a relationship often compromised their capacity to be viewed as authority figures and limited their ability to enforce punitive and rehabilitative models.

Even so, attempts were made almost from the beginning to increase the social status of the prison guard. During the development of the penitentiary in New York, for example, guards were required to wear uniforms and to behave in a professional manner. Additional attempts to professionalize the role of the officer were made in the 19th and 20th centuries, as many states changed the job title from "prison guard" to "correctional officer."

CURRENT LEVELS OF PAY

In addition to changing the social status of the correctional officer, attempts were made throughout the 20th century to increase the compensation provided to officers for their work. Compensation for correctional officers is based on a number of factors, including type of facility, location, rate of starting salary, number of years of service, turnover rates, frequency of promotion opportunities, training opportunities, job performance, and educational level. In 2002, the median yearly income level for correctional officers was $32,670, with the lowest 10% earning less than $22,010 and the highest 10% earning more than $52,370 (Bureau of Labor Statistics, 2003b). A survey of 25 states in the central United States illustrates how salaries can vary dramatically from state to state. In 2001, the average salary for officers in North Dakota ranged from $21,000 for entry-level officers to $38,352 for experienced officers. In contrast, Wyoming correctional officers begin their careers at a higher salary of $23,844, but the maximum salary level after five years' experience is lower compared to North Dakota's, at $33,876 yearly (Correctional Officers Salaries, 2002).

In comparison to the salaries in the central United States, correctional officers in California receive significantly higher salaries. In 2004, a job announcement by the California Department of Corrections listed a yearly salary range of $34,284 to $58,620. In 2003, 391 officers earned more than $100,000 due to overtime pay (Gladstone, 2004). Salaries have increased dramatically for California officers since the 1980s, when the median yearly salary for a correctional officer was $14,400. The California Correctional Peace Officers Union has been largely responsible for the increases in the pay structure for California prison guards. Its lobbying efforts have also increased the benefits available to guards, which include medical coverage and a retirement plan that allows employees to retire at age 55 after 30 years of service and receive a stipend equal to 75% of their yearly pay. While the California Correctional Peace Officers Union has made a number of positive contributions for correctional officers in its jurisdiction, it has also been criticized for its lobbying efforts and contributions to political campaigns. These efforts have prioritized budget decisions toward officer pay over other services to prisoners within the correctional system (Pens, 1998).

GENDER

In addition to pay variations by state, research suggests that female officers are compensated at a lower rate than male officers. According to the U.S. Department of Labor, female correctional officers earned 78.6% of the wages of their male counterparts in 2002 (Bureau of Labor Statistics, 2003a). Women are also less likely to hold positions in management or administrative posts, even in female-occupied facilities. Like many other male-dominated occupations, women in corrections tend to occupy lower-ranking positions. Women are also more likely to be found working in state facilities, where wages are lower compared to federal facilities.

CONCLUSION

The compensation for working in prisons has evolved significantly throughout history. Prison guards in early prisons received limited monetary compensation and were required to live with the inmates within the prison walls. As an occupation

of lower status, in early correctional history the position of prison guard had few benefits. Today, the salaries and benefits for correctional officers vary widely from jurisdiction to jurisdiction. While the career can be financially lucrative in some facilities, such is not the case for all who work in this field. However, the expanding growth of the prison system in the United States, coupled with the political forces of prison guard unions, have led to increased opportunities for employment as well as improvements in pay and benefits.

—Stacy Mallicoat

See also Accreditation; American Correctional Association; Correctional Officers; John J. DiIulio, Jr.; Governance; History of Correctional Officers; Managerialism; Professionalization of Staff; Staff Training

Further Reading

Britton, D. M. (2003). *At work in the iron cage: The prison as a gendered organization*. New York: New York University Press.

Bureau of Labor Statistics. (2003a). *Highlights of women's earnings in 2002.* Washington, DC: U.S. Department of Labor.

Bureau of Labor Statistics. (2003b). *Occupational outlook handbook, 2002–3 edition: Correctional officers*. Washington, DC: U.S. Department of Labor.

Correctional officers salaries. (2002). *Correctional officer salaries—North Dakota and surrounding states.* Unpublished report prepared by the North Dakota Legislative Council staff for Representative Ron Carlisle.

Gladstone, M. (2004, March 6). Negotiator works both sides. *San Jose Mercury News,* p. 3A.

Martin, S. E., & Jurik, N. C. (1996). *Doing justice, doing gender: Women in law and criminal justice occupations.* Thousand Oaks, CA: Sage.

Morris, N., & Rothman, D. J. (1997). *The Oxford history of the prison*. New York: Oxford University Press.

Pens, D. (1998). The California prison guards' union: A potent political interest group. In D. Burton-Rose (Ed.), *The celling of America: An inside look at the U.S. prison industry*. Monroe, ME: Common Courage.

CORRECTIONAL OFFICER UNIONS

The first correctional officer unions were established in the mid-20th century. In the early 21st century, more than 50% of prisons have officer unions working to improve the conditions of their members. In some states, such as California, correctional officer unions have become extremely powerful, able to lobby governments into pursuing certain correctional building programs and methods of punishment. Even so, most are prohibited by law from going on strike because of the chaos that a strike would cause behind prison walls.

As with other labor organizations, correctional officer unions seek to bargain for better working conditions, better pay and benefits, and guaranteed job security. They also work toward appropriate training techniques and encourage enhanced technology while seeking to improve communication between higher management and employees. Unions offer their members information about medical issues and taxes, and if there is a legal issue arising out of employment, they will cover legal fees and/or provide representation. Union members usually make contributions to a legal benefit plan to help pay for such services. Correctional officer unions argue that if management improved working conditions, increased pay, and provided the required training, the turnover rate for correctional officers would decline.

HISTORY OF UNIONS

In the past, correctional officers received assistance from labor unions that represented all workers. These labor unions and correctional unions include AFL-CIO, AFSCME, Central Impact 82, CSEA of New York, Massachusetts Correction Officers Union, Pennsylvania State Corrections Officers Association, and Public Employees Federation Union, to name only a few. These groups bargained for better pay and conditions for all laborers, but they were not always able to deal specifically with the issues facing those who worked in prison. Consequently, correctional officers realized that they needed their own representatives.

California

The California Correctional Peace Officers' Association (CCPOA) is one of the major and most

organized correctional unions in the United States. Founded in 1957 to bargain for better working conditions, training, and pay for employees in corrections, CCPOA strove to make the occupation more professional by providing appropriate training for the officers. It also began extensive background checks for all potential corrections employees and implemented policies and procedures that provide correctional facilities with the required safety equipment needed.

CCPOA has improved the working conditions of its members and has reduced the once-tremendous turnover rate for correctional officers. Statistics show that during the 1970s and 1980s, the state's turnover rate was 25%. Today it is down to 8%, in large part because of the effort that has been put into making the conditions better for correctional employees.

CCPOA has been particularly influential in politics, in large part because it has donated considerable sums to legislators' campaigns. As a result, it seems to wield considerable influence in crime and policy issues, leading some to claim that the CCPOA is the main reason for the success of the "three strikes" laws. In addition to addressing law-and-order issues, CCPOA has also lobbied for more mainstream union issues, such as the right to collective bargaining, home loan assistance for officers, benefits for officers and families of deceased officers, improved health plans, and income tax credits. Similarly, CCPOA has asked that peace officers may carry concealed weapons across state lines. In recent years, CCPOA succeeded in obtaining grant money to improve the juvenile justice system, thereby hiring more correctional officers, and in creating the National Corrections and Employees Week, which is celebrated the week beginning May 4.

PRIVATIZATION

The recent shift in some states and the federal system toward privatizing parts of their penal system has considerably weakened some prison officer unions. Private prison companies generally will not hire employees who are members of a union, nor allow employees to unionize later. Consequently, it is difficult for many private prison employees to lobby against their relatively low wages and poor benefits. While organizations such as CCPOA have so far managed to persuade legislators to restrict the number of private facilities in their state, other unions have not been as successful. The long-term effect of privatization on prison officer unions is unclear, yet it seems already to have created a dual system of pay and conditions, with private employees losing out relative to their public counterparts.

CONCLUSION

Unions aim to improve conditions of the correctional officers by improving their wages, conditions with management, and emotional stability within the workforce. Research suggests that states that have a separate union for correctional officers have a lower turnover of officers in their prison systems. Officer unions are powerful because they are very active in politics; even though most officer unions are not allowed to strike, they still have the power to make changes.

—Wanda T. Hunter

See also Correctional Officer Pay; Correctional Officers; Governance; History of Correctional Officers; Managerialism; Prisoner Unions; Privatization; Professionalism; Staff Training

Further Reading

Barling, J., Fullagar, C., & Kelloway, K. (1992). *The union and its members: A psychological approach*. New York: Oxford University Press.

California Correctional Peace Officers Association. (2002). *Welcome to the California Correctional Peace Officers Association.* Retrieved October 23, 2002, from http://www.ccpoanet.org/

Clement, D. (2000). *Private vs. public: The prison debate*. Minneapolis, MN: Fedgazette.

Logan, C. (1990). *Private prisons: Cons and pros.* New York: Oxford University Press.Union of Canadian Correctional Officers. Retrieved from http://www.ucco-sacc.csn.qc.ca/

CORRECTIONAL OFFICERS

Correctional officers are responsible for the security of the penal institutions in which they work and the

safety of the inmates housed within their walls. Their duties include enforcing the rules and regulations of the facility, responding to inmate needs, diffusing inmate conflicts, and supervising daily movement and activities within the institution.

As of June 2000, state and federal prisons employed 430,033 individuals. Nearly two-thirds of these people were involved in direct contact with the inmate population and responsible for their safety and security. These figures represent a 24% increase from the number of correctional staff since 1995. The greatest increases in correctional employment are found in private institutions (364%), followed by federal (32%) and state (18%) facilities (Stephan & Karberg, 2003).

The increased need for correctional officers is a direct result of the growing numbers of correctional facilities that have been established throughout the United States in the past few decades. In many communities, the new jobs that have been created represent previously unavailable employment opportunity, security, and stability. However, a career in corrections is not without its problems. Work as an officer is dangerous, given the population that they are responsible for supervising. A stressful work environment, burnout, and high attrition rates place a heavy load on the occupation. These factors, coupled with the intense growth of the industry, have left many prisons understaffed, which in turn can place officers who are working at the prison at risk. As of June 2000, the number of inmates to correctional officer ratio in federal facilities was 9:1, with state facilities reporting a 4.5:1 ratio (Stephan & Karberg, 2003). The demands of the job can also present strain for the personal life of the officer, as people are often forced to relocate based on job availability.

HISTORY

While the primary duty of the correctional officer has always been to maintain the security of the prison setting, changes in correctional philosophy throughout history have impacted the role of the correctional officer within the prison. During the early 19th century, for example, the penitentiary was designed to isolate offenders from society and from each other. At the time, the responsibilities of the officer were limited to maintaining the keys of the facility. Guards at this time were all men, as the majority of prisoners were male. The job as a prison guard had little status, and officers generally lived in the prison under poor conditions receiving little pay for their work.

As the penitentiary system evolved, so did the role of the correctional officer. Officers began to wear uniforms and operate within a paramilitary structure. They often used corporal punishment against the inmates to demand compliance. Though the central nature of this practice was reduced in the late 19th century, physical sanctions remained as a component of treatment within the reformatory movement.

GENDER, RACE, AND ETHNICITY

During the early correctional period, women were not employed as prison guards. Instead, those few women who worked in penal facilities were employed in office work and domestic positions. Only a handful worked as matrons in the women's wing of a state penitentiary. It was not until Indiana led the way and established a women-only prison in 1873 that the field of corrections work opened for women guards, and even then, positions were available only in women's institutions. Like their male counterparts, these early female keepers were required to live within the prison walls and were poorly compensated for their work.

The introduction of the women's reformatory movement saw not only a shift in the philosophy of the prison but also a shift in the social class of the guards. Whereas the early female keepers tended to be drawn from the working classes, the mid-19th century saw an influx of middle- and upper-class white women into the correctional system. Their role was to "guide and discipline the fallen women and serve as examples of virtuous middle class femininity" (Britton, 2003, p. 58)

Other than those women employed by women's prisons, the workforce of the prison has historically been male. It took the 1972 Title VII amendment to the

Civil Rights Act to allow employment opportunities for women as correctional officers. This same legislation also signaled the end to all women's facilities, as men became entitled to apply to work with female prisoners.

Like many other parts of the labor force at the time, men's prisons were slow to incorporate women into their correctional staff. Administrators tried to get around equal opportunity's legislation by claiming that women were excluded on the basis of a bona fide occupational qualification. However, lower court decisions in *Gunther v. Iowa* (1980) and *Harden v. Dayton Human Rehabilitation Center* (1981) held that the bona fide occupational qualifications could not be used to deny prison employment opportunities to women.

In addition to being largely male, early correctional officers were exclusively white. Just as women were denied opportunities for employment in corrections, so too were African Americans, Latinos, Asian Americans, and Native Americans. Indeed, as with gender, much of the racial discrimination in correctional employment paralleled the racial discrimination in mainstream society. When opportunities of employment did arise, the job duties for guards of color were limited to guarding inmates of color.

Today, the ranks of correctional officers are diversifying. In 1999, women made up 23.5% of the correctional workforce while African Americans accounted for 24.9% of correctional officers, and Latinos constituted 8.7% of the population (Bureau of Labor Statistics, 2003). However, given that the majority of prisons are located in rural areas, the workforce remains predominantly white. This relationship results in issues of racial conflict within the prison, given that the majority of inmates are from inner-city environments, where racial diversity is much more prevalent.

WORKING CONDITIONS

The types of facilities in which correctional officers work and the inmates they supervise vary by jurisdiction. At the local level, correctional officers are responsible for the custody of offenders awaiting court proceedings, or who are involved in community-based correctional programming in the jail setting. The population of the jail is in constant change, with more than 11 million people processed through local jails each year (Bureau of Labor Statistics, 2003).

Correctional officers are also employed at the state and federal levels, where at year end 2002, they were responsible for 1,440,655 adult inmates, representing a 2.6% increase in the prison population from the previous year (Harrison & Beck, 2003). In contrast to the jail setting, the purpose of the state and federal prison facilities is general population confinement. Prisons are typically more stable places to work than jails, as inmates typically spend longer periods of time in them and work and live to a strict routine. Of course, inmates can also be housed in privately operated prisons. Private prisons housed 6.5% of the U.S. prison population, or 93,771 prisoners, at year end 2002 (Harrison & Beck, 2003). The duties of an officer in a private prison are similar to those supervising inmates in state and federal facilities.

In addition to jurisdictional variations, the prison setting varies by security setting, ranging from minimum- to low-security confinement, up to maximum-security and even super-maximum secure prisons. Such jurisdictional and security differences impact the correctional officer due to the differing operational practices of the facility and the procedures for dealing with the needs of inmates.

For example, while maximum or supermax facilities often involve little to no physical contact between the inmate and the officer, lower-security prisons usually require more direct supervision and interaction with the prison population. In the former, officers increasingly tend to supervise inmates through video camera surveillance systems. Communication with inmates occurs via an intercom system, rather than engaging in face-to-face encounters, which may put the officer at risk. Access to the cell may be controlled electronically, allowing an officer to remain in an enclosed booth. If an inmate is let out of his cell, he is handcuffed and shackled and usually escorted by at least two officers wearing shank-resistant body armor. In a recreation yard setting, control is typically maintained by an armed guard stationed in a surveillance tower.

In comparison, medium- and minimum-security facilities place the officer in the center of the inmate population. Guards are unarmed and outnumbered in these facilities. Unable to use physical force as a primary mechanism to maintain order, guards must rely on their interpersonal skills and develop relationships with the inmates to maintain control on a daily basis.

The physical layout of the prison, as well as policies on inmate movement, also help the officer maintain control of the facility. When larger-scale disturbances arise, the use of force has varied. Historically, tear gas was used to subdue prisoners during times of crisis. The use of violent force to retake the Attica prison in 1971 resulted in the loss of life for 29 inmates and 10 employees, six of whom were guards. Today, advances in technology have increased the variety of nonlethal agents that can be used to control noncompliant inmates.

Prisons are responsible for meeting the daily needs of the inmate population, including nutrition, shelter, clothing, and rehabilitative, psychological, and recreational programming, and correctional officers must ensure that all of these services are provided. The prison setting regulates every aspect of an inmate's life through the labor of its correctional officers, who are responsible for supervising their movement and activities throughout the prison. The work of a correctional officer is unlike that of any other occupation as "prison officers are involved with the totality of inmates' lives, supervising and surveilling their meals, showers, communications and a multitude of normally private aspects of personal and sexual behavior" (Britton, 2003, p. 3).

It is common to hear accounts of correctional officers feeling imprisoned, just like the inmates. For example, Ted Conover's (2000) ethnographic exploration into the work of a correctional officer at Sing Sing found that "prison work was about waiting. The inmates waited for their sentences to run out, and the officers waited for retirement . . . it was a life sentence in eight-hour shifts" (p. 21).

Research consistently demonstrates that correctional officers are subject to high levels of stress. They have similar rates of divorce, death, and suicide to police officers. The major sources of stress for correctional officers result from role ambiguity and role conflict. Role ambiguity refers to the uncertainty officers may experience regarding the duties, responsibilities, and expectations of their position. Related to role ambiguity is role conflict. Role conflict occurs when the reality of job conflicts with the strict "rule based" method under which officers receive their training. The use of discretion to make decisions often places correctional officers in a no-win situation, as they are stuck between appeasing administrators and inmates. Additional sources of stress include a perceived lack of authority, poor communication, lack of administrative support, inadequate equipment, lack of training, and inconsistencies in staff discipline. Left untreated, stress can result in absenteeism, physical illness, emotional issues, and drug and alcohol abuse.

In addition to stress related to their job, the physical health of correctional officers is sometimes placed at risk by the nature of their employment. Notwithstanding the threats of injury or death while on the job, correctional officers must deal with the possibility of additional risks to their physical health. Exposure to the inmate population and their health needs in turn leaves the correctional officer potentially exposed to various health concerns such as influenza, tuberculosis, hepatitis, and HIV and AIDS. As of 2001, 2.0% of state prisoners and 1.2% of federal prisoners were identified as HIV-positive. While only a small proportion of the prison population, the confirmed rate of AIDS among prisoners (.49%) is three times that of the general population (.14%). In addition, 1 in 12 deaths in prison is AIDS related (Marushack, 2004). While officers are aware of these risks and engage in practices to minimize their potential risk, research has shown that many correctional officers ignore other health risks caused through smoking, poor nutrition, lack of exercise, and a failure to attend to preventive medical care (Wright & Northrup, 2001).

TYPOLOGY OF CORRECTIONAL OFFICERS

Like every occupation, correctional officers have different personality styles that affect their working relationships. The ability of correctional officers to

perform their job successfully often depends on how they enforce the rules and regulations of the facility. Research by Britton (2003) found that "no effective officer does the job completely by the book. Many prison rules are explicitly contradictory and many others are unnecessarily petty. Enforcing all rules uniformly would undoubtedly lead to widespread discontent and perhaps even mass disorder" (p. 64). With the central role that correctional officers play in the organization of the prison and the impact they have on the life of the inmate, understanding the different approaches of correctional officers is useful in the management from an organizational and interpersonal level.

Research on correctional officers divides the occupation into two general philosophical categories: custodial officers and human services officers. Custodial officers see themselves as rule enforcers of the prison structure and follow a "by the book" philosophy (Owen, 1988). Human services officers take a more personal approach to their work, focusing on a counseling or rehabilitative philosophy (Johnson, 1996). Research by Owen (1988) distinguished an additional category: the "lazy-laid back officer" that referred to those who were simply going through the motions of the job with little investment in their role in the prison or their potential impact on inmates.

Expanding on previous research, Farkas (2000) developed a typology of correctional officers to understand the relationship between individual characteristics of the officer and the social setting of the prison. Drawing from data obtained in interviews, five types of correctional officers were generated: rule enforcer, hard liner, people worker, synthetic officer, and loner.

The rule enforcer is the most common type of correctional officer. Reflective of the by-the-book classification by Owen (1988), the rule enforcer is described as one who embraces the ideology, norms, and values of the prison structure. Militaristic in nature, the rule enforcer is concerned with maintaining control within the prison and is highly suspicious of the motives of inmates. The typology of the hard liner is a subsidiary of the rule enforcer. While the hard liner is similar to the rule enforcer, they distinguish themselves through their abuse of power.

The people worker style is similar to the human services worker characteristic illustrated in previous research. People workers are focused on maintaining a positive and communicative relationship with the inmates. Central to the people worker style is the officer's use of discretion. Due to their role in the prison, correctional officers are endowed with a high level of freedom in their rule enforcement. The people worker focuses on their interpersonal skills rather than punishment as a method for resolving conflicts. The synthetic officer is a combination of the rule enforcer and the people worker. While they follow a strict interpretation of the rules and regulations of the facility, they are also interested in understanding the individual needs of the inmates and circumstances of the situation. The synthetic officer is one "who treats inmates fairly and with respect but enforces all the rules and doesn't take all the crap inmates try to give you" (Farkas, 2000, p. 442). The loner is one who tries to fit in with the normative structure of the organization, yet feels alienated from the prison, coworkers, and inmates.

PATHWAYS, QUALIFICATIONS, TRAINING, AND COMPENSATION

The pathway to working as a correctional officer is different from most other occupations. According to Britton (2003), few children grow up with the aspirations of becoming a prison guard. Many correctional officers report that working in the prison was a profession that they drifted into, rather than as part of an occupational plan. For many, their interest in a career in corrections was fueled through their university coursework in criminal justice. For others, they came to prison work as a result of their military or other policing experience. Yet few come to the job knowing what to expect and draw conclusions from media representations of corrections. While many officers reported that while the media portrays the occupation of the correctional officer as one subjected to constant violence, the reality of life on the job was "a lot better than what's portrayed in the movies" (Britton, 2003, p. 92).

Qualifications for employment as a correctional officer vary with the type of institution. Most state

facilities require correctional officers to be at least 18 or 21 years old, have a high school diploma or equivalent, and have no felony convictions (Bureau of Labor Statistics, 2003). For example, a position as a correctional officer with the California Department of Corrections requires applicants to be at least 21 years of age, possess either a high school diploma or its equivalent, and have a history of law-abiding behavior. Applicants must also be in good physical and emotional health and be legally eligible to own and possess a firearm (California Department of Corrections, 2003). To work for the Federal Bureau of Prisons requires either four years of college study, a bachelor's degree, or three years of full-time experience completed in a policing or corrections-related field.

Training programs for correctional officers vary with the type and jurisdiction of the facility. Federal officers complete 200 hours of training, 80 of which are based at the institution in which they will be employed and 120 hours of specialized training. Federal correctional officers also receive opportunities for additional specialized training throughout their careers (Britton, 2003). State training systems vary by state and are often less rigorous. In Texas, correctional officer trainees undergo 120 hours of classroom training (Hallinan, 2001). Correctional officers are instructed in subjects related to their job duties, including CPR/first aid, use of force/defense tactics, chemical agents and firearms training, crisis intervention, report writing, institutional standards, inmate/staff communications, safety and security procedures, and other related topics.

Correctional officers also participate in on-the-job training, whereby they shadow another officer to become familiar with the daily routine of the prison. At the Sing Sing Penitentiary in New York, correctional officers spend four weeks training with another officer before they receive solo assignments. The on-the-job training becomes the most important experience in preparing officers to work as a correctional officer (Conover, 2000). An important, though informal, component of the on-the-job training involves learning about the day-to-day activities of the prison from the inmates themselves. Inmates, like guards, have an interest in keeping order within the prison walls and often know the routine better than the newly trained guard.

Like working conditions, the pay scale for correctional officers has improved over recent years. Overall median annual incomes for correctional officers in 2000 were $31,170, with the lowest 10% earning less than $20,010 and the highest 10% earning greater than $49,310. For correctional officers employed in federal facilities, the median income equaled $37,430, with state correctional officers' median incomes equaling $31,860 (Bureau of Labor Statistics, 2003). According to the Federal Bureau of Prisons, the starting salary for correctional officers at the GS-5 level in 2003 was $28,909, not accounting for regional differences (Bureau of Prisons, 2003). In addition, correctional officers employed in the state or federal system receive medical and retirement benefits.

CONCLUSION

Though low pay and poor working conditions characterized the history of the correctional officer, the occupation has greatly improved. Today, the occupation benefits from racial, class, and gender diversity. Nonetheless, the career is not without its problems as officers are exposed to high levels of on-the-job stress, as well as threats to their personal safety. In spite of these concerns, employment opportunities as a correctional officer will continue to increase as a result of the expanding prison industry.

—Stacy Maillicoat

See also Correctional Officer Pay; Governance; History of Correctional Officers; History of Women's Prisons; Legitimacy; Managerialism; Professionalization of Staff; Reformatories; Staff Training

Further Reading

Belknap, J. (1995). Women in conflict: An analysis of women correctional officers. In B. R. Price & N. J. Sokoloff (Eds.), *The criminal justice system and women: Offenders, victims and workers* (2nd ed.) (pp. 195–227). New York: McGraw-Hill.

Black, S. (2001). Correctional employee stress and strain. *Corrections Today, 63*(6).

Britton, D. M. (2003). *At work in the iron cage: The prison as a gendered organization.* New York: New York University Press.

Bureau of Labor Statistics. (2003). *Occupational outlook handbook, 2002–3 edition, correctional officers.* Washington, DC: U.S. Department of Labor.

Bureau of Prisons. (2003). *Salary table 2003-GS.* Retrieved from http://www.bop.gov/

California Department of Corrections. (2003). *Career opportunities*. Retrieved from http://www.corr.ca.gov

Cheek, F. E., & Miller-Marie, D. (1983). The experience of stress of correction officers: A double blind theory of correctional stress. *Journal of Criminal Justice, 11*(2), 105–120.

Conover, T. (2000). *New Jack: Guarding Sing Sing.* New York: Random House.

Farkas, M. (2000). A typology of correctional officers. *Internal Journal of Offender Therapy and Comparative Criminology, 44*(4), 431–449.

Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. New York: Anchor.

Hallinan, J. T. (2001). *Going up the river: Travels in a prison nation.* New York: Random House.

Harrison, P. M., & Beck, A. J. (2003). *Prisoners in 2002.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Johnson, R. (1996). *Hard time: Understanding and reforming the prison.* Belmont, CA: Wadsworth.

Marushack, L. (2004). *HIV in prisons, 2001.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Owen, B. A. (1988). *The reproduction of social control: A study of prison workers at San Quentin.* New York: Praeger.

Ray, G. (2001). The emotions hidden behind a badge. *Corrections Today, 63*(6).

Stephan, J. J., & Karberg, J. C. (2003). *Census of state and federal correctional facilities, 2000.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Wright, L. N., & Northrup, M. K. (2001). Examining the health risks for corrections professionals. *Corrections Today, 63*(6).

Zimmer, L. E. (1986). *Women guarding men.* Chicago: University of Chicago Press.

Zimmer, L. E. (1989). How women reshape the prison guard role. *Gender and Society, 1*, 415–431.

Zupan, L. (1992). The progress of women correctional officers in all-male prisons. In I. Moyer (Ed.), *The changing roles of women in the criminal justice system* (pp. 230–249). Prospect Heights, IL: Waveland.

Legal Cases

Gunther v. Iowa, 612 F.2d 1079 (1980).

Harden v. Dayton Human Rehabilitation Center, 520 F. Supp. 769 (1981).

CORRECTIONS CORPORATION OF AMERICA

Corrections Corporation of America (CCA) is a private corrections corporation that was formed in 1983 in Nashville, Tennessee, by Thomas Beasley, with financial support from the venture capital firm of Massey Burch, the financiers of Kentucky Fried Chicken. The company manages 60 correctional facilities in 21 states, housing 54,000 inmates, and employing more than 14,000 people.

CCA began the current era of prison privatization with the first county-level award from Hamilton County, Tennessee, in 1984. In 1985, the company made an unsuccessful attempt to manage the entire prison system of Tennessee. Today, CCA is the largest private provider of correctional services to government agencies. It boasts the sixth largest corrections system in the nation, trailing only Texas, California, the Federal Bureau of Prisons, New York, and Florida. CCA currently has contracts with the Federal Bureau of Prisons, the Immigration and Naturalization Service (INS; in 2003 this agency was renamed the U.S. Citizenship and Immigration Services, USCIS, and placed under the governance of the Department for Homeland Security), and the U.S. Marshals Service. It also has contracts with 21 state governments and the District of Columbia.

Facilities run by CCA house prisoners at all security levels (minimum, medium, and maximum), though the most of the CCA prisons house medium-security inmates. Both men and women are housed in CCA facilities. The Arizona Department of Corrections contracts with CCA to house all of its female prisoners.

ACCOUNTABILITY

Private prison companies such as CCA should not be thought of as prison systems themselves, but as agents of public prison systems. In all cases, governments are ultimately responsible for the care and well-being of prisoners. Through regulatory and accountability measures, governments seek to evaluate the programs that private prisons operate.

The chief organization offering accreditation to correctional facilities is the American Correctional

Association (ACA). The ACA assesses administrative and fiscal controls, staff training and development, safety and emergency procedures, sanitation, and rules and discipline. CCA seeks ACA accreditation for all of its facilities. Currently, about 85% of CCA facilities are ACA accredited.

In addition to seeking accreditation, CCA has built strong ties with the public sector corrections community and political officials. CCA has connected itself to the public sector corrections community by hiring several former high-ranking government officials, including J. Michael Quinlan, former director of the Federal Bureau of Prisons. Public-private connections between CCA and political officials have been noted by those monitoring campaign contributions. For example, during the 2000 election cycle, CCA made more than 600 campaign contributions worth roughly $500,000 to state-level candidates in 13 southern states.

PROBLEMS WITH CCA FACILITIES

Correctional facilities run by CCA have had their share of problems. Critics have accused CCA prisons of being understaffed with poorly trained guards, unsanitary, and unsafe. There have been multiple cases of these kinds of charges reported in the press. In addition, CCA came under heavy criticism after a report was filed in 2000 for the Wisconsin legislature that found unacceptable conditions such as insect and rodent infestations and evidence of guards smuggling drugs and weapons into CCA prisons that house inmates from Wisconsin.

CCA has also come under attack for its recent strategy of building prisons on spec, where correctional facilities are constructed before any government contract is in place, thereby avoiding contracting laws to which federal and state governments are subject. This practice, some argue, enables companies like CCA to exert undue influence on how, where, and when new prisons are built.

CONCLUSION

While there are compelling examples of both positive and negative impacts of CCA on the corrections landscape, one thing is certain: CCA continues to win contracts from national and state governments. As long as inmate populations continue to grow beyond the capacity of governments to house them, and there is increased public pressure to cut corrections budgets, it is likely that CCA and its competitors will gain an increasing share of the corrections market.

—Charles Westerberg

See also Accreditation; American Correctional Association; Contract Facilities; INS Detention Facilities; Privatization; Privatization of Labor; Wackenhut Corporation

Further Reading

Clare, E., Adrian, J., Bottomley, K., & Liebling, A. (1997). *Privatizing prisons: Rhetoric and reality.* Thousand Oaks, CA: Sage.

Geis, G., Mobley, A., & Shichor, D. (1999). Private prisons, criminological research, and conflict of interest: A case study. *Crime & Delinquency, 45*, 372–388.

Neufeld, R., Campbell, A., & Coyle, A. (Eds.). (2003). *Capitalist punishment: Prison privatization and human rights.* Atlanta, GA: Clarity.

Shichor, D., & Gilbert, M. J. (Eds.). (2000). *Privatization in criminal justice: Past, present, and future.* Cincinnati, OH: Anderson.

COTTAGE SYSTEM

During the first three decades of the 20th century, a dozen states built women's prisons using a cottage style architectural design. Instead of traditional cellblocks, female prisoners were housed in small units scattered across a rural "campus" setting. These cottages generally held 25 to 30 women in single or double rooms. To cut costs, some states (Maine, Kansas, and Ohio) developed dormitory style cottages housing 50 to 100 women.

Each cottage, designed to foster women's rehabilitation by promoting the "idea of family life," typically contained its own kitchen, dining room, and sitting room. In these idealized domestic settings, female prisoners received training in sewing, cooking, serving, and other domestic arts. Special cottages for pregnant, mentally defective, and/or inmates with venereal disease were common, as was racial segregation. Most reformatories classified

cottages by security level: minimum, medium, and maximum.

HISTORY

Cottages represented a radical departure from traditional prison design. During most of the 19th century, women were incarcerated alongside men in separate annexes, wings, or units either within or attached to their state's male penitentiaries. After the Civil War, women activists began to campaign for entirely separate women's prisons. These reformers were convinced that female offenders would be reformed only within a more domestic and homelike setting.

In 1873, Indiana established the nation's first completely independent, all female-staffed, women's prison. However, it followed a traditional cellblock design. New York's House of Refuge at Hudson (1887) and Western House of Refuge at Albion (1893) were the first women's institutions (albeit, for younger women) to incorporate cottage units alongside a typical "custodial" prison building.

Between 1900 and 1935, this new type of women's prison, officially labeled reformatories, was established in 17 states. The New Jersey State Reformatory for Women at Clinton, opened in 1913, was the first to rely exclusively on cottage housing. Subsequently, eight states mandated that their women's reformatories be built according to a cottage plan: Minnesota (1916), Ohio (1916), Connecticut (1917), Kansas (1917), Maine (1917), Arkansas (1920), Pennsylvania (1920), and North Carolina (1929).

During these early decades, African American women remained relegated to the more traditional women's prisons. In 1923, African American women represented two-thirds (65%) of female prisoners incarcerated in state penitentiaries, whereas they were only 12% of those sentenced to the new reformatories. Reformatory advocates fully subscribed to the dominant racist ideology that portrayed African American women as more "masculine," violent, aggressive, hardened, promiscuous, and immoral than white women. Consequently, African American women were regarded as unsuitable subjects for the reformatory's goal of transforming female offenders into proper ladies.

In addition to their cottage style architecture, women's reformatory prisons broke radically with traditional male prisons in their commitment policies, incarcerating both felons and misdemeanants. Unlike men, women could be sentenced to a reformatory for such misdemeanor offenses as disorderly conduct, public drunkenness, vagrancy, adultery, fornication, and petit larceny. In Illinois, for example, misdemeanor commitments represented 73% of all reformatory commitments in the 1930s, 38% in the 1950s, and 12% in the 1970s.

DISCIPLINE AND DAILY LIFE

To outside observers, the cottage style women's reformatory appeared far more benign than men's prisons: quaint cottages scattered across a campus style setting. However, the conditions of women's incarceration could be even more restrictive. Surveillance within the small cottages was often more intense and invasive than that experienced by men housed in far larger, more anonymous, cellblock units. Because women's reformatories initially lacked fences, walls, and guard towers, prisoners had to be strictly supervised. Ironically, they often enjoyed little freedom of movement across their bucolic campus settings.

Few studies exist of the evolution of the women's reformatory prison or its cottage ideal. The Illinois State Reformatory for Women at Dwight (1930–1972) provides a rare glimpse into cottage living. Reformers insisted that the cottage system was the heart of the reformatory's rehabilitative philosophy. They argued that cottage living facilitated individualized treatment, training in appropriate gender-role behaviors, and resocialization in-group living skills. Within this ideology, "home" was imbued with tremendous transformative power all its own.

Yet, in reality, cottage living provided only the most tenuous relationship to a real home. Cottage life rarely matched the tranquil domestic visions of the reformatory's founders. Prisoners were graded daily on their attitude, work, and "citizenship" (i.e.,

cooperation). They could be disciplined for such rule infractions as wearing inappropriate clothing, improper etiquette, unladylike language, and poor attitudes. These minor violations adversely affected women's chances of parole.

Staff, known as warders or matrons, also lived in the cottages. They were typically older, widowed, white women from small farming towns, who coveted the room and board that came with their modest salaries. Their only qualification was a high school degree. Deep divisions frequently emerged between cottage and professional staff of psychologists and sociologists. Psychiatric labels gave cottage warders little guidance in how to handle the numerous day-to-day problems they confronted. Responsible for managing and disciplining 20 to 30 adult women 24 hours a day, warders often resented the introduction of special diets or individualized treatment programs. Despite the existence of so-called minimum-security cottages, staff convenience dictated that daily routines were often the same in all cottages.

Disciplinary files reveal that cottage warders and their "girls" competed daily over who would "run the cottage." For example, in 1944 one warder in Illinois reported: "In one day here, I have found inmate Frances Grayson, second cook, runs the kitchen as she pleases. I heard her say she would butter up Warder Miller as she had Mrs. Orr and she would run the kitchen." This warder had no intention of allowing "her girls" to do as they pleased. She gave the woman a demerit for impudence. One week later she wrote another note explaining that at dinner she had seen one prisoner pass a handkerchief to another, who later used it to sneak a piece of cake upstairs. As the warder dryly remarked: "I noticed Crystal's bust being terribly large, but didn't say anything." Both inmates received two days in isolation as punishment for this minor infraction (Dodge, 2002, pp. 201–202).

CONTRAST WITH MEN'S PRISONS

Male prisoners were hardly ever disciplined for sneaking a few cookies, a piece of cake, or single sandwich. Although it was also against regulations for men to exchange any items of personal property, their cells were not inspected on a daily basis. When "shakedowns" did occur, correctional officers searched men's cells for weapons, drugs, and major contraband. In contrast, one former female prisoner recalled bitterly, "They weren't searching our rooms for knives or weapons, they were searching our bras and panties, searching our pockets for candy and gum, counting our barrettes and hair bands" (Dodge, 2002, p. 233).

The much greater staff-inmate ratio in men's institutions, as well as the architecture of men's prison with 500-man cellblocks, central cafeteria, and factory-size industrial work sites, mitigated against the possibility of such tight control. Yet architecture and scale cannot alone account for these differences. As in the free world, women were expected to tolerate and acquiesce to a level of social control that would be deemed unacceptable by men.

UNIQUELY REPRESSIVE CHARACTER

By the 1930s, most reformatories had come to resemble traditional women's prisons in the strictness of their disciplinary regimes, their lack of programs, and in their difficulty in attracting qualified personnel. The most distinct aspect of the reformatories, their cottage architectural design, soon gave way to far less expensive dormitories and more traditional cellblocks as the reformatories expanded and economics triumphed over ideology. Even when cottages remained in use, more economical centralized dining halls replaced individual-cottage kitchens. This shift to a more repressive system typically coincided with an increasing proportion of African American commitments. For example, in Illinois their percentage grew from 30% in the 1930s to 65% in the 1960s.

Instead of offering a wide array of individualized treatment services, security concerns dominated cottage life. Over the decades, rules and regulations grew increasingly restrictive. Even though the Illinois State Reformatory for Women was one of the best equipped and staffed of the nation's 17 reformatories in the 1930s, few inmates doubted that they were in anything other than a prison. The intimate cottage settings allowed for an unprecedented level of surveillance and control. From the

1930s to the 1960s, rules governed every aspect of women's lives, dictating how they must fold and wear their clothes, sit at the dining room table, and style their hair. Cottage staff vigilantly monitored every word and action, policing women's language, attitudes, dress, table manners, and associations. They carefully recorded all incidents that occurred on their shifts, from a prisoner's failure to eat her breakfast toast to open defiance, physical fights, "unladylike" language, possession of contraband goods, or suspected "unwholesome" friendships.

At the Illinois reformatory, as at many mid-20th-century women's prisons, lesbianism represented the greatest transgression of proper feminine behavior. Staff vigilantly monitored all inmate friendships, as the following notes from the 1950s indicate: "Warder questions the relationship of Lucille Edelberg and Pearl Fells. Warder feels that it is not what it should be to be referred to as wholesome." "Mrs. Lee advised me to watch Ola Mae Hahn, due to sex reasons; as yet I have seen nothing out of the way" (Dodge, 2002, p. 234). Even the most innocuous behaviors—walking or sitting regularly with another woman—were suspect. Exchanging or sharing contraband—whether candy, cosmetics, or clothing—was interpreted as a sign of a potential lesbian relationship. Any physical contact or show of affection was grounds for punishment. Gossip, rumors, and unsubstantiated allegations were routinely included in women's files.

In such a repressive setting, "domestic training"—trumpeted as the heart of women's rehabilitation—became merely a hollow simulation. Creativity and decision making are essential elements of real home making. However, in a prison environment, obedience, not decision making, was the "skill" that was taught. Menus, recipes, routines, timing, and procedures were all set by the institution. Any deviation or mistake could be cause for a demerit.

CONCLUSION

Despite its many advocates, the cottage model was never universally realized. Only 17 states established women's reformatories, mostly in the northeast and midwest. The movement barely touched the south or west. Many states continued to build custodial women's prisons that were either physically attached to, or a short distance from, their male penitentiaries. Fifteen states as late as 1976 still relegated women to a corner of the state prison for men. The 1970s also witnessed a return to the model of "coeducational" prisons. In 2002, one quarter (26%) of the 118 state penal institutions housing women were co-correctional facilities that incarcerated both men and women in separate housing units.

Thus, by the 1970s the ideal of a gender-specific women's reformatory had been cast aside. Modern women's prisons are once again under the authority of centralized departments of corrections. Male correctional officers and administrators, anathema to an earlier generation of female reformatory advocates, dominate women's corrections in most states. Architecturally, modern women's prisons are indistinguishable from men's: the homelike cottage ideal abandoned by the mid-20th century. Yet even at its height, the cottage system, conceived as a more humane model of incarceration for female offenders, resulted in a uniquely oppressive and repressive institution.

—L. Mara Dodge

See also Alderson, Federal Prison Camp; Bedford Hills Correctional Facility; Campus Style; History of Women's Prisons; Lesbian Prisoners; Lesbian Relationships; Massachusetts Reformatory; Mothers in Prison; Prison Nurseries; Women's Prisons

Further Reading

Carlen, P. (1983). *Women's imprisonment: A study in social control.* London: Routledge & Kegan Paul.

Dobash, R. P., Dobash, R. E., & Emmerson, S. (1986). *The imprisonment of women.* London: Basil Blackwell.

Dodge, L. M. (2002). "*Whores and thieves of the worst kind": Women, crime, and prisons, 1835–2000.* DeKalb: Northern Illinois University Press.

Freedman, E. B. (1981). *Their sisters' keepers: Women's prison reform in America, 1830–1930.* Ann Arbor: University of Michigan Press.

Rafter, N. H. (1992). *Partial justice: Women, prisons, and social control* (2nd ed.). New Brunswick, NJ: Transaction Publishers.

CREATIVE WRITING PROGRAMS

Creative writing programs in U.S. prisons began in the late 1960s and early 1970s in response to the burgeoning prisoners' rights movement. The 1971 Attica riot was particularly influential in prompting the formation of prison arts programs of which writing courses were usually a part. For their supporters, these programs are inherently constructive and potentially rehabilitative. While financial support for writing programs has waxed and waned, these programs continue to survive due the work of individual writers and activists.

HISTORY

The first significant effort to offer creative writing programs in American prisons was initiated by PEN (Poets Playwrights Essayists Editors and Novelists) in 1971. PEN was established in 1921 as a means of using professional writers to advocate for world peace, and its Freedom to Write committee has helped prisoners abroad since 1960. In 1971, PEN created the PEN Prison Writing Committee to advocate for and instigate creative writing programs in America. This group lobbied state and federal governments, as well as individual departments of corrections, to reduce censorship, provide access to typewriters, and improve prison libraries. PEN also persuaded other writers to read, teach, and mentor inmates. In 1973, PEN launched its first annual literary competition for prisoners and encouraged the formation of a number of journals devoted to prison writing.

The efforts by PEN precipitated individual authors to offer creative writing workshops in prisons across the country. Two such men whose work in prisons has been most influential are Joseph Bruchac and Richard Shelton. In the early 1970s, Bruchac, the author of more than 20 books of poetry and fiction, began teaching creative writing in a number of prisons, often at his own expense. Bruchac was awarded an NEA grant in 1975 that enabled him to expand his programs through the publication and distribution of the *Prison Project Newsletter,* a periodical that served as a forum for thousands of aspiring prison writers and workshop instructors throughout the nation.

Richard Shelton has also offered creative writing workshops in a number of Arizona state prisons since the early 1970s. The author of a series of poetry collections, including *The Tattooed Desert, Of All the Dirty Words,* and *You Can't Have Everything,* Shelton founded the Arizona State Prison Creative Writing Workshops (ASPCWW). Since 1974, ASPCWW has continuously run at least one and sometimes several creative writing classes in Arizona state prisons. The program has been supported since 1991 by a grant from the Lannan Foundation.

CALIFORNIA ARTS-IN-CORRECTIONS

In the late 1970s, California officials adopted the framework set forth by PEN and writers such as Bruchac and Shelton and became the first state to commit substantial funds for a system-wide arts program. This system shaped subsequent arts programs throughout the country.

The California Arts-in-Corrections program, initiated by Eloise Smith and Page Smith, still relied on the work of individual writers and activists, but it signaled a deeper commitment from the state to the arts and the benefits that arts-related instruction could bring. At the time of its founding, Eloise Smith stated that their goal was "to provide an opportunity where a man can gain the satisfaction of creation rather than destruction, earn the respect of his fellows, and gain recognition and appreciation from family and outsiders . . . provide the professional artist as a model of creative self-discipline, and show the making of art as work which demands quality, commitment, and patience" (Cleveland, 2000, p. 3). In 1981, Eloise Smith and Verne Stanford convinced the state to offer the program to all of the California state prisons as the Arts-in-Corrections program.

Despite studies that demonstrate that prison arts programs reduce recidivism, the California Arts-in-Corrections program in 2003 faced elimination due to a proposed $46 million cut to the state's prison education program. "This is a program that takes

people whose lives are often hopeless, and it gives them an avenue for personal change," said Jim Carlson, a former manager of the program. "It must be retained."

THE DECLINE OF CREATIVE WRITING PROGRAMS AND HOW UNIVERSITIES INTERVENED

Since the 1980s, growing conservatism across the United States has precipitated cuts in funding to a number of creative writing programs. For example, the National Endowment for the Arts dramatically cut funds to prison journals in 1982, and by 1984 every significant prison writing journal temporarily dissolved. In response, writers who believed in the value of teaching creative writing in prisons were forced to return to volunteering their services or to turn to academic institutions for support. Two groups that have effectively harnessed the financial support of universities are the Prison Creative Arts Project and SPACE.

The Prison Creative Arts Project, founded by Buzz Alexander at the University of Michigan in 1990, offers theater, writing, and visual art workshops in prisons and juvenile detention centers throughout Michigan. The project offers University of Michigan students the opportunity to teach in state prisons as part of a class. The group offers instruction, exhibitions, and advocacy.

Space in Prison for the Arts and Creative Expression (SPACE) was founded in 1992 by a group of women from Brown University interested in working in the Women's Division of the Rhode Island Adult Correctional Institution. The program offers theater, creative writing, and visual arts workshops to inmates. The group also produces a journal and trains others to respond to the issues of incarcerated women, particularly issues of disrupted families, histories of abuse, and challenges to feminine identities.

CONCLUSION

There is a mixed future for prison creative writing programs. Funding is still scarce, yet increasing numbers of anthologies by and about the lives of American prisoners are being published. These texts include *Disguised as a Poem: My Years Teaching Poetry at San Quentin* by Judith Tannenbaum, *Doing Time: 25 Years of Prison Writing* edited by Bell Gale Chevigny, *Prison Writing in 20th Century America* edited by H. Bruce Franklin, and *Couldn't Keep It to Myself: Testimonies From Our Imprisoned Sisters* edited by Wally Lamb. Books such as these make accessible the wealth of artistic production from U.S. prisoners and point to the ongoing importance of creative writing programs in prisons. They also offer testimony to the efforts of writers and activists from the past three decades whose belief in the power of writing helped influence the lives of inmates.

—Vince Samarco

See also Adult Basic Education; Art Programs; Drama Programs; Education; General Educational Development (GED) Exam and General Equivalency Diploma; Literacy; Prison Pell Grants Literature

Further Reading

Chevigny, B. G. (Ed.). (2002). *Doing time: 25 years of prison writing—A PEN American Center Prize anthology.* New York: Arcade.

Cleveland, W. (2000). *Art in other places.* Westport, CT: Praeger.

Franklin, H. B. (Ed.). (1998). *Prison writing in 20th century America*. New York: Penguin.

Lamb, W. (Ed.). (2003). *Couldn't keep it to myself: Testimonies from our imprisoned sisters.* New York: Regan.

PEN American Center Archives, Princeton University. (2004). Retrieved from http://libweb.princeton.edu/libraries/firestone/rbsc/aids/pen.html

Tannenbaum, J. (2000). *Disguised as a poem: My years teaching poetry at San Quentin.* Boston: Northeastern University Press.

CRIME, SHAME, AND REINTEGRATION

In his book *Crime, Shame and Reintegration,* published in 1989, Australian criminologist John Braithwaite puts forth a theoretical model for dealing with crime at the individual and community levels. Braithwaite integrates many traditional

sociological theories of crime into a single view explaining why some societies have higher crime rates, why certain people are more likely to commit crime, and how communities can deal effectively with crime for the purposes of prevention.

According to Braithwaite, high rates of predatory crime in a society are indicative of the failure to shame those acts labeled as criminal. Braithwaite argues that the breakdown of community ties in modern urban communities has meant that perpetrators of crime are not made to feel ashamed of their actions, and thus continue victimizing others without remorse.

The concept of shame is the linchpin of this theory. Braithwaite suggests that if perpetrators were made to feel guilty about their actions, they would be deterred from committing further crime. He bases this assumption on the belief that those who are closely tied to family and community anticipate a negative reaction to the violation of community norms. Foreseeing the shame that they would feel, they are deterred from committing crime. However, according to this theory, shaming must be done in such a way as to be reintegrative, bringing the offender back into the community, rather than disintegrative, which would push the individual even farther out of the community. For Braithwaite, reintegrative shaming is the key to effective deterrence and crime prevention.

BACKGROUND TO THE THEORY

Braithwaite integrates the major tenets of five different theoretical traditions in 20th-century criminology into his theory of reintegrative shaming. He explains how labeling, subcultural, control, opportunity, and learning theories fit into his work. Crime, shame, and reintegration is not then an attempt to rewrite criminology, but to synthesize several seemingly disparate theories into a singular explanatory system.

Crime

Braithwaite begins with the notion, taken from control theory, that individuals are naturally drawn to commit criminal acts for personal gain and hedonistic pleasure. Proponents of control theory assume that it is more important to look at why certain people do not commit crime, rather than why some do. It is assumed that, without a particular set of restraints, the average person would commit criminal or immoral acts.

Criminological research has established that various personal and circumstantial characteristics are positively correlated to criminality. Being male, between the ages of 15 and 25 years, unmarried, unemployed or without steady employment, of lower socioeconomic status, living in a city, and having low educational attainment are all indicative of a statistically higher propensity for crime. The opposite is also true. Individuals who are female, younger than 15 or older than 25, married, of a higher socioeconomic status, living in a rural area, and having greater than secondary school education would be found to be at a significantly lower risk of committing a criminal act.

According to Braithwaite, the very characteristics that lead one person to have a higher propensity for criminality also lessen his or her relationship with family and community and leave a person less susceptible to the deterring power of shame. Those characteristics associated with a lower risk of criminality correlate to increased contact with family and community, which in turn increases a person's susceptibility to shame. For example, an individual who is married with children has responsibilities to his or her family that may constrain him or her from making risky or poor choices, whereas a single individual does not necessarily have such ties to family and responsibilities. Those who are more integrated into the community and involved in relationships with others are less likely to commit crime because they appreciate the shame and embarrassment that would result from violating community norms and values. Furthermore, those who are firmly integrated into a community feel personal responsibility for the safety and well-being of those around them. In contrast, those who are not integrated into a community or involved in meaningful relationships with others are more likely to commit crime because they do not feel a sense of responsibility

to those around them, and they are not constrained by feelings of shame.

Briathwaite uses these beliefs to argue that cohesive, communitarian societies, such as Japan, which are characterized by networks of interdependent relationships, are likely to have lower rates of crime than more individualistic, fragmented societies, such as the United States. In Japan, he claims, honor and responsibility to family and community are emphasized. The Japanese place their community and family above themselves. In contrast, people in the United States and other Western nations are socialized to value individuality and personal accomplishment and fulfillment over the needs of family and community. According to Braithwaite, it is this distinction of values that accounts for Japan's much lower rates of violent and predatory crime.

Shame

For Braithwaite, shame is the ultimate deterrent against the violation of societal norms, for those who have a stake in a particular community. As already stated, he differentiates between shaming that is stigmatizing and shaming that is followed by reintegration. Reintegrative shaming is characterized by a ceremony in which the criminal act committed is denounced and community members express their disapproval of it. The shaming ceremony is then followed by efforts to "reintegrate the offender back into the community of law-abiding or respectable citizens through words or gestures of forgiveness or ceremonies to decertify the offender as deviant" (Braithwaite, 1989, pp. 100–101). An example of reintegrative shaming in practice can be found in New Zealand family group conferencing, which is frequently used to deal with cases of juvenile delinquency. In this strategy, the victim and offender meet in the presence of family and concerned community members to work out an appropriate restitution and consequence for the crime. In Canada, a similar process of circle sentencing is sometimes used by Aboriginal communities.

Shame that is stigmatizing, or disintegrative, occurs when the act and the actor are denounced as unworthy of the community. There are no efforts to reintegrate the offender, and he or she is rejected by the community. Disintegrative shaming is exemplified in the traditional criminal justice system by the court and sentencing process. Here, the offender is stigmatized by his or her conviction and literally, as well as symbolically, sent away from the community to prison.

Shaming that is reintegrative is not "soft" or "easy" on the offender. Although it can be done in love and with caring, reintegrative shaming can also be degrading, cruel, and punishing. The difference between reintegrative and disintegrative shaming is not in the quality of the shaming, but in its aim and in the processes that follow. Disintegrative shaming emphasizes the evil of the actor, while reintegrative shaming acknowledges the act as an evil thing, done by a person who is *not* inherently evil. Reintegrative shaming is followed immediately by gestures of reconciliation and inclusion, before the deviant identity is established as a master status.

Reintegration

As a follow-up to his theory of crime and reintegration, Braithwaite wrote an article with Stephen Mugford in 1994 titled "Conditions of Successful Reintegration Ceremonies," which identified 14 characteristics that must be present for a reintegration ceremony to be successful. They noted that structurally successful reintegration ceremonies usually include two aspects: confrontation with the victim, which leads to effective shaming, and inclusion of the people who respect and care most about the offender. Reintegrative shaming is most effective when those who are closest to the offender and/or to the situation participate.

Braithwaite believes that offenders must be able to view their act outside of their own perspective to see the harm that it has caused. The victim's perspective is invaluable in breaking down the offender's justification of the act, to enable him or her to see it as a crime. The victim may have the most impact on an offender in a face-to-face encounter, but those who do not wish to meet the person who harmed them may also communicate

through letters, video conferencing, or a written statement. Shaming and reintegration are found to be most effective when those who support and care for the offender take part. This is because offenders are more likely to give regard to family and community members who have been involved in their lives than to people whom they do not know.

An individual's community may not be geographic, but instead composed of various individuals who have a common concern for the individual. For example, in New Zealand and Australia, Maori and Aboriginal people often bring relatives or friends of an offender from far away, so that those people can support the offender in his or her reintegration. Most important, those involved in the shaming and reintegration process must be able to impart to the offender the idea that they are denouncing the act that he or she committed, but restoring him or her to the community as a full member.

CRIME, SHAME, AND REINTEGRATION IN PRACTICE

Community measures and reintegrative shaming do not form an extensive part of the U.S. criminal justice system. They remain far more popular in New Zealand and Australia. However, in recent years, alternative measures that use the theoretical principles presented here have sprung up in the United States and Canada. Community conferencing, victim-offender mediation, and sentencing circles are examples of these new measures. Such measures are often referred to as *restorative justice*.

Community conferencing is one alternative to the traditional justice system in cases of juvenile offending. The victim and his or her supporters, the offender and his or her supporters, and other concerned community members gather in the presence of a community facilitator to discuss the incident and what should be done about it. The community conference is usually resolved when all parties agree on an acceptable restitution or punishment, at which point the reintegration can begin.

Victim-offender mediation is similar to a community conference, but it is usually not opened to concerned citizens. The victim and one or two supporters meet with the offender and one or two supporters in the presence of a trained mediator. The mediation is usually ended with the signing of a contract for restitution or community service. Victim-offender mediation may be used as a diversion from the traditional criminal justice system, or following the imposition of a custody sentence for a juvenile or adult offender.

Sentencing circles originated among Canadian Aboriginal peoples. The sentencing circle, available to juvenile and adult offenders, is similar to a community conference, in that it is opened to concerned community members, but it differs in that a judge presides over the circle and it is conducted in lieu of a formal trial. The sentencing circle differs from community conferencing and victim-offender mediation in that it may result in a custodial sentence, fine, or any option that would be available in a criminal sentencing hearing. A common thread among these alternative measures is that the offender has to first acknowledge his or her guilt in order to be eligible for these processes.

CONCLUSION

Braithwaite's theory has been criticized for its unquestioning assumption that Western societies are built on a consensus about what is right and what is wrong. His theory places little value on the beliefs and morals of subcultures while assuming that there is an overarching societal consensus on the laws of the land. Often, his theory obscures the fact that there are subcultures within the dominant culture that may or may not support the "dominant" consensus. For example, although violence against women is defined as criminal by the law and by many in society, prevailing patriarchal norms lead others to feel that there is nothing wrong with the abuse of a female partner or spouse. Similarly, those who grew up prior to the age of anti-drinking and driving sentiment often feel that it is perfectly acceptable and sociable to "take one for the road." They do not feel shame for their actions and are unlikely to respond well to a shaming ceremony. In such cases, reintegrative shaming may not work, since the crimes are not universally abhorred.

The use of prison, for Braithwaite, is inherently disintegrative and counterproductive, especially given the fact that most offenders return to the community. He thus supports the use of community alternatives to imprisonment or, at the very least, the use of proactive community reintegration following a term of incarceration.

—Stacey Hannem-Kish

See also Australia; Canada; Community Corrections Centers; Deterrence Theory; Faith-Based Initiatives; Intermediate Sanctions; New Zealand; Prisoner Reentry; Rehabilitation Theory; Restorative Justice

Further Reading

Braithwaite, J. (1989) *Crime, shame and reintegration.* Cambridge, UK: Cambridge University Press.

Braithwaite, J. (2000). Shame and criminal justice. *Canadian Journal of Criminology, 42*(3), 281–298.

Braithwaite, J., & Mugford, S. (1994). Conditions of successful reintegration ceremonies. *British Journal of Criminology, 34*(2), 139–171.

Daly, K. (2002). Restorative justice: The real story. *Punishment and Society, 4*(1), 55–79.

Immarigeon, R. (1992). Prison-based victim-offender reconciliation programs. In B. Galaway & J. Hudson (Eds.), *Restorative justice: International perspectives.* Monsey, NY: Criminal Justice Press.

Presser, L., & Gaarder, E. (2000). Can restorative justice reduce battering? Some preliminary considerations. *Social Justice, 27*(1), 175–195.

Umbreit, M. (1994). *Victim meets offender: The impact of restorative justice and mediation.* Monsey, NY: Criminal Justice Press.

Watts, R. (1996). John Braithwaite and "Crime, Shame and Reintegration": Some reflections on theory and criminology. *Australian and New Zealand Journal of Criminology, 29*(2), 121–141.

CRIPS

The Crips are among the best-known gangs in the United States. Along with their rival group the Bloods, Crip sets exist in cities throughout the United States, and thus have attained status as a supergang. Due to their involvement in the drug trade, and as a result of increased policing of gang-related activity, many Crip members are currently imprisoned.

HISTORY AND DEVELOPMENT

The Crips began in Los Angeles in the late 1960s. Raymond Washington and Stanley "Tookie" Williams are generally cited as the initial organizers of the group. The first name taken by the Crips was the "Baby Avenues" for the street on which Washington lived. There is some dispute about the origins of the name "Crip" itself. Some suggest that the initial name was Cribs and it evolved into Crips. Others suggest that the initial name was "Crypts" taken from the Vincent Price movie, *Tales From the Crypt*. Other reports suggest that one of the members was a cripple and walked with a cane.

Whatever its origins, Crip gangs spread quickly throughout South Central Los Angeles into other parts of the city and Los Angeles County, composed primarily of young, male African American residents of these neighborhoods. These groups took the color blue as their primary symbol, and similar to the longer-standing Hispanic gangs in southern California, wore bandanas that identified their membership.

Members of the Crips fought against other youths in neighborhoods in and around where they lived. It did not take long for youths in other neighborhoods to form groups for protection; these groups soon took a name. The groups opposed to the Crips came to be known as the Bloods, and early gangs were known as Piru Bloods, for the street near which many of the youths lived. These gangs chose red as their color. Wearing this color symbolized both membership in the Bloods and opposition to the Crips.

The development of the Crips reveals the importance of oppositional groups in gang activity. As Malcolm Klein (1995) has observed, gangs cannot exist in a vacuum. Thus, because of the role that external rivals play in both increasing solidarity internally and spreading the growth of the group, the Crips could not exist long without a rival. The rivalry between the Bloods and Crips has been important in fueling the growth of both groups.

Equally important to that growth, however, has been the impressive movement of Crip and Blood gangs into popular culture. Even though black

gangs in the Los Angeles are fewer in number than their Hispanic counterparts, they receive the most attention. This notoriety is in part due to their involvement in violence, but can also be tied to their emergence in popular culture. This can be seen most directly in the depiction of Los Angeles Crips and Bloods in movies such as *Colors* and *Boyz in the Hood*, books such as *Do or Die*, and music videos. Through these vehicles, gang style and aspects of gang culture were spread to other American cities. There are even reports from several European cities, including Amsterdam and Munich, that youth groups that emulated Crip gang styles were emerging.

Crip gangs were very turf oriented and engaged in a considerable amount of violence. As they engaged in these activities, they were able to grow in number and size. When crack cocaine became available in the 1980s, Crip gang members became actively involved in the distribution of this drug. What is not clear, however, is the extent to which the Crip gang as an organizational entity was responsible for or behind the sales of the drug. There is solid evidence that Crip gang members were extensively involved in the sale of crack; however, the evidence that Crips controlled distribution of the drug is less solid.

ROLE IN OTHER CITIES

While Crip gangs trace their origins to Los Angeles, there are Crip sets in dozens of other American cities. The presence of such gangs in Cleveland, Indianapolis, Orlando, Atlanta, Charlotte, and St. Louis (among other cities) raises an interesting question about the Crips. Part of the reason that they have been identified as a supergang is that presence in other cities across the country. But how did this come to be? Maxson and Klein (1994) determined that most gang migration can be explained through traditional migratory patterns that involve family movement and employment patterns. Rather than gangs being "franchised" much like a fast food restaurant according to a plan and purpose, migration of Crip gangs appears to be due to the normal migratory patterns of Americans enhanced by the presence of cultural messages through music videos, movies, and cultural symbols.

Ron Huff studied gangs in Cleveland in the early 1990s (Huff, 1996). He found four groups of gangs active in Cleveland: Folks, Vice Lords, Crips, and other independent gangs. The two largest groups of Crip gangs he interviewed included the Rolling 20s and Shot Gun Crips, groups related at least by name to Crip gangs in Los Angeles. Individuals in these gangs displayed versatile crime patterns and considerable levels of organizational variation. The Crip gangs in Cleveland were composed largely of young black males, whose predominant activity was hanging out and engaging in drug sales. Member of these groups had high levels of arrest, indicating extensive involvement in crime.

Decker and Van Winkle's research in St. Louis (1996) uncovered a large number of Crip gangs, 16 in all. The remainder of the gangs were associated with Blood gangs. The largest of the Crip gangs included the East Coast Crips, Long Beach Crips, Rolling Sixties Crips, and Hoover Crips. There was little if any evidence that Crips from Los Angeles had come to St. Louis to "franchise" Crips, rather the power of cultural transmission was more likely to account for the presence of these Los Angeles gang names in St. Louis.

ROLE IN PRISONS

As an increasing numbers of Crip gang members were sent to prison for their involvement in crime, a proportion of gang activity shifted from the street to the prison. In prison, street gang rivalries often are played out in a similar manner as that on the street. Yet there are differences as well. In prison, for example, gangs usually involve older, more criminally involved members than do street gangs. Likewise, ethnicity or race can be more important than street gang membership for the purposes of forming affiliations. One of the other ways that prisons are important for street gangs is the manner in which individuals change prior to their return to the street. Most prison releasees are older and have a wider range of criminal networks and ties than street gang members.

Often information is passed from the street to the prison and from prison to the street. In this way, contact is maintained between street and prison gang members, reinforcing criminality and influence in both directions. Prison is also a location in which the transmission of gang culture and membership can be expanded. Individuals from different locations around a state can be exposed to Crip gang members and when they return to their communities, bring aspects of the gang with them to their friends and neighborhoods.

In attempting to understand the role that Crips play in prison, it is important to distinguish between the state and federal prison systems. In state prison systems, gang members can maintain ties among members and with their community much more effectively. Federal prisons are a much different story. Because of the wider regional and national draw of federal prisons, there is a greater mix of individuals. Consequently, the ability of a local gang to dominate prison life is diminished.

CONCLUSION

One of the original cofounders of the Crips, "Tookie" Williams, is currently awaiting execution in San Quentin's death row. Incarcerated since 1981, Williams has undergone a dramatic change of heart about his involvement in gangs. He is now a vocal opponent of gang violence and publishes books for children warning of the risks of becoming involved in drugs and criminal activities. Due to his activities since entering prison he has been nominated for the Nobel Peace Prize.

—Scott H. Decker

See also Abolition; Activism; African American Prisoners; Bloods; Capital Punishment; Control Unit; Death Row; Deathwatch; Gangs; Prison Movies; Racial Conflict Among Prisoners; Racism; Resistance; San Quentin State Prison; War on Drugs; Young Lords

Further Reading

Curry, G. D., & Decker, S. H. (2003). *Confronting gangs: Crime and community*. Los Angeles: Roxbury.

Decker, S. H., & Van Winkle, B. (1996). *Life in the gang: Family, friends and violence*. New York: Cambridge University Press.

Huff, C. R. (1996). The criminal behavior of gang members and nongang at-risk youth. In C. R. Huff (Ed.), *Gangs in America* (2nd ed., pp. 39-74). Thousand Oaks, CA: Sage.

Klein, M. W. (1995). *The American street gang: Its nature, prevalence, and control.* New York: Oxford University Press.

Maxson, C., & Klein, M. (1994). *The scope of gang migration in the United States*. Washington, DC: National Institute of Justice.

Maxson, C., Klein, M., & Cunningham, L. (1992). *Street gangs and drug sales* (Report to the National Institute of Justice). Washington, DC: National Institute of Justice.

Shelden, R., Tracy, S., & Brown, W. (2001). *Youth gangs in American society*. Belmont, CA: Wadsworth.

CRITICAL RESISTANCE

Critical Resistance is a grassroots organization that "fights to end the prison industrial complex by challenging the belief that policing, surveillance, imprisonment and other forms of control make our communities safer" (Critical Resistance, 2002c, p. 1). The national office of Critical Resistance is in Oakland, California, and there are local chapters in Springfield, Massachusetts; New Haven, Connecticut; Oakland, Sacramento, and Los Angeles, California; Washington, D.C.; New York City; and Sydney, Australia. Its work includes organizing local campaigns, movement building through large national and regional gatherings, and public education through film festivals, publications, and media work.

HISTORY

In 1997, a multiracial and intergenerational group of grassroots activists, scholars, students, and former prisoners met in Oakland, California, to generate a movement against mass incarceration and prison construction in the United States. Initially, the organizers decided to host an international conference that would bring together diverse constituencies affected by mass imprisonment, from prisoners and their families, to homeless advocates, sex worker organizations, antiracist, and LGBT (lesbian, gay, bisexual, and transgender) activists. This conference, titled "Critical Resistance: Beyond

the Prison Industrial Complex," was held at the University of California, Berkeley, in September 1998 and was attended by more than 3,500 participants. In conjunction with the conference, several thousand high school students staged a walkout to demand "Schools Not Jails." The Youthforce Coalition, dedicated to opposing criminalization and incarceration of youths of color and calling for funding for schools and youth programs, was an outcome of this event. Critical Resistance East, a Northeast Regional Conference held in New York in Spring 2001, and Critical Resistance South, held in New Orleans in April 2003, continued the work of building a national movement.

THEORIZING THE PRISON INDUSTRIAL COMPLEX

Both prison intellectuals and academic scholars have contributed to Critical Resistance's theoretical development. A key achievement of the group has been to popularize the concept of the "prison industrial complex." As Angela Y. Davis argues, the massive growth in imprisonment is linked not to efforts by the state to curb crime, but rather to broader political and economic trends. The rolling back of the welfare state, coupled with the downsizing and relocation of manufacturing, Davis argues, has generated a social crisis in industrialized nations. Aggressive policing and harsh prison sentences have replaced social investment, affirmative action, and welfare as the primary response to the social problems generated by desperate socioeconomic conditions. At the same time, the function of the prison has shifted from rehabilitation to incapacitation. A key goal of prisons in industrialized nations appears now to be the removal of large numbers of the poor, disenfranchised, and racially marginalized from the streets. In so doing, prisons reproduce and exacerbate the social problems from drug use to unemployment that plague communities of color and indigenous communities in particular.

The phrase "prison industrial complex" refers also to the profit element in mass incarceration. Critical Resistance has drawn attention to prison corporations such as Wackenhut and Corrections Corporation of America that build and operate private prisons. The private prison industry in the United States alone earns up to $2 billion a year, and subsidiaries in other locations, from South Africa to Britain, also provide immense profits. Whether public or private, prisons are also a source of earnings for a host of companies that supply necessities from food and telephone services to stun guns and razor wire or employ the cheap and disciplined prison labor force. This interdependence between the state and capital has ensured the centrality of prisons to the global economy.

ENVIRONMENTAL AND ECONOMIC IMPACT OF PRISON CONSTRUCTION

In Spring 2001, Critical Resistance filed a historic environmental lawsuit against the California Department of Corrections with the aim of preventing the construction of a new $596 million, 5,160-bed prison in California's Central Valley. In filing the lawsuit, Critical Resistance, in partnership with the California Prison Moratorium Project, brought together a coalition of groups that had previously not worked together, including environmentalists, farm workers unions, Latino and immigrant advocates, and antiprison activists. The lawsuit demonstrated the increasing importance of rural communities in the prison industrial complex. Many rural town councils have viewed prison construction as a solution to economic stagnation. However, Critical Resistance used research by Ruth Wilson Gilmore to show that prisons have not actually been as economically beneficial to such communities as previously thought. In addition, Critical Resistance highlighted the negative environmental impacts of prison siting, including the destruction of farmland, the drain on water supplies, and the threat to local endangered species.

Critical Resistance views legal action as part of a wider strategy to shift public opinion against prison expansion. The campaign has generated a national debate about the failure of the "prisons as public works" policy. In addition, the lawsuit has thus far delayed construction.

ABOLITION

Central to Critical Resistance's work is an abolitionist commitment. According to Critical Resistance, abolition is "a political vision that seeks to eliminate the need for prisons, policing, and surveillance by creating sustainable alternatives to punishment and imprisonment" (Critical Resistance, 2002b, p. 1). Rather than promoting alternatives to incarceration that operate within the remit of the criminal justice system, Critical Resistance calls for sustainable alternatives that generate safety and security, while refusing to rely on law enforcement. These measures include community-based economic development, educational programs, community forums, drug treatment, and medical care. In Delano, California, for example, Critical Resistance worked with a range of community and labor organizations to identify programs, including youth facilities, additional investment in schools, and job creation that could serve as an alternative form of economic development to prison construction.

CONCLUSION

As an abolitionist organization, Critical Resistance rejects reformist agendas that expand the remit of the prison industrial complex. Rather than seeking to improve conditions by allocating additional resources to corrections budgets, Critical Resistance calls for a reduction in corrections spending by releasing prisoners including nonviolent offenders, addicts in need of treatment, and elderly prisoners and reducing the number of prisoners returned to prison for minor parole violations. Critical Resistance argues against investing more money into the prison system, and instead calls for the diversion of funds from social control into social welfare and community development.

—Julia Sudbury

See also Abolition; Activism; Corrections Corporation of America; Angela Y. Davis; Families Against Mandatory Minimums; Incapacitation; Increase in Prison Population; Prison Industrial Complex; Privatization of Prison; Race, Class, and Gender of Prisoners; Resistance; Three-Strikes Legislation; Truth in Sentencing; Wackenhut Corrections Corporation; War on Drugs

Further Reading

Critical Resistance. (Ed.). (2000a). Critical Resistance to the prison-industrial complex. *Social Justice, 27*(3).

Critical Resistance. (2002b). *What is abolition?* Retrieved from http://www.criticalresistance.org

Critical Resistance. (2002c). *What is Critical Resistance*. Retrieved from http://www.criticalresistance.org

Davis, A. Y., & Shaylor, C. (2001). Race, gender and the prison industrial complex: California and beyond. *Meridiens, 2*(1), 1–25.

Gilmore, R .W. (In press). *Golden gulag,* Berkeley: University of California Press.

Sudbury, J. (2000). Transatlantic visions: Resisting the globalization of mass incarceration. *Social Justice, 27*(3), 133–149.

CUBAN DETAINEES

Today there are more than 1,000 Cuban nationals detained in federal prisons under special terms of confinement. Most of these men and women arrived in the United States in 1980 and are held as a result of special legislation and state powers that were enacted specifically to confine them. Most cannot be released since Cuba will not accept them back, and the United States will not grant them immigrant status.

WHO ARE THE CUBAN DETAINEES?

The Cubans came to the United States as part of the Freedom Flotilla that brought more than 120,000 refugees to the United States from the tiny port city of Mariel, Cuba, in 1980. Most of these people, soon to be called "Mariel Cubans" or "Marielitos" came to the United States because of economic problems in Cuba. A relatively small number of "anti-socials," political prisoners, and petty criminals were also forced to leave by the Cuban government. The overwhelming majority of Mariel Cubans were law-abiding citizens. They included farmers, mechanics, fishermen, truck drivers, seamstresses, accountants, construction workers, plumbers, carpenters, and professional athletes.

Ultimately, more than 90% of the refugees were processed by the U.S. Immigration and Naturalization Service (INS) and passed along to their families or

to private relief groups across America. During the INS processing, however, officials began to notice some Cuban men who were more hardened and rougher in appearance than others. Research also suggests that a disproportionate number of these men were minorities. Based solely on their appearance, the INS concluded that the Cuban government had taken advantage of the Freedom Flotilla by emptying its prisons of hard-core criminals. Though Castro denied the allegation, the media began characterizing the Marielitos as "murderers," "vagrants," "homosexuals," and "scum."

WHY WERE THEY INCARCERATED?

The INS identified 350 Cuban men who were considered to have criminal backgrounds in Cuba. This figure represented less than one half of 1% of the total number of Cubans who came to the United States via the port of Mariel in 1980. By comparison, in the same year approximately 6,000 out of every 100,000 U.S. residents committed a major-index crime, as reported in the *Uniform Crime Reports.* Criminality within the general U.S. population was, therefore, roughly 17 times greater than that among members of the Freedom Flotilla. Nevertheless, this small group of Cuban criminals inspired the belief that a number of émigrés were dangerous people who could not be trusted. They became the first cohort of Mariel Cubans incarcerated in U.S. prisons. Others cohorts would follow, including a small number of women among them, and their imprisonment would also be affected by the stigmatized image of the "dangerous Marielito."

In addition to the 350 criminals, some 7,600 Freedom Flotilla émigrés had questionable backgrounds and were classified by the INS as "excludable entrants." Such people were allowed to enter U.S. society under the strict conditions of INS parole under which their parole could be revoked without explanation. Over the next several years, the INS revoked hundreds of paroles and detained Cubans in federal prisons because they had no visible means of support or fixed addresses, because they did not have an appropriate sponsor, or because they required medical treatment. Other Cubans were sent to prison for violating curfew or travel restrictions, or for failing to participate in relocation programs. Still others were imprisoned for petty crimes. The INS revoked paroles for a range of infractions including driving without a license, shoplifting, or possession of small amounts of marijuana and cocaine. All of these men were given "indefinite sentences," meaning that they did not know when, if ever, they would be released from federal custody.

By 1987, the INS had criminalized enough male Mariel Cubans to fill two prisons: the Federal Detention Center at Oakdale, Louisiana, and the U.S. Penitentiary at Atlanta, Georgia. While it is generally assumed that maximum-security prisons exist to punish society's most dangerous criminals, this was not true for the Mariel Cubans. The maximum-security prison at Atlanta was used to warehouse the disadvantaged. A 1986 congressional report found that *absolutely none* of the nearly 1,900 Mariel Cubans locked up in Atlanta was serving a criminal sentence. That is, the detainees had already served their sentences for criminal transgressions, or they had committed no crimes at all.

HOW WERE THE DETAINEES TREATED?

The congressional report found that the Cubans at the Atlanta Penitentiary were incarcerated in the worst overcrowded situation in the federal prison system. Most were housed eight men to a cell for 23 hours a day. Suicide and psychological depression were rampant. In one year, nine Cubans committed suicide and there were 158 suicide attempts. There were more than 2,000 serious incidents of self-mutilation, 9 homicides, and 10 deaths from heart attacks and other natural causes. Ten percent of the Cubans were classified as mentally retarded, mentally disordered, or psychotic. The report concluded that the Cubans were forced to live in conditions that were "brutal and inhumane . . . without any practical hope of ever being released."

WHAT HAPPENED AS A RESULT?

In November 1987, the Cuban detainees responded to their conditions and legal uncertainties by mounting the longest and most destructive prison riot in American history. Using chains, blowtorches,

and homemade machetes, they seized Oakdale and Atlanta with military precision, taking more than 200 hostages, and burning the prisons to the ground. In all, the Cubans destroyed more than $6 million worth of federal resources. During the siege, the detainees held machetes to the throats of hostages and threatened to burn them alive with gasoline. After two weeks, officials negotiated an end to the riot by promising the Cubans a "full, fair and equitable review" to determine eligibility for release into mainstream American society.

CONCLUSION

Following the riots, the INS approved nearly two-thirds of the detainees for release. Because of the riots, the Cubans were guaranteed more rights than at any other time since their arrival on the Freedom Flotilla. Yet for all that happened, nothing much changed. The policy of indefinite detention still remains. (In 2003, the INS was renamed the U.S. Citizenship and Immigration Services, USCIS, and placed under the governance of the Department for Homeland Security.) Today, 1,700 Mariel Cubans are still being indefinitely detained in federal prisons where they are segregated from other prisoners and treated with special restrictions because they are thought to be extremely dangerous. Confined to their cells for 23 hours a day, they are given no access to education. Most cannot speak or read English. They have few skills that would help them assimilate into American society. In recent years, Cuban detainees have waged several small-scale disturbances. For many, depression, lethargy, and resort to suicide and self-mutilation have become a way of life.

—Mark S. Hamm

See also Enemy Combatants; Federal Prison System; Foreign Nationals; Immigrants\Undocumented Aliens; INS Detention Facilities; Political Prisoners; Prisoner of War Camps; Santería; Relocation Centers; Resistance; Riots; USA PATRIOT Act 2001; Violence

Further Reading

Cohen, S. (2001). *States of denial: Knowing about atrocities and suffering.* Malden, MA: Blackwell.

Dow, M. (2004). *American gulag: Inside U.S. immigration prisons*. Berkeley: University of California Press.

Hamm, M. S. (1995). *The abandoned ones: The imprisonment and the uprising of the Mariel boat people*. Boston: Northeastern University Press.

Welch, M. (2001). *Detained! Immigration laws and the expanding I.N.S. jail complex.* Philadelphia: Temple University Press.

D

DAVIS, ANGELA Y. (1944–)

Angela Yvonne Davis is an African American activist and scholar who was charged and arrested for an alleged role in the August 7, 1970, failed escape of three inmates at the Marin County courthouse in California. Davis was accused of supplying guns used in the inmate escape and conspiring to free Soledad Brother George Jackson. While evading arrest on these charges, she became the third woman in U.S. history to be placed on the FBI's Most Wanted List. Arrested in New York on October 13, 1970, she spent 16 months in jail prior to being granted bail after a California Supreme Court decision ruled on a death penalty case that changed her bail status. A jury found Davis not guilty of all charges on June 4, 1972. Since then, she has continued to work for prisoners' rights throughout the world.

BIOGRAPHY

Davis was born on January 26, 1944, in Birmingham, Alabama. While growing up, her family lived in a section of Birmingham known as "Dynamite Hill" because of the frequent bombings by racist whites attempting to prevent the neighborhood from being integrated. As a youngster, however, Davis spent summers in New York where her mother worked on her master's degree. Summers in New York were a striking contrast to life in Alabama. In New York, African American children could swim in public pools and eat in restaurants—activities restricted to whites only in Alabama.

During high school, Davis took part in an experimental program that allowed African American students from southern states to attend integrated northern high schools. Consequently, she spent two years at Elizabeth Irwin High School, a small private progressive school in New York City. Davis then went to Brandeis University where she graduated summa cum laude in 1965 with a major in French literature. After graduating from Brandeis, she spent two years studying philosophy on a scholarship in Frankfurt, Germany, before returning to the United States in 1967 to pursue her master's degree in philosophy at the University of California, San Diego (UCSD), where she worked with Herbert Marcuse, a Marxist philosopher who believed it was important not just to theorize but to act.

During her time at UCSD, Davis joined the Communist Party. She also became involved in the black power movements. Then, in 1969 after receiving her master's degree and while working on her doctorate, Davis signed a contract to work at the University of California, Los Angeles (UCLA). When asked by an administrator if she were communist,

Davis answered affirmatively. In a public battle, the California Board of Regents attempted to dismiss Davis despite her successful teaching, arguments about academic freedom, and a California Supreme Court ruling in her favor. The regents were eventually successful.

SOLEDAD BROTHERS

At the same time that she was struggling to keep her teaching position at UCLA, Davis learned about the Soledad Brothers, three African American inmates who were accused of killing a white prison guard. Davis became the cochairperson of their defense committee and began an intense correspondence with one of them, George Jackson.

On August 7, 1970, Jackson's younger brother Jonathan attended the trial of James McClain, an inmate charged with assaulting a guard. According to some present in the courtroom, Jonathan stood up, took four guns out of his coat, and announced he was taking over. After conferring with Ruchell Magee and William Christmas, two inmates also present as witnesses in the case, the three men took hostages and left the courtroom. They made it to a rented van where a shootout left McClain, Christmas, Jonathan Jackson, and the judge dead and others injured.

A warrant was issued for Davis's arrest on August 11, 1970. Though she was not at the trial, she was charged, along with the only inmate survivor, Ruchell Magee, of murder, a capital offense, as well as kidnapping and conspiracy. It was alleged that she had given guns to Jonathan. Davis went into hiding and managed to evade law enforcement until her arrest in October 1970 and was extradited to California. She remained imprisoned until February 23, 1972, when she was released on $102,500 bail due to a California Supreme Court decision abolishing capital punishment.

The trial against Davis began on February 28, 1972. After 104 prosecution witnesses, 12 defense witnesses, and 203 items of evidence, the trial ended on June 4, 1972. It was clear to her supporters that the evidence against her was nonexistent. Following three days of deliberation, the jury (11 whites and 1 Mexican American) agreed and found Davis not guilty of all charges.

CONCLUSION

Drawing on her own experiences as a political prisoner, an African American, and a woman, Davis is deeply involved in the movement for prison reform worldwide. Most recently, she was one of the leading organizers of a conference called "Critical Resistance: Beyond the Prison-Industrial Complex" held in 1998 at the University of California, Berkeley. Critical Resistance is now a national organization that "seeks to build an international movement to end the Prison Industrial complex by challenging the belief that caging and controlling people makes us safe" (Critical Resistance, 2003).

—Kim Davies

See also Abolition; Activism; Black Panther Party; Critical Resistance; Elizabeth Gurley Flynn; George Jackson; Kate Richards O'Hare; Prison Industrial Complex; Racial Conflict Among Prisoners; Racism; War on Drugs

Further Reading

Aptheker, B. (1999). *The morning breaks: The trial of Angela Davis* (2nd ed.). Ithaca, NY: Cornell University Press.

Critical Resistance. (2003). Critical Resistance home page. Retrieved March 15, 2003, from http://www.criticalresistance.org

Davis, A. Y. (1971). *If they came in the morning: Voices of resistance.* New York: New American Library.

Davis, A. Y. (1974). *Angela Davis—An autobiography.* New York: Random House.

Davis, A. Y. (1981). *Women, race, and class.* New York: Random House.

Davis, A. Y. (1989). *Women, culture, and politics.* New York: Random House.

Davis, A. Y. (1998). *Blues legacies and black feminism: Gertrude "Ma" Rainey, Bessie Smith, and Billie Holiday.* New York: Pantheon.

James, J. (1998a). *The Angela Y. Davis reader.* New York: Basic Books.

James, J. (1998b). *Resisting state violence: Radicalism, gender, and race in U.S. culture.* Minneapolis: University of Minnesota Press.

Nadelson, R. (1972). *Who is Angela Davis? The biography of a revolutionary.* New York: Peter H. Wyden.

Timothy, M. (1975). *Jury woman: The story of the trial of Angela Y. Davis.* San Francisco: Glide Publications.

DAVIS, KATHARINE BEMENT (1860–1935)

Katharine Bement Davis was a nationally and internationally recognized pioneer in penology and prison reform. She was one of the first women to hold the top office in corrections in one of the largest cities in America and, in addition, she contributed ideas about the causes of crime and the effectiveness of treatment. Davis was a highly public figure, who spoke passionately about her work in the field and influenced policymakers and practitioners alike on the design and operation of prisons and reformatories.

Katharine Davis was born in Buffalo, New York, in 1860. Her parents were reformers. In the 10 years following her high school graduation she worked as a teacher before leaving that profession to pursue a degree at Vassar College. She then was granted a political economics fellowship and went on to obtain a doctorate at the University of Chicago. Returning to Vassar, she taught for several years before being appointed in 1901 to run the first female reformatory, Bedford Hills Correctional Facility, in Westfield, New York. She remained as superintendent of Bedford Hills for 13 years.

CORRECTIONAL INNOVATIONS

As female offenders were moved from men's prisons to their own institutions, Davis introduced the cottage system design for women's facilities. Unlike the warehouse-style prisons built for men, she viewed the cottage as more in keeping with the personality and temperament of women and as structurally more conducive to their good health. Davis even wrote an article titled "The Fresh Air Treatment for Moral Disease." She believed the cell-stacked architecture of prisons such as New York City's "Tombs" was "fundamentally wrong" because it shut out outside air and sunlight, which she considered "the greatest of all medicines for the mental, moral, and physical human sufferer" (Davis quoted in Marshall, 1914, p. SM6).

The women at Bedford were required to participate in schoolwork and to learn trades. They were also encouraged to work and engage in recreation outdoors, thus they were assigned farming chores. This environment was said to have a positive effect on all participants, even those who suffered from mental illnesses. As another innovation, a nursery was established within the reformatory where new mothers and their children could stay together for up to two years. This nursery program was later reactivated at Bedford as a highly acclaimed rehabilitation program in the 1980s.

Funding from grants and foundations enabled Davis to hire a prison psychologist. Performing routine psychiatric assessments for incarcerated women, Bedford Hills helped to lay the foundations of modern diagnostic prison procedures.

CRIMINOLOGICAL INNOVATIONS

Davis was a proponent of criminal theories that presented offenders as of subnormal intelligence and defective. An advocate of the medical model, she was concerned about the number of prostitutes, their lack of education and skills, and their high rates of disease. Fines for prostitution, she argued, usually placed the female offender further in debt to her male pimp and were therefore counterproductive.

In much of her criminology, Davis was highly influenced by the concerns of her day, particularly those about cultural adaptation to life in the melting pot of America. She pointed out the many Italian names on the rosters of incarcerated women and speculated that they emigrated with "their own primitive ideas of vengeance" (Davis quoted in Marshall, 1914, p. SM6). She lamented that some of the women murderers at Bedford were caught up in the conflicts of their culture when their own codes make them "victims of the racial custom of revenge" (Davis quoted in Marshall, 1914, p. SM6).

While others at this time were proponents of eugenics principles, Davis was more cautious. As a staunch advocate for the scientific study of crime, particularly the clinical assessment of the offender, Davis persuaded John D. Rockefeller, Jr., to donate $50,000 to establish the Laboratory of Social Hygiene directly across from the reformatory, one of the first institutes for studying female criminality.

Davis believed in the beneficial effect of cultural programs and introduced them into the prison.

Prisoners attended lectures, celebrated birthdays, and went on picnics. She hosted a tea reception for inmates in her quarters each New Year's Day. One of her most widely noted policies was the concept of an "honor cottage." Used as a means of encouraging good behavior, the honor cottage was reserved for inmates who had worked their way to the highest classification levels. Residents were allowed self-government and created their own rules. Gillin (1926) quoted one observer as saying, "The matron of the house has general oversight, but the girls in the honor cottage have as much freedom as a girl at a good boarding-school. The cottage is made as attractive as possible with ferns, pretty furniture, individual sleeping rooms, a pleasant sitting-room, and a sewing room where they make their own clothing" (p. 658).

Davis was also a supporter of early parole, preferring that inmates be released into country environments. She was of the opinion that the temptations of the city encouraged bad habits; thus, parole in the countryside gave the inmates a better chance to succeed. In addition, she actively sought parole and work and living arrangements that would most encourage adjustment into productive society.

Primarily because of her work at Bedford Hills, Davis became the first female corrections commissioner in New York City in 1914. She was responsible for the infamous Tombs prison, Raymond Street and Queens County jails in Brooklyn, the workhouse on Blackwell's Island, two other workhouses on Hart's and Rikers Islands, the New York City Reformatory for Male Misdemeanants, and the detention house for women. The Tombs was a source of concern because she felt the style of construction did not allow the building to be properly "flushed" and cleaned. It was woefully overcrowded and internal temperatures were difficult to regulate. She was also concerned about providing medical care and a separate facility for "inebriates."

CONCLUSION

Throughout her professional life, Davis researched successful programs around the country and in Europe. Disillusioned by the workhouse and penitentiary models, she encouraged judges to consider individual needs when sentencing and worked toward developing individualized treatment plans for offenders. She summarized her optimistic philosophy as follows: "The needs of society and the individual can be best served by a system of correction based upon the character and requirements of the person rather than on the nature of the criminal act" (Davis quoted in Marshall, 1914, p. SM6). True to her optimism, she believed that the best model for improving corrections would be an apolitical process with all sectors of public welfare and justice working together.

The legacy of Katharine Bement Davis is found in the many employees she instructed, the policymakers she influenced, and the correctional concepts she championed. Another well-known reformer, Mary Belle Harris, was a protégé whom Davis originally recruited to run the workhouse on Blackwell Island and to implement her progressive practices. As an indication of the extent to which her work and ideas were respected, Davis was appointed a cabinet member of New York City and chairwoman of the city's parole board.

—Frank P. Williams III

See also Alderson, Federal Prison Camp; Bedford Hills Correctional Facility; Cottage System; Mary Belle Harris; Katherine Hawk Sawyer; History of Women's Prisons; Medical Model; Parole; Prison Nurseries; Psychological Services; Psychologists; Rehabilitation Theory; Mabel Walker Willebrandt; Women's Health; Women in Prison; Women's Prisons

Further Reading

Gillin, J. L. (1926). *Criminology and penology*. New York: Century.

Harris, J. (1990). *They always call us ladies*. New York: Zebra.

Marshall, E. (1914, January 11). New York's first woman commissioner of correction. *New York Times*, p. SM6.

McKelvey, B. (1936). *American prisons*. Chicago: University of Chicago Press. (Reprinted Montclair, NJ: Patterson Smith, 1968)

Morton, J. (1992). Looking back on 200 years of valuable contributions. *Corrections Today, 54*(6), 76–78, 80, 82, 84–87.

DEATH ROW

Death row refers both to the physical space where those awaiting execution are held and the general

population who have been sentenced to death. Capital punishment is as old as written law. It was the ascribed punishment for 25 different crimes under Hammurabi's Code (c. 1700 B.C.). Since condemned individuals are typically confined between the moments of judgment and execution, some form of "death row" must be equally ancient. Through the centuries, however, death row has evolved from a rudimentary cell located near the place of public execution to a highly specialized, segregated unit within a modern penal facility.

THE EVOLUTION OF DEATH ROW

Historically, executions were public spectacles (and remain so in countries such as Saudi Arabia, Iran, and Nigeria). But throughout the 19th century, many Western countries began conducting executions in private, behind prison walls. In 1834, Pennsylvania removed its executions from the public gaze; Massachusetts, New Jersey, and New York followed in 1835. The last public hanging took place in England in 1868, in the United States in 1937, and the last public execution by guillotine took place in France in 1939. As these executions became private, the process was streamlined. In prisons built during the early 20th century, visiting facilities and the living quarters of the condemned were often placed very close to the execution chamber, sometimes merely paces away.

GLOBAL TRENDS

Amnesty International reports a gradual international trend toward the abolition of capital punishment. They state that as of August 2002, more than half the countries in the world have abolished capital punishment in law or in practice. Members of the European Union (EU), for example, enforce a mandatory ban on capital punishment. Citizens from abolitionist countries are not executed for their crimes unless they are committed under a retentionist jurisdiction. But offenders from countries retaining capital punishment may face execution. In 1998, 76% of all known executions occurred in just three countries: China, the Democratic Republic of Congo, and the United States of America.

Although 12 states and the District of Columbia have abolished the death penalty, the United States remains a solid retentionist nation. Thirty-eight different states authorize the death penalty, as does the U.S. military and the federal government. Since the death penalty was reinstated in 1976 by the U.S. Supreme Court, 842 people have been executed in America, including 3 in the national execution chamber at Terre Haute, Indiana.

THE RISE AND FALL (AND RISE) OF DEATH ROW IN THE UNITED STATES

The numbers of men and women on death row fluctuates in size over time. Their proportions are a function of the number of people condemned to die and the expediency with which executions are conducted. Of these two factors, however, the number of people condemned to die has the greatest effect on the population of death row. Obviously, the number awaiting execution shrinks dramatically when states abolish capital punishment.

American states began limiting or abolishing the death penalty as early as 1846. During the early 20th century, many U.S. states abolished or restricted capital punishment, but there was a resurgence in the practice from the 1920s to the 1940s. Throughout the 1950s and 1960s, however, public support for the death penalty waned. Capital punishment was legislatively abolished in England in 1965. It was briefly struck down in the United States, as well.

In 1972, in the watershed case of *Furman v. Georgia,* the U.S. Supreme Court held that the death penalty (as then applied) constituted cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution. States halted their executions. Consequently, numbers on death row shrank from 334 (in 1972) to 134 (in 1973) as the sentences of condemned men nationwide were commuted. But just four years later, the American death penalty was resurrected. In 1976, in *Gregg v. Georgia,* the U.S. Supreme Court declared that, under new state legislation, executions could resume. At this point, death row began to grow once again. By 1977, when Gary Gilmore ushered in the modern era of American capital punishment with his execution before a Utah

firing squad, the numbers on death row had already ballooned to 423.

Since Gilmore's death, the size of death row has steadily escalated. At the end of 2002, there were 3,692 condemned individuals waiting to die in America. Yet the size and composition of death row may continue to change. Throughout the late 1990s, DNA evidence suggested that innocent people could be found on death row, triggering intense public debate about the propriety of capital punishment, leading to legislative reform and executive action.

THE DEMOGRAPHICS OF DEATH ROW

Death row prisoners tend to fall into certain demographic categories. They tend to be adult males, often come from impoverished backgrounds, and disproportionately belong to racial minorities. Many endure long periods of incarceration before their execution. In the following section, each of these issues shall be dealt with in turn.

Age

Most death row prisoners are adults. Since 1990, only seven countries are known to have executed juveniles (individuals under the age of 18 at the time of their crimes): the Democratic Republic of Congo, Iran, Pakistan, Yemen, Nigeria, Saudi Arabia, and the United States of America. Only the United States and Iran formally authorize the practice with U.S. barring execution of those who are less than 16 years old. The execution of juveniles in the U.S. is relatively uncommon. Although juveniles account for 15% of murder arrests, they account for only about 2% (81) of prisoners on death row and about 2.6% (21) of individuals executed since the death penalty was reinstated.

Class

Death row prisoners disproportionately come from impoverished backgrounds. Poverty may correlate positively with aggravating factors such as prior criminal history or predictions of future dangerousness, leading juries to impose death sentences. Affluence, on the other hand, may correlate positively with mitigating factors—close relationships with family and friends, well-articulated remorse, or status in the community—decreasing the likelihood of receiving a death sentence. Perhaps more important, wealthy capital defendants can afford sophisticated "dream team" legal representation, while disadvantaged defendants are often represented by overworked or inexperienced public defenders who may not even want the case. Even Supreme Court justices acknowledge that poverty influences the dispensation of capital punishment. In the *Furman* decision, Justice Douglas wrote, "One searches in vain for the execution of any member of affluent strata of this society."

Race

Race plays a significant role in the shaping of death row. Both the race of the defendant and the race of the victim may influence the imposition of a death sentence. Although whites constitute about 75% of the American population, they account for only 57% of those executed since the death penalty was reinstated and about 45% of those on death row. On the other hand, while blacks constitute only 12% of the American population, they constitute 43% of death row and account for 35% of those executed. Seventy-six percent (19) of the 25 prisoners on federal death row and 6 of the 7 prisoners on the U.S. military's death row are minorities. But research indicates that the race of the victim may play a more significant role on who is condemned to death than the race of the defendant. The murder of a white victim is more likely to result in a capital conviction than the murder of a nonwhite. More than 80% of capital cases in America involve a white victim, although only 50% of murder victims are white nationwide.

In *McCleskey v. Kemp* (1987), the U.S. Supreme Court considered research that demonstrated systemic racial discrimination in the imposition of capital punishment. After controlling for many nonracial variables, the research indicated that Georgia defendants charged with killing white victims were 4.3 times more likely to get the death penalty as defendants charged with killing blacks. While the Court did not challenge the legitimacy of

McCleskey's data, it rejected his claim that these findings amounted to an unconstitutional risk of prejudice in death penalty decision making. Warren McCleskey was executed in 1991.

Gender

Death row is composed primarily of males. Some countries, such as Russia, explicitly made women ineligible for capital punishment. Other countries did so in practice. Although women comprise about 51% of the U.S. population and account for about 20% of criminal homicides, they account for only about 10% of murder arrests, 2% of death sentences at trial, about 1.4% of prisoners on death row, and about 1.2% (10) of those who have been executed since capital punishment was reinstated. Legal scholars explain this screening-out effect by citing gender discrimination in the attitudes of judges and jurors and by claiming gender discrimination is inherent in existing death penalty statutes.

Time Spent on Death Row

Historically, little time elapsed between sentencing and execution. Under England's Murder Act of 1752, executions were carried out just two days after sentencing; after 1834, only three Sundays elapsed before the sentence was carried out. These days, however, because of the "super due process" safeguards required under *Gregg,* contemporary death row prisoners in America spend years (not days or weeks) awaiting execution. The average duration from sentence to execution is now more than 12 years, and some prisoners have spent more than 20 years on death row.

CONDITIONS OF CONFINEMENT

Typically operated as a prison within a prison, characterized by lockstep security and minimal freedoms, death row represents the hardest time a prisoner can do. "Death row is the most total of total institutions, the penitentiary most demanding of penitence, the prison most debilitating and disabling in its confinement. On death row the allegorical pound of flesh is just the beginning. Here the whole person is consumed. The spirit is captured and gradually worn down, then the body is disposed of" (Johnson, 1998, p. 71).

Time on death row often drags. Because a sentence of death is supposed to be both definitive and final, death row prisoners do not participate in rehabilitative activities such as education, therapy, or job skills training. Nobody wants to invest resources in developing an individual who will be executed in a month or a year or a decade. Plagued by tedium, some death row prisoners throw themselves into their appeals, honing their skills as jailhouse lawyers. Others write voluminous correspondence, immerse themselves in religious study or literature, or turn to handicrafts and art projects as a pastime. Many seek to lose themselves in television.

The physical environment of death row closely resembles that of super-maximum secure facilities. Because it is thought that death row prisoners "have nothing to lose," security is tight. Prisoners are usually confined to small single-occupancy cells for up to 23 hours a day and are monitored carefully. Movement is restricted: Meals are typically served to death row prisoners in their cells, and religious and legal services are often delivered to the cell (either by closed-circuit programming or book request). Prisoners are afforded opportunity to exercise for several hours per week, allowed to visit with family members and lawyers, and are usually permitted to have some personal possessions in their cells.

The elite correctional officers assigned to death row attempt to emphasize professionalism and compassion, and strive to maintain the dignity of the prisoner throughout the process. Actual execution procedures are rehearsed to precision, minimizing the likelihood of mishap or error. These staff also supervise inmates in their final days on deathwatch.

These maximum-security facilities are expensive. When coupled with the appellate processes required under *Gregg*'s super due process requirements, it is more expensive to execute a prisoner than to incarcerate him for a life sentence. A 50-year life sentence costs the government approximately $1 million. On the other hand, the average

execution costs somewhere between $2 and $3 million, and high-profile executions may cost more than $20 million.

There are also tremendous (psychological) costs for the prisoners on death row. The austere deprivation of super-maximum secure conditions was characterized by the *Madrid v. Gomez* court as pressing "the outer bounds of what humans can psychologically tolerate," and the oscillating hope and despair of death row can be torturous.

DEATH ROW SYNDROME AND VOLUNTEERS

In his essay "Reflections on the Guillotine," Albert Camus (1961) wrote:

> The devastating, degrading fear that is imposed on the condemned for months or years is a punishment more terrible than death. . . . Torture through hope alternates with pangs of animal despair. The lawyer and the chaplain, out of mere humanity, and the jailers, so that the condemned man will keep quiet, are unanimous in assuring him that he will be reprieved. He believes this with all his being and then he ceases to believe it. He hopes by day and despairs by night. As the weeks pass, hope and despair increase and become equally unbearable. (p. 200)

The anxiety of this sustained uncertainty may have legal as well as philosophical consequences. In *Soering v. United Kingdom,* the European Court of Human Rights held that extraditing a German national to the United States to face the death penalty would amount to a violation of the European Convention on Human Rights' prohibition against "torture or to inhuman or dehumanizing treatment or punishment." While the execution that Soering faced did not, itself, constitute a violation, a combination of the dehumanizing conditions of death row, the protracted delays between sentence and execution, and the stress of living under the ever-looming shadow of execution amounted to a violation of the European Convention. While the concept of a "death row syndrome" has met with little acceptance within the United States, it has achieved legitimacy in the international legal community.

Confronted with the prospect of enduring years, perhaps decades, of death row syndrome, some condemned prisoners exercise the little autonomy they retain, terminating their legal appeals, and "volunteer" for execution. Twelve percent of those executed since the death penalty was reinstated were volunteers, including Gary Gilmore (the first post-*Furman* execution by an American state) and Timothy McVeigh (the first federal execution after *Furman*).

COMMUTATION AND ABOLITION

Troubled by inequities and errors in capital sentencing, numerous organizations have called for a moratorium on the death penalty. Human rights groups such as Human Rights Watch and the American Civil Liberties Union along with religious organizations such as the American Jewish Congress and Catholic Charities USA lobby states to change their laws. They are further supported by a range of professional societies such as the American Bar Association and the American Society of Criminology and by dozens of city and county governments.

After 13 death row prisoners were exonerated in the post-*Furman* era, former Governor George Ryan of Illinois declared a moratorium on all executions in January 2000. An appointed commission evaluated Illinois's death penalty, recommending that it either be overhauled or abolished. Then, in January 2003, Ryan commuted the sentences of all 156 death row prisoners in Illinois to life in prison. Although extremely controversial in the United States, Ryan's action was mirrored elsewhere. In February 2003, President Kibaki of Kenya lifted the death sentence for 28 prisoners and commuted the sentences of 195 others to life imprisonment.

Other sociolegal changes are transforming the face of death row. Although about 70% of Americans favor the death penalty for a person convicted of murder, support decreases when life imprisonment without parole (LWOP) is introduced as an alternative. Given this choice, public support for the death penalty drops to the 45–50% range, and about 40–45% favor LWOP penalties. This divided public opinion is altering contemporary judicial practice. While the use of the electric chair

was upheld as constitutional by the Florida Supreme Court in 1997, it was condemned as an unconstitutionally cruel and unusual form of punishment by the Georgia Supreme Court in 2001. In 2002, in *Atkins v. Virginia,* the U.S. Supreme Court held that the execution of mentally retarded prisoners violated the Eighth Amendment's prohibition against cruel and unusual punishment. Since an estimated 12–20% of condemned prisoners are mentally retarded, the holding could exert a profound impact on the composition of death row.

DEAD MAN WALKING: FROM DEATH ROW TO EXECUTION

When a prisoner's scheduled execution date nears, he or she is usually transferred from death row to a holding cell near the execution chamber. The prisoner remains in this cell under "deathwatch" during the 24 to 72 hours before execution. He or she is kept under continuous supervision, denied physical contact with others, granted a final meal, and prepared for execution.

In some states, the condemned may select between the five methods of execution: lethal injection, electrocution, gassing, hanging, and firing squad. In practice, the lethal injection has become the de facto standard in U.S. executions, used in 76% of the executions conducted since *Furman* and all but one of the executions since January 2001. Lethal injection is available in 37 states and employed by the U.S. military and federal government. Electrocution, in contrast, is available in 10 states and is the only means of execution available in Nebraska. Lethal gas is an option in 5 states, while hanging and the firing squad are available only in 3 states. After the prisoner is pronounced dead, a postmortem examination is conducted and then the body is released, usually according to the prisoner's wishes.

CONCLUSION

Death row has evolved from primitive origins to a highly specialized component of the modern U.S. penal system. Despite an international trend toward abolition, after the *Furman* and *Gregg* decisions abolished and rehabilitated capital punishment, America's death row has grown steadily in size. Prisoners on death row tend to be poor adult males, and minorities are overrepresented. Death row conditions are severe. Delays between sentencing and execution yawn into decades, and alternating states of hope and despair lead some prisoners to suffer from "death row syndrome." Recent social events have led some organizations to call for a moratorium on capital punishment and have triggered changes within the executive and judicial branches of government.

—J. C. Oleson

See also Capital Punishment; Corpareal Punishment; Deathwatch; *Furman v. Georgia*; Gary Gilmore; Timothy McVeigh; Supermax Prisons; Terre Haute Penitentiary Death Row Karia Faye Tucker

Further Reading

Amnesty International. (2003). Web site against the death penalty. Retrieved March 25, 2003, from http://www.web.amnesty.org/rmp/dplibrary.nsf/index?openview

Bohm, R. M. (1999). *Deathquest: An introduction to the theory and practice of capital punishment in the United States.* Cincinnati, OH: Anderson.

Camus, A. (1961). Reflections on the guillotine. In *Resistance, rebellion, and death* (pp. 173–234) (J. O'Brien, Trans.). New York: Knopf.

Death Penalty Information Center. (2003). Retrieved from http://www.deathpenaltyinfo.org/

Gillespie, L. K. (2003). *Inside the death chamber: Exploring executions.* New York: Allyn & Bacon.

Hood, R. (1989). *The death penalty: A world-wide perspective.* Oxford, UK: Clarendon.

Johnson, R. (1998). *Death work: A study of the modern execution process* (2nd ed.). Belmont, CA: Wadsworth.

NAACP Legal Defense and Educational Fund. (2003, Winter). *Death row U.S.A.* Retrieved from http:// www.deathpenaltyinfo.org/DEATHROWUSArecent.pdf

Von Drehle, D. (1995). *Among the lowest of the dead: The culture of death row.* New York: Times Books.

Legal Cases

Furman v. Georgia, 408 U.S. 238 (1972).
Gregg v. Georgia, 428 U.S. 153 (1976).
Madrid v. Gomez, 889 F. Supp. 1146 (N.D. Cal. 1995).
McCleskey v. Kemp, 481 U.S. 279 (1987).
Soering v. United Kingdom, ECHR (1989). Series A, No. 161.

DEATHWATCH

The term *deathwatch* is defined as the period of time, typically the last 24 to 48 hours, before a condemned inmate is executed. In many U.S. states, the deathwatch period is one of "virtually solitary confinement under unmitigated solitary confinement" (Johnson, 1998, p. 93). In other states, such as Arkansas, however, the condemned may have unlimited access to his or her attorney(s) and spiritual advisor along with limited access to his or her family members. What is constant across jurisdictions is the intense scrutiny and detailed records that are maintained during the deathwatch, as well as the inevitable death of the inmate.

A deathwatch commences once the condemned person is transferred from his or her cell on death row to the deathwatch cells. Large enough for a single individual, these cells are typically located adjacent either to death row or to the death chamber (in those facilities where the death chamber is located a separate building or in a separate facility as in a number of states). The deathwatch concludes once the inmate's death is certified and the body removed from the facility by the coroner or buried on the grounds of the prison.

PAST PRACTICES

When executions used to be conducted in public places, such as at England's Tyburn Fair, the need for the condemned to be alive for the open journey from the prison to the scaffold was paramount. The deathwatch of this period was minimal and sought only to ensure that the person did not take his or her own life. Consequently, some prison officials provided condemned inmates with laudanum (an early opium-based narcotic) or strong liquor to ensure compliance with prison rules and lower his or her resistance during the execution process.

Gradually, in response to a series of different factors, including public outrage when an execution was not carried out justly or efficiently, capital punishment was removed from the public arena. The transfer of executions behind prison walls changed the nature of the death penalty within the penal process. Penal practices no longer engendered significant public debate, and the mechanics of death became highly routinized and sterile.

CURRENT PRACTICES

One might wonder, since the condemned inmate is going to die anyway, what purpose is served by a deathwatch in a modern, state-sanctioned execution? The reasons for having the deathwatch are threefold: (1) to ensure the safety of the condemned and correctional personnel prior to the execution, (2) to ensure that the execution proceeds without difficulty, and (3) to avoid litigation against both the individuals involved and the state that sanctioned the execution.

Time spent on death row is more rigidly structured than in other areas of a prison. While some argue that the routine provides stability to a particularly stressful experience, no amount of predictability can mitigate the manner in which inmate reactions are polarized by violent outbursts on one end and despondency at the other end. The reactions of the condemned on death row are more unpredictable than usual since some people may believe they have nothing to lose since the state is planning to kill them. Actions that were ignored one day as trivial might be akin to a spark touching gasoline on the next day. Some inmates may despair, or withdraw into themselves, while others find new focus in religious prayer and meditation. Very few condemned men or women, at least in the last part of the 20th century, become "gallows-thieves" by attempting to cheat the executioner by taking his or her own life.

Condemned inmates facing the last one or two days of their lives know where the journey ends, but not what happens along the way. Their waking hours are occupied with visits from family members, attorneys, and spiritual advisers in preparation of the final moment. While they are preoccupied with these matters, a small number of correctional staff observe and record every event and utterance that occurs throughout the deathwatch; they are the deathwatch team.

This team engages the condemned in directed conversation during those moments not otherwise occupied. The purposes of such conversations are

twofold. First, they provide limited comfort to the individual while preparing him or her emotionally for the eventuality of death. Officers assigned to the deathwatch provide information concerning the next steps in the execution process. Thus, the condemned is aware of both the process of the execution and of any changes in the routine from that which he or she experienced while on death row. Second, such conversations are the ultimate form of dynamic security whereby staff members monitor the inmate's anxiety levels and try to ensure that he or she remains calm. The ultimate goals are to ensure that the execution is free of behavioral mishaps (resistance) on the part of the condemned and that no harm is caused to the inmate or any member of the deathwatch and execution teams prior to the carrying out of the death sentence. Regardless of the manner in which it is provided, the goals of providing such information are to help the individual accept the inevitable and to ensure that the execution proceeds without difficulty.

Today, the deathwatch team maintains constant vigilance and records every occurrence in the last hours of the condemned's life. This record keeping has the contradictory goals of ensuring and documenting that the prison system treats the condemned humanely prior to his or her execution while precluding any litigation that might interfere with subsequent executions. The remaining part is the manifestation of Foucault's *surveiller* ("to oversee" in French) that he identified in the practices and regimentation of the factory floor, the armed forces, and the prison. While he noted that these institutions offered the best expressions of such oversight, he would have agreed that the deathwatch provided the penultimate expression of the state's power and its ability to ensure that the individual is constantly subjected to and reminded of that power through the routinization and record keeping inherent in the deathwatch.

CONCLUSION—WALKING THE LAST STEPS TOGETHER

Yet, one might wonder, why would a correctional officer participate as a member of the deathwatch team? Nearly every jurisdiction that invokes capital punishment has its own execution routine, including who serves on the deathwatch and execution teams. In some states, the deathwatch and execution teams are one and the same, whereas other states may have separate teams for these two different functions. In Arkansas, for example, correctional officers serving on the combined deathwatch-execution team are all volunteers and have served together for nearly a decade at the Cummins Unit (where the death house is located). Two contributing factors to the longevity of this team include the effective leadership of the captain who leads this team and the mandatory critical incident stress debriefing that occurs the morning following every execution.

Following the last meal and the issuance of a clean set of prison clothes, the condemned may spend time with his or her spiritual adviser and/or attorneys, who are escorted out of the area shortly before the execution is to take place. In the final moments of the deathwatch, officers and members of the execution team escort the prisoner into the death chamber and secure him or her onto the gurney or chair. The deathwatch team (but not the execution team) departs from the death chamber once these tasks are completed. The duties of the deathwatch team members are not completed, however, until their observations are recorded and that deathwatch log submitted.

While moving executions behind prison walls removed them from the public eye, the deathwatch has remained a part of the modern execution process. The nation-state must not only ensure that justice is carried out, but it must also be seen to be carried out by both the condemned and the public. The deathwatch is merely one of the many sets of eyes that ensure that the process is complete.

—Allan L. Patenaude

See also Capital Punishment; Death Row; Eighth Amendment; Michel Foucault; Terre Haute Penitentiary Death Row

Further Reading

Anderson, F. W. (1982). *Hanging in Canada: Concise history of a controversial topic*. Surrey, BC: Frontier Books.

Bohm, R. M. (1999). *Deathquest: An introduction to the theory and practice of capital punishment in the United States.* Cincinnati, OH: Anderson.

Engel, H. (1996). *Lord High Executioner: An unabashed look at hangmen, headsmen, and their kind.* Toronto: Key Porter.

Foucault, M. (1975). *Surveiller et punir: Naissance de la prison.* Paris: Éditions Gallimard.

Gatrell, V. A. C. (1994). *The hanging tree: Execution and the English people, 1770–1868.* Oxford, UK: Oxford University Press.

Jackson, B., & Christian, D. (1980). *Death row.* Boston: Beacon.

Johnson, R. (1998). *Death work: A study of the modern execution process* (2nd ed.). Belmont, CA: Wadsworth.

Martinez, A. (1997, Spring). Corrections officer: The "other" prisoner. *The Keeper's Voice, 18*(1). Retrieved from http://www.acsp.uic.edu/iaco/kv1801/180108.shtml

DENTAL CARE

Prisoners are entitled to dental care while incarcerated because of the U.S. Constitution's Eighth Amendment that forbids the use of cruel and unusual punishment by the government. In the view of the U.S. Supreme Court, this civil liberty applies to prisoners incarcerated in federal, state, and local facilities. This means that the government may not demonstrate "deliberate indifference to [the] serious medical needs" of prisoners (*Wynn v. Southward,* 251 F.3d. 588, 593 [2001]). Such serious medical needs can include dental care.

In *Wynn,* for example, a prisoner alleged that when he was moved to an isolation unit, the attending prison official deliberately misplaced, among other things, his dentures. As a result, according to this prisoner, he suffered "bleeding, headaches, inability to chew his food, humiliation, shame, and 'disfigurement'" (*Wynn v. Southward,* 251 F.3d. 591 [2001]). The Seventh Circuit Court of Appeals subsequently ruled that Wynn should have the opportunity to demonstrate at trial that prison officials "knew of and deliberately disregarded [his] dental needs" (*Wynn v. Southward,* 251 F.3d. 593 [2001]). This same court also held, as per precedent, that "dental care is one of the most important medical needs of inmates" (*Ramos v. Lamm,* 639 F.2d 559, 576 [1980]).

The U.S. Supreme Court stated in *Estelle v. Gamble* (429 U.S. 97 [1976]) that "an inmate must rely on prison authorities to treat his medical needs." If prison officials demonstrate "deliberate indifference to serious medical needs," then an Eighth Amendment violation has been proven. It is also true, however, that "because society does not expect that prisoners will have unqualified access to health care, deliberate indifference to medical needs amounts to an Eighth Amendment violation only if those needs are 'serious'" (*Hudson v. McMillian*, 503 U.S. 1, 6 [1992]).

ADEQUACY OF DENTAL CARE FOR PRISONERS

Some scholars question the quality of dental care afforded prisoners. Demonstrably, for example, patients who are not incarcerated are better protected by legal principles surrounding the issue of medical malpractice. Outside prison walls, medical personnel are held to the standard of negligence. Within a prison facility, however, a prisoner is protected from medical malpractice only by the more relaxed standard of deliberate indifference. According to some, the nature of this standard does little to safeguard prisoner-patients, since "behavior that amounts to negligence can never equal the culpability required for a finding of deliberate indifference" (Vaughn & Carroll, 1998, p. 12). Similarly, the federal courts have made it clear that prisoners can invoke a constitutionally guaranteed right to medical care only if "serious medical needs" are at stake (Vaughn & Carroll, 1998, p. 12). Those who are not incarcerated, conversely, need not demonstrate such a need before seeking medical assistance (although a severe lack of economic resources can significantly constrain their access to medical care). In addition, medical care may not be as good quality in prison, since "prison medical personnel suffer from limitations in resources, staff, and facilities" (Vaughn & Carroll, 1998, p. 27).

Critics of the level of medical care available to those who are incarcerated worry that the courts have embraced what Michael Vaughn and Leo Carroll (1998) refer to as the "principle of less eligibility" (p. 3). This principle suggests that the "conditions of penal confinement must be harsher

than the living standards of the working classes and people on welfare" (p. 37). These same critics put forth an alternative and more egalitarian vision of medical care for prisoners in which they point out that physicians have a professional responsibility to provide the same level of medical care for all human beings, regardless of social status.

CONCLUSION

Federal, state, and local prisoners enjoy a constitutional right to adequate dental care. Prisoners who believe they have been improperly denied such medical care, however, must demonstrate not only that the medical implications of such a denial are serious but also that the prison official or officials in question denied care with deliberate indifference. Meeting these two legal standards can be quite difficult for prisoners.

Prisoners afflicted with medical disorders also face a host of additional hurdles to obtaining the level of medical care that many of those who are not incarcerated can expect. The Eighth Amendment to the U.S. Constitution, then, provides a floor below which the level of medical care provided to prisoners may not fall. Some believe that this floor is unduly low, while others suggest that prisoners should be least eligible for scarce social goods.

—Francis Carleton

See also Doctors; Eighth Amendment; *Estelle v. Gamble;* Gynecology; Health Care; Legitimacy; Mental Health; Optometry; Physican's Assistant

Further Reading

Dvorchak, R. (1989, June 18). Medicine behind bars. *Los Angeles Times,* p. 2.

Friedman, M. (1992). Special project: Cruel and unusual punishment in the provision of prison medical care—Challenging the deliberate indifference standard. *Vanderbilt Law Review, 45*, 921.

Prout, C., & Ross, R. (Eds.). (1988). *Care and punishment: The dilemmas of prison medicine.* Pittsburgh, PA: University of Pittsburgh Press.

Short, R. (1979). *The care of long-term prisoners.* London: Macmillan.

Vaughn, M., & Carroll, L. (1998). Separate and unequal: prison versus free-world medical care. *Justice Quarterly, 15*.

Watts, T. (1990). *Health and mental care in prisons and jails: A bibliography.* Monticello, IL: Vance Bibliographies.

Legal Cases

Estelle v. Gamble, 429 U.S. 97 (1976).
Hudson v. McMillian, 503 U.S. 1, 6 (1992).
Ramos v. Lamm, 639 F.2d 559, 576 (1980).
Wynn v. Southward, 251 F.3d. 588, 591, 593 (2001).

DEPRIVATION

The concept of deprivation, associated with the work of Donald Clemmer (1940) and Gresham Sykes (1958), explains prison culture and inmate conduct as primarily the result of the deprivations prisoners experience while incarcerated. In this view, prisoner culture is a fairly normal response to an abnormal environment. Their work was later challenged by others, beginning with John Irwin (1980), who contended that, instead, prison life was shaped by ideas, attitudes, and experiences inmates brought with them, or "imported," from their street culture. Today, most prison sociologists recognize that the two factors of deprivation and importation work together to shape people's prison experiences.

OVERVIEW

Proponents of the deprivation model argue that upon entering prison, individuals inevitably assimilate into a subculture, undergoing a process known as *prisonization*. Through these adaptation mechanisms, prison culture is formed in opposition to the prison administration and officers, whom inmates view as responsible for the prison rules that restrict their choices. According to Sykes (1958), there are five key deprivations that result from institutional regulations: the deprivation of liberty, goods and services, heterosexual relations, autonomy, and lack of personal security.

DEPRIVATIONS

The deprivation of liberty is the most fundamental aspect of confinement. It refers not only to the ways

Friendships and Coping in Prison

Contrary to some observers, friendship among prisoners exists, and a few friendships may even be forged in steel. However, most are based on some form of self-gratification, security consciousness, or peer pressure. It is only through time, trials, and tribulations that friendship develops among prisoners.

The most common and successful friendships are formed similar to those in a free society, where people of similar nature, skills, interests, or education bond. Depending on the nature of the institution (federal or state), or the security level (maximum, medium, minimum), friendships are also forged on the basis of race, geographical location, and social ties inside and outside of prison. Regardless of a prisoner's immediate emotional needs, most friendships are tempered and controlled by the authoritarian nature of prison control and by peer and clique pressures. These pressures tend to shape relationships on the basis of racial prejudice, sexual orientation, and even fear and security.

Friendship among prisoners thus becomes a pseudo-bond that must continually be tested and nurtured and allowed to breathe to prove its qualities. Among prisoners, the ties that reinforce bonding include shared gratifications, security, and protection, the need to belong, sex, fear, and sometimes even greed.

If nurtured, prison friends can lead to respect and equality while incarcerated. The ultimate test of friendship, however, is longevity, and whether the relationship endures beyond the prison walls.

Geoffery Truss
Dixon Correctional Center, Dixon, Illinois

in which prisoners have their freedoms curtailed but also to the conditions of their confinement. Prisoners are restricted to the boundaries of the institution, and their movement is further restricted within the institution by a system of passes and physical barriers. For significant portions of the day, they may also be locked in a cell or dormitory. Such loss of liberty has deep psychological impact on most people as they are cut off from their family and friends. Their links to the community and their support usually weaken over time serving as a constant reminder of this deprivation and deepening their level of distress.

While incarcerated, inmates are unable to control the quality, quantity, or nature of goods and services they receive. Although they usually receive adequate food, medical care, and housing, they have little choice in how basic services are delivered. As a result, most inmates become bored. They also are often frustrated or dissatisfied with the available choices of diet and commissary items. Low pay and lack of variety characterize a state of involuntary servitude, reducing the inmate self-esteem further and deepening the overall resentment against the administration. Freedom is further curtailed by the restrictions on personal possessions, access to family and other loved ones, and normal routines. The choice of with whom to cell, how to spend leisure time, when to eat, what to wear, and what property can be possessed add to the deprivation of free choice. In this "total institution" (Goffman, 1961) virtually all aspects of daily live are regulated.

The loss of heterosexual relationships is not restricted to the absence of physical intimacy in prisons but also to the restriction of all physical contact. In high-security facilities, for example, wives, lovers, and children are able to visit only behind a glass barrier. Even in lower-level institutions, physical contact is usually limited to handholding and an embrace upon arrival and departure during visits. The deprivation of normal physical contact with another human being, critically important to psychological well-being, adds a level of stress and dehumanization to the prison experience. There is little opportunity for a healthy outlet for a basic human need.

Deprivation of autonomy refers to the ability to make basic decisions about one's life or daily activities. Regardless of their crime or security level, prisoners are governed by rules and regulations over which they have no control. Guards constantly monitor and search them and in many cases regulate their communication with others on the outside by censoring mail, surveilling behaviors, and monitoring outgoing telephone conversations. There are

few issues over which a confined person retains any control.

The deprivation of personal security is, in many respects, the most troubling loss some people suffer. Prisons contain other individuals who may be violent or hostile. Even if there is no immediate threat, the very possibility of it is anxiety provoking. In some prisons, inmates are tested by others to see how far they will go to defend themselves and their meager possessions. Someone who fails to fend off attackers may be viewed by others as vulnerable and thus be revictimized. This often requires aggressive adaptation strategies that, while judged unacceptable on the streets, can become routinely necessary inside the walls.

PAINS OF IMPRISONMENT AND INMATE CULTURE

Proponents of the deprivation model view the pains of imprisonment as directly connected to people's response to their incarceration. For example, higher-security-level prisons are more likely to have more restrictions, and therefore high-security inmates have fewer choices and freedoms those in lower-security institutions. These restrictions often lead to seemingly antisocial behavior and resistance to prison rules and policy. Other factors, such as the percentage of inmates incarcerated for violent crimes, the proportion of minority offenders, the age of the institution, and the length and types of sentences that cause increased levels of deprivation, are also thought to lead to greater tension in penal facilities, and thus increase what some see as dysfunctional behavior. Finally, some studies have shown that the degree of overcrowding within an institution affects the level of misconduct and increases solidarity among the inmate population, because the lack of personal space exacerbates the painful conditions of confinement. This, in turn, creates adaptive behavior to find both physical and psychological comfort zones to reduce the impact created by these conditions.

The deprivations that prisoners face are not limited to the loss of physical liberty or to violence or overcrowding. The feelings of deprivation arise in other, more banal, ways. Loneliness, boredom, and discomfort are more emotionally profound, and the individual's self-image begins to diminish. The attack on a person's pride and dignity constantly diminishes his or her on view of self and leads to the inculcation of the values and goals of the inmate subculture. By engaging in seemingly abnormal and antisocial behaviors, the prisoner is able to obtain goods and services, a position within the prisoners' social hierarchy, some degree of autonomy and self-respect, and security. The inculcation of the norms and values of the inmate subculture, which conflict with prison rules and regulations, increases the likelihood that inmates will adhere to and support the inmate code of conduct.

According to the early deprivation theorists, inmate subculture upheld a particular inmate code that existed in opposition to all aspects of the prison administration: Inmates were not meant to interfere in other prisoners' business; they were meant to "stay cool," do their own time, not exploit others; and not to be weak. In this model, the inmate population was thought to be strongly loyal to the group norms and values.

WOMEN

Although most of the early studies of prison culture concentrated solely on men's prisons, a handful of authors have examined women's incarceration. Two works in particular examined whether women's prisons were shaped by the deprivations that female inmates faced. David Ward and Gene Kassebaum published *Women's Prison* in 1965, and Rose Giallombardo released *Society of Women* one year later. Unlike the comparable literature on men's prisons, which explained prison life as either a result of deprivation or a reflection of "bad guy" street culture, these authors developed a combination of both. Thus, while women were affected by their choices inside, the way they responded to them was generally shaped by ideas and expectations they brought with them from beyond the prison walls. More recent theorists (Bosworth, 1999; Jones & Schmid, 2000) have moved beyond this dichotomy. They suggest a more critical or phenomenological approach that examines prison adaptation and

culture as the result of a dialectical process of identity transformation. Changes to prisoners' sense of self, these authors contend, reflect, but are not dependent on, the street culture or prison deprivations.

CONCLUSION

Correctional institutions have changed drastically since the early studies of deprivation. Today, inmate populations consist of multiple subgroups, each of which subscribes to a variety of social norms and values that are often in competition with one another. The changes are a result of increases in racial and ethnic minority populations, religious and political stratification, and the growth of gangs. In addition, due to civil rights and inmate litigation institutions are held to higher standards of accountability.

As a result of the demographic shifts, sociologists no longer believe in a homogeneous inmate subculture. Instead, it is thought that the various groups have their own norms and values and each group is in competition with the others for power. Also, institutional management has changed. Inmates enjoy more freedom of movement, transfers to reduced-security institutions are common practice, and communication with friends and family for most people is encouraged and increasing. Many prisoners have more freedom to purchase items from outside the institution. Though prison remains a place of great restriction, these changes have all altered and, in some case, significantly reduced the "pains of imprisonment."

—Patrick F. McManimon, Jr.

See also Donald Clemmer; Contraband; Gangs; Rose Giallombardo; Governance; Importation; Inmate Code; Legitimacy; Prison Culture; Prisonization; Racial Conflict Among Prisoners; Resistance; Riots; Security and Control; Gresham Sykes; Violence

Further Reading

Bosworth, M. (1999). *Engendering resistance: Agency and power in women's prisons.* Aldershot, UK: Ashgate.

Cao, L., Zhao, J., & Van Dine, S. (1997). Prison disciplinary tickets: A test of the deprivation and importation models. *Journal of Criminal Justice, 25*, 103–113.

Carroll, L. (1974). *Hacks, blacks and cons: Race relations in a maximum security prison.* Lexington, MA: D. C. Heath.

Clemmer, D. (1940). *The prison community.* New York: Holt, Rinehart & Winston.

Giallombardo, R. (1966). *Society of women: A study of a women's prison.* New York: John Wiley.

Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates.* New York: Doubleday, Anchor.

Irwin, J. (1980). *Prisons in turmoil.* Boston: Little, Brown.

Jones, R. A., & Schmid, T. (2000). *Doing time: Prison experience and identity among first-time inmates.* Greenwich, CT: JAI.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison.* Princeton, NJ: Princeton University Press.

Ward, D., & Kassebaum, G. (1965). *Women's prison: Sex and social structure.* Chicago: Aldine.

DETAINED YOUTH AND COMMITTED YOUTH

Detained youth and *committed youth* are legal terms used to describe the incarcerated status of a juvenile offender, under the age of 18 who has been charged with breaking the law. There are several ways in which youths may be detained or committed. The most common ways include (a) holding them while they await adjudication or placement or (b) committing them to state custody in residential programs and/or juvenile correctional institutions after a court disposition or adjudication. Today, there are more than 130,000 juveniles in residential placements across the United States. Most are sent to juvenile correctional facilities for nonviolent offenses.

An adjudicated delinquent is a young person who has been found guilty of a violation of federal or state law, or local ordinance. Under some federal and state statutes, youthful offender status is extended to young adults aged 18–25 in sentencing consideration. However, under some statutes juvenile offenders can be transferred to the adult court as early as age 16. With a growing punitive public sentiment and calls for accountability and public safety, many juvenile justice systems across the country have imposed harsher sanctions for youths. Likewise, many states have increased spending on juvenile justice programs designed to incarcerate youthful offenders. Despite this trend toward harsher sanctions for youths, several public opinion

polls reveal that respondents believe the main purpose of the juvenile court system should be to rehabilitate offenders and that juvenile crime can be reduced by prevention and rehabilitation rather than by enforcement or punishment.

THE DECISION PROCESS

When juveniles are arrested, state officials must decide what to do with them. All states have passed age limits and definitions for crimes that determine whether an accused individual will be treated as a juvenile or as an adult. Although the decision to divert youths from the court system ultimately lies with most state attorney offices, workers that handle initial intake assessments also have the discretion to make this recommendation. If the youths are handled judicially, it must then be decided whether they can be released to their parents or if they must be held in a state detention center facility until their court date. They should usually only be placed in detention if they pose a threat to public safety, have a prior criminal history, or because of the seriousness of their offense or other risk factors.

TYPES OF DETENTION

There are many different ways to hold juveniles. Home and secure detention are two common ways to keep youths under state custody. Individuals can be detained in preadjudicatory status (those awaiting court hearing), postdisposition (those awaiting commitment placement), as part of their punishment, or as an alternative to correctional institution (similar to jail status in adult system). Juveniles placed in secure detention have been found to be a risk to public safety, and must therefore be held in a physically secure location. Home detention, as a type of punishment, means that the person is closely supervised in the community, or electronically monitored, and is not allowed to leave the home other than for specified conditions.

TYPES OF COMMITMENT

Committed youths are persons under the age of 18 who have already gone through the court process and have either been found to be delinquent and sentenced to a juvenile facility or have been waived to adult court, sentenced as an adult, or placed in a state or federal prison or jail. Commitment facilities for youth can also house those who are status offenders, those who need to be confined to a mental health facility, or those who voluntarily admit themselves.

In the United States, both public and private facilities provide services to youth offenders. These include detention centers, shelters, assessment and diagnostic centers, boot camps, training schools, ranches, youth camps, halfway houses, and group homes. Public facilities are usually locked local detention facilities or locked state correctional institutions for youth. Private facilities are usually less prison-like, and youths are generally confined by staff security measures. Nationally, the largest portion of state juvenile justice spending is for residential placements.

When making a juvenile justice placement recommendation, the type and seriousness of offense as well as prior record are used to determine commitment level. Facilities range from low to maximum risk. If an individual is considered to be of age, or to have committed a serious crime, as defined by the state legislature, he or she can be waived to adult court and placed in an adult facility. In some states, legislative changes have allowed for the automatic transfer of youths into adult court because of specific offenses.

COMMITMENT PLACEMENT DECISIONS

The juvenile justice agency for most states determine where to confine youths, the types of special programs to enroll them in, and if needed, their specific rehabilitative goals. There are states, however, in which the court chooses the actual institution, security level, or specialized program for each youth. Once committed to an institution, there are different types of sentencing models that states use which define the length of stay for any juvenile in their custody. These include indeterminate only, indeterminate with a minimum, indeterminate up to a maximum, determinate and indeterminate, and determinate-only sentences.

For indeterminate arrangements, youths can be committed for an indefinite period of time (usually until staff determine they have successfully completed their individual case plan), or up to the age of majority. Sentences with minimum time periods specified or maximum time periods specified also fall under indeterminate arrangements. A combination of a fixed sentence with an indeterminate option or a determinate-only sentence that the court specifies length of commitment in advance are other examples of determinate arrangements.

SERVICES PROVIDED TO COMMITTED YOUTHS

In the least restrictive programs (e.g., low-risk residential), youths are generally sentenced for shorter lengths of stay and require fewer special services. As the level of commitment increases, sentences usually increase, youths have less access to the community, and greater security restrictions are placed on them. Staff ratios are smaller and the facilities may have more secure hardware and locked gates.

GENDER

In the United States, there has been a significant increase among female juvenile offenders as compared to males in the juvenile justice system in recent years. Today, females represent a greater proportion of juveniles who are detained as compared to those who are committed, although females also tend to admit themselves voluntarily into residential placements at a greater rate than males. Many females are detained for status offenses, violations that would not be illegal for an adult, such as running away. Despite the growing numbers of female offenders, there are fewer juvenile correctional facilities available to young women since not all commitment facilities can provide services to girls. As a result, judges who are looking to detain or commit females on the basis of graduated sanctions have fewer options of where to send them.

Graduated sanctions are levels of continuum of care for juveniles that aim to place youths in the least restrictive program available while still meeting both their individual needs and the safety of the community. In Florida, the majority of girls were found to be in more restrictive residential placements due to lack of alternatives. Young women also tend to be committed to more private facilities than public facilities. Finally, those who are committed to residential placements tend to be younger on average, compared to their male counterparts.

MINORITY YOUTHS

Minority youths have a greater likelihood of entering the juvenile justice system than white youths. In the United States, there are more black young people in residential placement than whites. This is referred to as disproportionate minority confinement. In fact, minority youths are disproportionately represented at every stage in the juvenile justice process, not just in confinement (commitment). On average, the number of African American youths referred to the juvenile justice system is twice that of their proportion in the general population. The custody rate of African American youths is about five times higher than for whites, while Latino and Native American youths are incarcerated at a rate about 2.5 times higher than whites. While minority youths represent approximately one third of the adolescent population in the country, they account for two thirds of the detained or committed youth population. This disproportion is most apparent among drug offense cases.

When charged with the same offense as a white youth, an African American youth is more likely to be detained preadjudication. African American youths and Latino youths are also held in custody longer than white youths for all offense categories. In addition, there is a greater proportion of minority youths committed to public facilities than private facilities. The pattern of disproportion exists across all offense categories, where the number of white youths referred is substantially greater than the number detained and where the proportion of African American youths detained is greater than the proportion referred. Youths of other races represent about the same proportion in their referral and detention.

CONCLUSION

California, Texas, and Florida, respectively, have the largest numbers of young women and men locked up within the United States. Juveniles in these states account for 25% of the total juvenile population, but over 30% of the juveniles in custody. Because the juvenile population in custody has grown, public facilities are faced with crowding, and many operate above capacity. These conditions and the decisions made in the processing of juvenile offenders have many implications for juvenile justice in the new millennium. For example, many voters in Florida disagree with the direction and priorities of their state's juvenile justice department and do not support shifting dollars from prevention and treatment to more correctional approaches, such as long-term lockups for juveniles. The public and political debate regarding ways to deal with juvenile offenders will continue. While the public may not be as punitive as the political debate would indicate, many youths remain in detained or committed status.

—Vanessa Patino

See also Juvenile Detention Centers; Juvenile Justice System; Juvenile Offenders: Race, Class, and Gender; Juvenile Reformatories; *Parens Patriae;* Status Offenses

Further Reading

Florida Children's Campaign. (2001). *Campaign news and updates: Florida Juvenile Justice Benchmark Poll.* Retrieved from http://www.iamforkids.org

Griffin, P. (2000). National overviews. *State juvenile justice profiles.* Pittsburgh, PA: National Center for Juvenile Justice. Retrieved from http://www.ncjj.or/stateprofiles/

Jones, M. A., & Poe-Yamagata, E. (2000). And justice for some: Differential treatment of minority youth in the justice system. *Building Blocks for Youth*. Retrieved from http://www.buildingblocksforyouth.org/justiceforsome/jfs.html

Office of Juvenile Justice and Delinquency Prevention. (2000). *Juvenile offenders and victims: 1999 national report. Chapter 7: Juveniles in correctional facilities.* Washington, DC: U.S. Government Printing Office.

Voices for Florida's Children. (2004). Voices for Florida's Children home page. Retrieved from http://floridakids.org/site/news.php

DETERMINATE SENTENCING

A determinate sentence operates when a judge assigns a convicted offender to a term of imprisonment for a specific time period, for example, three years. Thus, determinacy refers to knowledge at sentencing of the amount of time that the convicted person will actually serve. "Good time" credits (or remission) typically modify that presumption, but even so, offenders enter prison with much better knowledge of how much time they will actually serve than they would if they were given an indeterminate sentence. In the United States, determinate sentencing systems usually provide also for probation as an option. This means that the sentencing choice, which is typically negotiated in exchange for a guilty plea, amounts first to an in-out decision—to prison or to probation—followed by specification of amount of time (usually measured in years) or, in the case of probation, conditions of release.

HISTORY

Determinate sentencing reemerged in the 1970s in the United States in response to widespread dissatisfaction with the indeterminate sentencing that had prevailed for nearly a century. The origins of this policy shift may be traced to leftist (or progressive) critiques that emerged in the 1960s, before becoming a centerpiece of the growing right-wing (or conservative) agenda for crime control. Progressives decried the large disparities in the time being served by inmates, noting the fundamental injustices involved and highlighting the opportunities that unfettered sentencing discretion provided for racism and social class bias. They also identified an immense gap between the rhetoric of rehabilitation that justified indeterminate sentencing and the daily reality of prisons.

However, the critiques of indeterminate sentencing were easily co-opted by those pushing for a crackdown on street crime. Thus, conservative critics lobbied for determinate sentences to increase punishment at the same time as they shifted discretion from judges to prosecutors. Legislatures also began to set new, and higher, sentencing penalties.

Typically, such sentencing revisions initially targeted more serious, more violent crimes. Eventually, however, the effort would often sweep in some lesser offenses including property offenses and drug offenses. In short, the Left had set the stage but the Right put on another play.

IMPACT ON SENTENCING

Several states established determinate sentencing systems by legislative action in the 1970s. Others followed with various forms of sentencing guidelines that sought to systematize the administration of punishment. Some of the early changes improved the situation. Minnesota, for example, adopted presumptive sentencing guidelines, after which racial disparities declined and sentencing severity did not escalate. North Carolina showed similar trends. In most states, however, determinate sentencing vastly increased prison populations while de-emphasizing and degrading probation and related community sentencing options.

The federal system's approach to sentencing guidelines became especially influential, reinforcing the movement toward mandatory minimum sentences particularly in the "war on drugs." However, the federal guidelines, and the approach to determinacy that they fostered, have not occurred without debate. Numerous federal judges have publicly criticized the harsh sentences they are forced to hand down. Federal probation officers have also complained as their discretionary expertise has been greatly diminished.

In addition to developing sentencing guidelines, the federal government and many states such as Illinois and North Carolina began to pass other legislation that upheld determinate sentencing. Some of these policies included mandatory minimum incarceration sentences; repeat offender laws; increased punitiveness toward drug offenses; truth in sentencing laws; elimination or de-emphasis of parole; reductions in good time allowances; sentencing guidelines, or more generally, structured sentencing.

All of these policies, with the possible exception of sentencing guidelines and structured sentencing, led to harsher sentencing and a concomitant burgeoning of prison (and jail) populations. For some, such developments and their associated arguments have compromised the original progressive critiques of indeterminate sentencing out of which the determinate sentences grew. Thus, critics such as Kay Harris (1991), Ruth Morris (1995), and Dennis Sullivan and Larry Tifft (2001) query why we punish and how we could do otherwise. Whether informed by feminist, pacifist, Marxist, or anarchist thought, such critiques direct us to rethink the ethical foundations of the whole punitive enterprise. Whether this leads to calls for penal abolition, for increased voice and participation, or for building a needs-based economy, all point toward peacemaking. All suggest that the fixation with sentencing reform has been epiphenomenal, and has ignored the social structural sources of penal inequities. Sullivan and Tifft (2001) summarized such a view:

> By suggesting the need to consider applying restorative justice principles within larger structural frameworks, we are not simply recommending that we introduce restorative justice practices into our families, schools, and workplaces so that a set of non-retributive processes or procedures can be called forth when someone hurts another and we seek to bring about healing and reconciliation instead of punishing them. . . . Rather, we are talking more about the creation of social arrangements that are from the outset structurally healthy because they are set up to attend to everyone's needs. They are structured in such a way that they do not do violence to anyone or create loss or deficits for anyone by either limiting participation or distributing benefits according to one's position, merit, or desert. (p. 95)

SOCIAL CLASS, ETHNICITY, AND GENDER IMPLICATIONS

Implicitly at least, radical, feminist, and abolitionist critics view determinate sentences as a misguided, harmful, and dangerous penal enterprise. More recently, those who support restorative justice and reintegrative shaming alternatives to conventional criminal justice practices proffer another challenge to determinacy and its foundation in retributive and deterrent ideologies.

Even though the civil rights movement provided the broader social and political context from which determinate sentencing emerged, sentencing reform efforts in the United States tragically contributed to growing racial disparities in sentencing and corrections. Tonry and Hatlestad (1997) aptly characterized this situation as follows:

> The cruelest irony of the modern American sentencing reform movement is that diminution of racial discrimination in sentencing was a primary aim and exacerbation of racial disparities is a major result. The aim was to make it less likely that officials would exercise broad unreviewable discretion in ways harmful to minority defendants and offenders. The result has been the establishment of rigid rules and laws that narrow officials' discretion but that also punish minority offenders disproportionately harshly. Racial disparities in the justice system that are unprecedented in American history, and steadily growing worse, are the result. (p. 217)

At the same time, the mass incarceration project in the United States also greatly increased the numbers of women confined in prisons and jails. In large part, this resulted from application of increases in drug enforcement and penalties, together with changes in the economy that pushed more women toward low-level participation in the drug trade. Again, movement toward determinate sentencing in the 1970s paved the way for such inequities as well as the related phenomenon of prisons continuing the tradition of disproportionately confining those from economically impoverished backgrounds.

So if indeterminate and determinate sentencing both produced inequities and abuses, perhaps this historical record calls for responses to criminal harms that work outside the conventional sentencing frameworks. Restorative justice may serve this role as it poses a significant challenge to punishment and control arguments. More broadly, the criminology-as-peacemaking movement could fill such a role, as would any approach attuned to the problematic relationship between social and economic justice and criminal justice.

Any such efforts, however, will need to attend to powerful historical and contemporary features of the imprisonment project that tend to embed it culturally and structurally. Thus, any nation's stance on penality tends to justify extant structures of sentencing and punishment in ways so ingrained as to resist reform. Similarly, the larger political economic agenda that massive confinement's abeyance function serves obstructs progressive change. In addition, the emphasis of the "new penology" on risk assessment and management further bolsters imperviousness to transformation. Likewise, harsh sentencing and mass incarceration provide an insidious model for governing in an era of diminished progressive political efficacy.

INTERNATIONAL COMPARISONS

While the U.S. experience dominates the criminology literature, the story of determinate and structured sentencing and its relationship to prison populations becomes much richer with attention to the experience of other nations. Major sentencing reforms in the 1980s and 1990s took place in Australia, Canada, Sweden, and the United Kingdom with significant developments elsewhere as well. Such reforms sprang from some of the same sources witnessed in the United States: inconsistency in sentencing imposition and in sentencing implementation as well as concern about confinement itself.

While the United States receives criticism for its lack of attention to sentencing reforms elsewhere—with exceptions such as day reporting centers, community service, and day fines—other nations have shown less reticence in following its lead. Thus, Australia with regard to truth-in-sentencing legislation, Canada and Australia with regard to sentencing guidelines systems, and South Africa, New Zealand, Australia, England, and the Netherlands with regard to intensive probation supervision appear to owe such developments in part to American examples. This brief contrast suggests a possible pattern with regard to sentencing reform diffusion: the United States borrowing progressive reforms, albeit infrequently, while exporting regressive policies.

The overall tendency of sentencing reforms outside the United States has been in the direction of

providing greater structuring of decision making but generally with less of the legislative rigidity that characterizes some of the early U.S. experience. In addition, while such reforms often mimic the punitiveness of the America experience, they also provide notable attempts to reduce prison populations and to make more engaged use of authentic community-based options.

As in the United States, sentencing reforms in England have not always yielded the expected results. In contrast, Australia's experience appears more promising for avoiding mass incarceration effects.

Some promising developments in sentencing reform for U.S. consideration come from the experience of Sweden and Germany. Sweden has sought greater fairness and proportionality in sentencing by attention to principles rather than resorting to the more technocratic use of numerical sentencing grids favored in several U.S. jurisdictions. Germany has reduced prison populations by largely replacing short-term incarceration with the equivalent of probation (conditional dismissal).

CONCLUSION

Determinate sentencing has become something of a lightning rod for critiques of the punitive and repressive system of which it forms only a part. Thus, criticisms of it are often less an attack on the practice of letting an offender know for how long he or she will be incarcerated than they are a denunciation of mandatory minimum sentences; expanded drug enforcement, prosecution, and sentencing policies and practices; probation and parole revocation practices; and the growth of mass imprisonment over the past three decades.

Nonetheless, determinate sentencing does not have to be harshly punitive, and could even reduce prison populations. Instead, its impact depends on the scale of punishment. That is, how much pain, or deprivation of liberty, should the state impose? Should one err on the side of excess or on the side of insufficiency? How does one even determine what constitutes excess, insufficiency, or getting it just right?

Various classical schools of penal jurisprudence counsel imposing the minimum punishment necessary to the purpose. That purpose varies according to philosophy. For Cesare Beccaria and Jeremy Bentham and other early proponents of deterrence, the pain should prevent future reoffending. For contemporary scholars who believe in an idea of just deserts, the pain should satisfy some metaphysical standard of moral recompense. What these approaches share is profound respect for liberty, and distrust of centralized authority, especially the state. That explains the strong preference for imposing minimum penalties. It fit with the commitment to greater due process for the convicted and the imprisoned, fairer and less coercive treatment, and a recognition and acceptance of inmates' critiques of indeterminate sentencing and its tendency to shield, sanitize, and legitimize corrections regimes that promised treatment but delivered punishment or worse.

On all of these points, contemporary crime control proponents part company with such conventional Enlightenment thinking. Instead, in the 1970s they sought to marry the movement toward determinate sentencing with increased punishment. They won. Prison populations in the United States (as well as in many other advanced industrial nations) swelled during the last third of the 20th century due to changes in criminal justice policies, especially regarding sentencing. The critique of indeterminate sentencing and the march toward determinate sentencing, shared in part by the left and the right, became a significant source of mass incarceration instead of the basis for greater fairness that progressives sought.

—Douglas Thomson

See also Abolition; Activism; African American Prisoners; Australia; Cesare Beccaria; Canada; England and Wales; Indeterminate Sentencing; Incapacitation Theory; Increase in Prison Population; Jeremy Bentham; Intermediate Sanctions; Just Deserts Theory; Parole Board; Prison Industrial Complex Probation; Restorative Justice; Sentencing Reform Act 1984; Truth in Sentencing; War on Drugs

Further Reading

Albonetti, C. (1997). Sentencing under the Federal Sentencing Guidelines: Effects of defendant characteristics, guilty pleas, and departures on sentence outcomes for drug offenses, 1991–1992. *Law & Society Review, 31*, 789–822.

American Friends Service Committee. (1971). *Struggle for justice.* New York: Hill and Wang.
Ashworth, A. (1992). Sentencing reform structures. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 16). Chicago: University of Chicago Press.
Braithwaite, J. (1999). Restorative justice: Assessing optimistic and pessimistic accounts. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 25). Chicago: University of Chicago Press.
Engen, R., Gainey, R., Crutchfield, R., & Weis, J. (2003). Discretion and disparity under sentencing guidelines: The role of departures and structured sentencing alternatives. *Criminology, 41*, 99–130.
Goodstein, L., & Hepburn, J. (1985). *Determinate sentencing and imprisonment: A failure of reform.* Cincinnati, OH: Anderson.
Griset, P. (1991). *Determinate sentencing: The promise and the reality of retributive justice.* Albany: State University of New York Press.
Harris, M. K. (1991). Moving into the new millennium: Toward a feminist vision of justice. In H. Pepinsky & R. Quinney (Eds.), *Criminology as peacemaking* (pp. 83–97). Bloomington: Indiana University Press.
Morris, R. (1995). *Penal abolition, the practical choice: A practical manual on penal abolition.* Toronto: Canadian Scholars' Press.
Shane-DuBow, S., Brown, A., & Olsen, E. (1985). *Sentencing reform in the United States: History, content, and effect.* Washington, DC: U.S. Government Printing Office.
Sullivan, D., & Tifft, L. (2001). *Restorative justice: Healing the foundations of our everyday lives.* Monsey, NY: Willow Tree.
Taylor, I. (1999). *Crime in context: A critical criminology of market societies.* Boulder, CO: Westview.
Thomson, D. (1987). Probation in the USA. In J. Harding (Ed.), *Probation and the community.* London: Tavistock.
Tonry, M. ([1988]1996). *Sentencing matters.* New York: Oxford University Press.
Tonry, M. (1999). Reconsidering indeterminate and structured sentencing. In *Sentencing & corrections issues for the 21st century* (Papers from the Executive Sessions on Sentencing and Corrections, No. 2). Washington, DC: U.S. Department of Justice.
Tonry, M., & Hatlestad, K. (Eds.). (1997). *Sentencing reform in overcrowded times: A comparative perspective.* New York: Oxford University Press.
Wright, R. (2002). Counting the cost of sentencing in North Carolina, 1980–2000. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 29). Chicago: University of Chicago.

Legal Cases

In re Gault, 387 U.S. 1 (1967).
Kent v. United States, 383 U.S. 541 (1966).

DETERRENCE THEORY

Proponents of deterrence believe that people choose to obey or violate the law after calculating the gains and consequences of their actions. Overall, however, it is difficult to prove the effectiveness of deterrence since only those offenders not deterred come to the notice of law enforcement. Thus, we may never know why others do not offend.

GENERAL AND SPECIFIC DETERRENCE

There are two basic types of deterrence—general and specific. General deterrence is designed to prevent crime in the general population. Thus, the state's punishment of offenders serves as an example for others in the general population who have not yet participated in criminal events. It is meant to make them aware of the horrors of official sanctions in order to put them off committing crimes. Examples include the application of the death penalty and the use of corporal punishment.

Since general deterrence is designed to deter those who witness the infliction of pains upon the convicted from committing crimes themselves, corporal punishment was traditionally, and in some places is still, carried out in public so that others can witness the pain. Although outlawed in the United States, public punishment is still used in other countries. For instance, in August 2001, Nigeria introduced *shari'a,* or Islamic law, that allows the application of corporal punishment. That same month, Iran sentenced 20 people to be caned for consuming alcohol. In November 2001, Saudi Arabia lashed 55 youths for harassing women. Likewise, Human Rights Watch reports that under Saddam Hussein's regime in Iraq, those who violated military orders or committed other crimes could be punished by amputation of arms, legs, and ears. Finally, in England and the United States, hangings were once carried out in public. The public and family members were allowed to attend so that they could see what happened to those who broke the law. Today, some advocates call for televised executions as a way of deterring murder.

Specific deterrence is designed—by the nature of the proscribed sanctions—to deter only the individual offender from committing that crime in the future. Proponents of specific deterrence also believe that punishing offenders severely will make them unwilling to reoffend in the future. A drunk driver, for example, would be deterred from drinking and driving because of the unpleasant experience he or she suffered from being arrested, or having his or her license taken away or his or her car impounded. The state must apply enough pain to offset the amount of pleasure derived from drinking.

EARLY CLASSICAL PHILOSOPHERS OF DETERRENCE THEORY

The deterrence theory of punishment can be traced to the early works of classical philosophers such as Thomas Hobbes (1588–1678), Cesare Beccaria (1738–1794), and Jeremy Bentham (1748–1832). Together, these theorists protested against the legal policies that had dominated European thought for more than a thousand years, and against the spiritualistic explanations of crime on which they were founded. In addition, these social contract thinkers provided the foundation for modern deterrence theory in criminology.

Thomas Hobbes

In *Leviathan,* published in 1651, Hobbes described men as neither good nor bad. Unlike religious philosopher Thomas Aquinas, who insisted that people naturally do good rather than evil, Hobbes assumed that men are creatures of their own volition who want certain things and who fight when their desires are in conflict. In the Hobbesian view, people generally pursue their self-interests, such as material gain, personal safety, and social reputation, and make enemies without caring if they harm others in the process. Since people are determined to achieve their self-interests, the result is often conflict and resistance without a fitting government to maintain safety.

Hobbes also pointed out that humans are rational enough to realize that the self-interested nature of people would lead to crime and inevitable conflict due to the alienation and exclusion of some members of society. To avoid this, people agree to give up their own egocentricity as long as everyone does the same thing approximately. This is what Hobbes termed the social contract. To avoid war, conflict, and crime, people enter into a social contract with the government so that it will protect them from human predicaments. The role of the state is to enforce the social contract. Hobbes indicated that if one agrees to the social contract, that individual authorizes the sovereign to use force to uphold the social contract. But crimes may still occur even if after governments perform their duties. In this case, Hobbes argued that the punishment for crime must be greater than the benefit that comes from committing the crime. Deterrence is the reason individuals are punished for violating the social contract, and it serves to maintain the agreement between the state and the people in the form of a workable social contract.

Cesare Beccaria

Building on the ideals of the social contract philosophers, in 1764, Cesare Bonesana, Marchese Beccaria, published his treatise, *Dei Delitti e delle Pene* (*On Crimes and Punishments*), in which he challenged the rights of the state to punish crimes. He followed Hobbes and other 18th-century Enlightenment writers that laws should be judged by their propensity to afford the "greatest happiness shared by the greatest number" (Beccaria, 1963, p. 8). Since people are rationally self-interested, they will not commit crimes if the costs of committing crimes prevail over the benefits of engaging in undesirable acts. If the sole purpose of punishment is to prevent crime in society, Beccaria (1963) argued, "punishments are unjust when their severity exceeds what is necessary to achieve deterrence" (p. 14). Excessive severity will not reduce crime, in other words, it will only increase crime. In Beccaria's view, swift and certain punishment are the best means of preventing and controlling crime; punishment for any other reason is capricious, superfluous, and repressive.

Beccaria and the classical theorists believed that humans are rational beings with free will to govern

their own decisions. Indeed, he emphasized that laws should be published so that people may know what they represent—their intent, as well as their purpose. Basing the legitimacy of criminal sanctions on the social contract, Beccaria (1963) called laws "the conditions under which men, naturally independent, united themselves in society" (p. 11). He was against torture and secret accusations, and demanded they be abolished. Furthermore, he rejected the use of capital punishment and suggested that it be replaced by imprisonment.

According to Beccaria, jails should be more humane and the law should not distinguish between the rich and the poor. Judges should determine guilt and the application of the law, rather than the spirit of the law. Legislators should pass laws that define crimes and they must provide specific punishments for each crime. To have a deterrent value, punishment must be proportionate to the crime committed. Finally, Beccaria argued that the seriousness of crimes should be based on the extent of harm done to society. As an advocate of the pleasure-pain principle or hedonistic calculus, Beccaria maintained that pleasure and pain are the motives of rational people and that to prevent crime, the pain of punishment must outweigh the pleasure received from committing crime.

Jeremy Bentham

Jeremy Bentham, a contemporary of Beccaria, was one of the most prominent 18th-century intellectuals on crime. In 1780, he published *An Introduction to the Principles of Morals and Legislation,* whereby he proclaimed his famous principle of utility. He argued that "nature has placed mankind under the governance of two sovereign masters, pain and pleasure" (Bentham, 1948, p. 125). Bentham believed that morality is that which promotes "the greatest happiness of the greatest number" (Moyer, 2001, p. 26) a phrase that was also common to Beccaria. The duty of the state in Bentham's view was "to promote the happiness of the society, by punishing and rewarding" (Bentham, 1948, p. 189).

Like Beccaria in Italy, Bentham was troubled by the arbitrary imposition of punishment and the barbarities found in the criminal codes of his time in England. Noting that all punishment is mischief, he maintained, also, that all penalties, per se, are evil unless punishment is used to avert greater evil, or to control the action of offenders. In short, the object of the law is to widen the happiness of the people by increasing the pleasure and lessening the pain of the community. Punishment, in excess of what is essential to deter people from violating the law, is unjustified.

SEVERITY, CERTAINTY, AND CELERITY OF PUNISHMENT

The theory of deterrence that has developed from the work of Hobbes, Beccaria, and Bentham relies on three individual components: severity, certainty, and celerity. The more severe a punishment, it is thought, the more likely that a rationally calculating human being will desist from criminal acts. To prevent crime, therefore, criminal law must emphasize penalties to encourage citizens to obey the law. Punishment that is too severe is unjust, and punishment that is not severe enough will not deter criminals from committing crimes.

Certainty of punishment simply means making sure that punishment takes place whenever a criminal act is committed. Classical theorists such as Beccaria believe that if individuals know that their undesirable acts will be punished, they will refrain from offending in the future. Moreover, their punishment must be swift in order to deter crime. The closer the application of punishment is to the commission of the offense, the greater the likelihood that offenders will realize that crime does not pay.

In short, deterrence theorists believe that if punishment is severe, certain, and swift, a rational person will measure the gains and losses before engaging in crime and will be deterred from violating the law if the loss is greater than the gain. Classical philosophers thought that certainty is more effective in preventing crimes than the severity of punishment. They rejected torture as a means of eliciting confessions, and the death penalty as an effective method for punishing murderers and perpetrators of other serious crimes. Capital punishment is beyond the just powers of the state.

MODERN DETERRENCE RESEARCH IN CRIMINOLOGY

The deterrence hypothesis remains a key intellectual foundation for Western criminal law and criminal justice systems. Today, the idea that sanctions deter criminals has influenced penal sanctions in death penalty cases and other areas of criminal sentencing. Adherents of the deterrence theory have consistently favored policies such as "three strikes" laws, establishment of more prisons, increased penalties, longer sentencing severity, certainty of conviction and sentencing, and the hiring of more police officers. Together, these policies would control and reduce the recidivism (a return to the life of crime) of offenders who have been convicted, and curtail the participation in crime by future offenders.

Yet, despite the merits of the deterrence argument, and until 1968 when criminologists started again to test the deterrence hypothesis, empirical measurement of the theory have been scant. Prior to the 1960s, studies focused only on the philosophical ideas of the deterrence doctrine, its humanitarian orientation, and its implications for punishment. One popular research endeavor that actually tested the deterrence theory in 1968 concluded that homicide might be deterred by both certainty and severity of punishment. In research conducted in 1969, criminologist Charles Tittle found support for the theory and concluded that that the certainty of imprisonment deters crime but that severity can only deter crime when certainty of punishment is reasonably guaranteed. Other studies in the 1970s have also challenged the validity of the earlier empirical findings, arguing instead that variations in police record keeping could account for the results on certainty.

When it comes to celerity of punishment, prior and current studies have generally avoided its inclusion in deterrence measurement. Most important, much of the empirical analysis of the deterrence value has been focused on whether capital punishment deters potential offenders from engaging in homicide acts. Collectively, the empirical results of the death penalty studies have concluded that the death penalty does not deter murder.

CONCLUSION

Because criminal justice policies are sometimes based on the foundations of the deterrence doctrine, debates on the deterrence effect of punishment continue to be waged in criminological research. Programs such as boot camps for teenage offenders and "scared straight" programs continue to rely on the deterrence theory. Across the nation, "get tough" policies are based as well on the actual and threatened incarceration of offenders. In their efforts to have more empirical support, criminologists today are working in the direction of expanding the deterrence concepts from certainty, severity, and celerity to include informal social processes of reward and moral beliefs.

Since some aspects of deterrence and rational choice theories are part of the routine activities theory, deterrence theory has been modified and expanded to include the rational choice perspectives. In summary, support for deterrence theory is much greater than it has been during the past two decades. However, research demonstrates that contemporary criminal justice policies place more emphasis on the severity of punishment than it places on certainty. Death penalty, longer imprisonments, three-strikes laws, mandatory sentencing, and a plethora of other "get tough" policies have not demonstrated greater deterrent effects of punishment than less severe penalties. Indeed, increases in the severity of punishment, rather than reduce crime, may actually increase it. On the other hand, increases in the certainty of apprehension of offenders' conviction and punishment have been found to have possible effects on crime reduction. The current trend toward the use of death penalty in the United States contradicts Beccaria's ideas on certainty and quick punishment.

—Ihekwoaba D. Onwudiwe, Jonathan Odo, and Emmanuel C. Onyeozili

See also Cesare Beccaria; Jeremy Bentham; Boot Camps; Capital Punishment; Corporal Punishment; Flogging; History of Prisons; Incapacitation Theory; Just Deserts Theory; Quakers; Rehabilitation Theory; Truth in Sentencing

Further Reading

Akers, R. L. (2000). *Criminological theories.* Los Angeles: Roxbury.

Andenaes, J. (1974). *Punishment and deterrence.* Ann Arbor: University of Michigan Press.

Beccaria, C. (1963). *On crimes and punishments* (introduction by H. Paolucci, Trans.). New York: Macmillan. (Original work published 1764)

Bentham, J. (1948). *An introduction to the principles of morals and legislation* (with an introduction by W. Harrison, Ed.). New York: Macmillan.

Chiricos, T. G., & Waldo, G. P. (1970). Punishment and crime: An examination of some empirical evidence. *Social Problems, 18*(2), 200–217.

Gibbs, J. P. (1968). Crime, punishment and deterrence. *Southwestern Social Science Quarterly, 48,* 515–530.

Jacoby, J. E. (Ed.). (1994). *Classics of criminology.* Prospect Heights, IL: Waveland.

Moyer, I. L. (2001). *Criminological theory: Traditional and nontraditional voices and themes.* Thousand Oaks, CA: Sage.

Nagin, D. S. (1998). Criminal deterrence research at the outset of the twenty-first century. In M. Tonry (Ed.), *Crime and justice: A review of research* (pp. 1–42). Chicago: University of Chicago Press.

Rennie, Y. (1978). *The search for criminal man: A conceptual history of the dangerous offender.* Lexington, MA: Lexington Books.

Tittle, C. R. (1969). Crime rates and legal sanctions. *Social Problems, 16,* 409–423.

Vold, G. B., Bernard, T. J., & Snipes, J. B. (2002). *Theoretical criminology* (5th ed.). Oxford, UK: Oxford University Press.

Williams, F. P., & McShane, M. D. (1999). *Criminological theory.* Upper Saddle River, NJ: Prentice Hall.

Wilson, J. Q., & Herrnstein, R. J. (1985). *Crime and human nature.* New York: Simon & Schuster.

DIIULIO, JOHN J., JR. (1959–)

For at least two decades, from the mid-1980s through the early years of the 21st century, political scientist John J. DiIulio, Jr., put forth a contentious body of academic research, proposals, and policy on prisons and offenders that agitated or assuaged both conservative and liberal critics of his work. At the beginning of the 21st century, DiIulio turned to writing about faith-based initiatives and became a national adviser on faith-based programming for President George W. Bush.

BIOGRAPHICAL DETAILS

DiIulio completed undergraduate work at the University of Pennsylvania and graduate work at Harvard University. His first major piece of scholarship, *Governing Prisons* (1987), was based partially on his dissertation work in political science at Harvard, where he studied the Massachusetts prison system. After graduation, DiIulio was hired at Princeton University, where he quickly developed a national reputation, initially advising liberal groups, such as the Edna McConnell Clark Foundation, which at the time provided significant funding for jail and prison crowding reduction efforts in various states. Subsequently, DiIulio drifted away from liberal groups, becoming more conservative in his politics and publications.

Currently, DiIulio is the Frederic Fox Leadership Professor at the University of Pennsylvania, a Senior Fellow at the Manhattan Institute, working with the Jeremiah Project, and a Senior Fellow at the Brookings Institute, where he cofounded the Center for Public Management. In addition, he is Senior Counsel with Public/Private Ventures, an employment and training research and practice agency located in Philadelphia.

Governing Prisons

DiIulio's major study, *Governing Prisons,* explored the administration and management of high-custody prisons in California, Michigan, and Texas. In this book, where he argued that little can be achieved within prison walls without order, DiIulio advocated studying prison "not as a mini-society but as a mini-government." As with other governments, he pointed out, prisons are subject to "a vigorous system of internal and external controls" including "judicial and legislative oversight, media scrutiny, occupational norms and standards, rigorous internal supervision and inspections, ongoing intradepartmental evaluations, and openness to outside researchers" (DiIulio, 1987, pp. 235–236) Thus, criminologists should pay particular attention to issues of management in order to understand the meaning and effect of punishment.

DiIulio followed *Governing Prisons* in the 1990s with two further books about corrections. In 1990, he

published *Courts, Corrections, and the Constitution*, an edited collection of articles written by researchers and practitioners who studied or managed jails or prisons in Georgia, New Jersey, New York, Ohio, Texas, and West Virginia, and one year later released *No Escape: The Future of American Corrections*. In both books he stressed the importance of managerial practices and external monitoring of penal institutions on how prisons work. Overall, DiIulio concluded that while there is nothing inherent in prisons, prison managers, or prisoners that make prisons work, prison can nonetheless be improved through better management practices. In short, he argued, "Good prison management and prison programs are possible" (DiIulio, 1991).

THE INFLUENCE OF POLITICS

In the mid-1990s, DiIulio formed an intellectual partnership with conservatives William Bennett and John Waters—former and current "drug czars" overseeing the Office of National Drug Control Policy—and moved away from just studying prisons. Together, these men argued that crime is caused by "moral poverty." They also claimed that the United States was witnessing the development of a new type of "super-predator" young offender, who could not be controlled without harsh, punitive intervention.

Moral poverty, they explained, is the effect of absent parents, when the young do not learn right from wrong; "It is the poverty of being without parents, guardians, relatives, friends, teachers, coaches, clergy, and others who *habilitate* children to feel joy at others' joy; pain at others' pain; satisfaction when you do right; remorse when you do wrong." Moreover, they added, "In the extreme, it is the poverty of growing up surrounded by deviant, delinquent, and criminal adults in a practically perfect criminogenic environment—that is, an environment that seems almost consciously designed to produce vicious, unrepentant predatory street criminals" (Bennett, DiIulio, & Waters, 1996, pp. 13–14). Super-predators, in other words, are the result of poor parenting and poor communities. Thus, the web of punishment and surveillance should be extended to include these people as well as the offenders themselves.

CONCLUSION: A CHANGE OF HEART?

For a while, DiIulio continued to argue that increasing numbers of juvenile offenders were turning into super-predators. He also posited that incarceration practices had more of an impact than commonly acknowledged, especially by liberal crime analysts. However, in the wake of a deepening religious commitment, DiIulio came to regret and revise his "super-predator" comments. He began embracing crime prevention efforts and churches, not prisons. In 2002, President George W. Bush appointed him director of the White House Office of Faith-Based and Community Initiatives, but he resigned less than a year later amid a controversy about comments he made in the press that were critical of Bush policies and practices. Since then, he has not produced any new work on punishment. However, given the growing role of religious organizations in prisons around the country, including the opening of an entirely faith-based penal institution in Texas, it seems that DiIulio foresaw a new shift in the means of governing prisons and offenders.

—Russ Immarigeon

See also Correctional Officers; Discipline System; Michel Foucault; David Garland; Governance; Legitimacy; Managerialism; Prison Culture; Riots; Security and Control; Violence

Further Reading

Becker, E. (2001, February 9). As ex-theorist on young "super-predators," Bush aide has regrets. *New York Times*. Retrieved from www.nytimes.com/2001/02/09/politics

Bennett, W. J., DiIulio, J. J., Jr., & Walters, J. P. (1996). *Body count: Moral poverty . . . and how to win America's war against crime and drugs*. New York: Simon & Schuster.

DiIulio, J. J., Jr. (1987). *Governing prisons: A comparative study of correctional management*. New York: Free Press.

DiIulio, J. J., Jr. (1990). *Courts, corrections, and the Constitution: The impact of judicial intervention in prisons and jails*. New York: Oxford University Press.

DiIulio, J. J., Jr. (1991). *No escape: The future of American corrections*. New York: Basic Books.

DISABLED PRISONERS

The overall number of disabled offenders housed in prisons or jails, and the types of disabilities they possess, is not known. We know more about the extent and nature of mental disabilities than we do about physical disabilities among the incarcerated population. Most recent estimates indicate that among state prisoners 16.2% are mentally ill, of which 6.4% to 8% evidence severe mental disorders such as schizophrenia, manic-depressive illness, and major depression; 4% to 10% are mentally retarded; and 10% are learning disabled.

POPULATION CHARACTERISTICS

As in the general community, proportionally more women in prison appear to have mental disabilities than men. Recent estimates indicate that 31.0% (n = 326,256) of state inmates and 23.4% (n = 20,734) of federal inmates had a physical impairment or mental condition, and 21% of federal and state prison inmates reported that the disability limited their ability to work. Rates of vision and speech impairments are higher among the prison population than the free population. Across type of disabilities, a greater percentage of male inmates than female inmates reported learning and speech impairments, whereas a greater percentage of female inmates than male inmates reported hearing, vision, and physical impairments and mental conditions.

In comparison, a recent survey of sentenced and remanded prisoners (pretrial detainees) in England and Wales found prevalence rates of psychoses of 7% for sentenced male offenders, 10% for remanded male offenders, and 14% for female prisoners. The reported disability rate among Canadian prisoners is 4.1%, with the largest percentage being physical disabled due to disease or illness.

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA), enacted in 1990 and effective in 1992, defines persons as disabled if they have a physical or mental impairment that substantially limits one or more major life activities such as walking, speaking, seeing, hearing, learning, caring for oneself, performing manual tasks, or working. Mental impairments include mental retardation, organic brain syndrome, mental illness, or learning disabilities. Physical impairments include blindness, deafness, and chronic medical conditions brought on by disease or aging. Examples of such medical conditions include seizure disorders, tuberculosis, AIDS, end-stage renal disease, cardiovascular conditions, and respiratory conditions. Inmates under 21 years of age with an educational disability have a right to special education under the Individual with Disabilities Education Act.

The ADA requires correctional agencies to screen offenders for the presence of disabilities and to establish services/programs to address their needs. However, two separate surveys conducted by the U.S. Department of Justice found that only 70% of state prisons screened inmates for mental health problems at intake, 82.3 % of state inmates reported they were asked about their health history upon admission to prison, and 85% reported they received a medical exam since prison admission.

ACCOMMODATING DISABLED OFFENDERS

Inmates with disabilities present major challenges to the correctional system. The U.S. Department of Justice requires that all public agencies, including prisons, assess their compliance with the ADA and create plans to eliminate barriers to access of services and programs for eligible inmates with disabilities. This often includes modifying rules, policies, or practices so that the disabled are not deemed ineligible based solely on their disability. Correctional facilities must provide physical access for its inmates, visitors, staff, and volunteers with disabilities. Services and activities may be relocated to an area that provides access for the disabled rather than having to engage in renovations or new construction. Many prison systems have separate housing units available for the disabled. For example, mentally ill inmates in the federal prison system and in over half of state correctional systems offer

separate housing units in one or more institutions. Eight states and the Correctional Service of Canada operate specialized facilities for the mentally ill.

Inmates and their families or visitors are entitled to effective means of communicating, and auxiliary aids such as assisted listening devices, telecommunications devices for the deaf, taped texts, and qualified readers may be necessary for this communication to occur. Because correctional facilities are responsible for medical care of their inmate population, inmates with disabilities are provided wheelchairs, prescription eyeglasses or hearing aids, readers for personal use or study, and assistance in eating, toileting, and dressing as needed.

CONCLUSION

Prisons and jails are stressful environments and were not designed with the disabled in mind. These two factors combine to make the adjustment of the disabled more difficult. Incarceration can often exacerbate preexisting disabilities, especially those related to mental health. In addition, inmates may develop disabilities while incarcerated through injuries or through aging. In the wake of recent federal recognition of the rights of the disabled, correctional systems will have to be more responsive to inmates who possess qualifying disabilities and costs of incarceration are likely to increase.

—Mary A. Finn

See also Education; Elderly Prisoners; Health Care; HIV/AIDS; Literacy; Mental Health; Psychiatric Care; Rehabilitation Theory; Visits

Further Reading

Beck, A. J., & Maruschak, L. M. (2001). *Mental health treatment in state prisons, 2000* (NCJ 188215). Washington, DC: U.S. Department of Justice.

Maruschak, L. M., & Beck, A. J. (2001). *Medical problems of inmates, 1997* (NCJ 181644). Washington, DC: U.S. Department of Justice.

Motiuk, L. L. (1994). Raising awareness of persons with disabilities in Canadian federal corrections. *Forum on Corrections Research, 6*(2), 6–9.

Phillips, R., Dobash, R. P., & Bruce, A. (1994). *Physically disabled prisoners in Scotland.* Edinburgh: Scottish Prison Service.

Rubin, P., & McCampbell, S. W. (1995). *The Americans with Disabilities Act and criminal justice: Mental disabilities and corrections* (NCJ 155061). Washington, DC: National Institute of Justice.

Stationery Office. (1997). *Psychiatric morbidity among prisoners in England and Wales.* Norwich, UK: Author.

DISCIPLINARY SEGREGATION

Disciplinary segregation is a generic term used to identify various forms of separate or segregated confinement where prisoners are housed as a form of added punishment. Persons are usually held in this manner in response to disciplinary infractions that they have been judged to have committed. In addition to separation (and sometimes isolation), disciplinary segregation also commonly includes the imposition of additional restrictions on the movement of inmates within the institution, a decreased level of privileges and programming, and more severe levels of material deprivation.

TYPES OF SEGREGATION

As a generic term, disciplinary segregation subsumes more specific forms of punitive prison confinement. For example, some prisons practice a form of disciplinary segregation known as confinement to quarters (CTQ). Prisoners usually are placed on CTQ status as a result of having violated relatively minor prison rules. Generally, they are not permitted to leave their cells and cannot participate in the normal routines of the prison including work, education or vocational training, or recreation.

Disciplinary segregation also includes various forms of solitary or near-solitary confinement, where prisoners are placed—generally for specific terms of punishment—because they have been found guilty of violating more serious prison rules. Most prisons have separate housing units that are devoted to some form of solitary-like confinement. Terms of such disciplinary confinement typically vary as a function of the severity of the infraction and range from a few days to months and, in extreme cases, a year or more.

More recently, a number of prison systems in the United States have created an especially severe

form of disciplinary segregation—imprisonment in so-called supermax facilities. These are often free-standing housing units or entirely separate prisons devoted to this form of disciplinary segregation. In them, prisoners generally are subjected to extreme forms of solitary-like confinement, unprecedented levels of monitoring and surveillance (because of the technological sophistication that is brought to bear in many such units), and very severe restrictions on movement and property. Prisoners often are placed in supermax for long and potentially indefinite periods of confinement. They may be placed in this form of disciplinary segregation for a number of reasons. Either they have committed what are regarded as very serious disciplinary infractions, or they have been judged to pose a very serious threat to the security of the institution, and/or because they have been labeled by prison authorities as gang members or associates.

Finally, administrative segregation ("ad seg") is a form of disciplinary segregation that is used for a variety of reasons in many correctional systems. In some systems, prisoners are placed in ad seg because they are suspected of having violated prison rules and are awaiting a prison disciplinary hearing or other procedure used to adjudicate their case. In some instances, prisoners are placed in ad seg because they represent what is perceived to be a general threat to prison security. And, although it technically falls outside the scope of disciplinary segregation, prisoners may be held in ad seg for their own protection, as a form of protected custody or what, in some prison systems, is known as "safekeeping." Even though these prisoners are not being disciplined for any infractions that they committed, they may be held under conditions of segregated confinement that are similar or identical to those of prisoners who are being punished and may be experienced by the prisoners themselves as punitive in nature.

THE RATIONALE FOR SEGREGATION

The use of segregation, physical restriction, and material deprivation as punishment within a prison in some ways replicates the punitive logic of prison itself—the use of "spatial confinement" to punish wrongdoers. Much as a prison embodies the idea that the persons who have committed crime in the free world should be removed from it, so too does disciplinary segregation reflect a belief that prisoners who have violated prison rules or are otherwise perceived as a threat to the operation of the prison itself are to be "taken away" and separated from the normal day-to-day routines of the environment in which they once lived.

Also like incarceration, in most instances, this kind of disciplinary sanction entails more than just removal or separation. As noted above, there usually are additional restrictions on personal liberties and material conditions that prisoners otherwise would retain during their imprisonment. Thus, although segregation is at the core of the sanction, other aspects enhance its punitive quality. Indeed, the punitiveness of disciplinary segregation and its potentially adverse psychological effect derive in part from these additional restrictions on movement, activities, property, contact with the outside world, and social interaction with fellow prisoners.

One could argue that the underlying *logic* (as opposed to punitive effect) of the use of spatial confinement as punishment, of which disciplinary segregation is part, has been degraded over time. In earlier times, there was an apparent purpose to the isolation that was imposed by incarceration. Originally, all convicts were isolated in a supposed attempt to enhance the prison's capacity to induce their "penance." Later, prisoners ostensibly were segregated to prevent them from contaminating one another with the internalized (and presumably contagious) criminality from which they were thought to suffer. At around the same time, as prisons proliferated in the course of the 19th century, Jacksonian reformers in the United States claimed that prisoners needed to be separated and isolated to protect them from the destructive influences of the surrounding society.

However, as the use of imprisonment greatly expanded over the course of the 19th century and well into the next, the logic of these more extreme forms of spatial confinement was modified and diluted. The large numbers of prisoners who had to

be housed for increasingly long periods of time made isolated confinement impractical and, eventually, impossible to sustain on a widespread basis. Congregate labor, commingling, and eventually high levels of social density brought about by overcrowded prison conditions became the norm.

When the project of personality transformation through long-term isolation gave way to managerial control through short-term solitary confinement, prisoners were still segregated, to be sure, but for different reasons. In some instances, segregation supposedly gave prisoners some respite from the turmoil in which they had become involved (in the hopes that they could disengage)—an opportunity to "cool out." Then there was the notion that isolation provided a shock treatment of sorts—a stimulus for the prisoner to come to his or her senses, receive an "attitude adjustment," or otherwise to be persuaded by the painfulness of the segregation to mend his or her ways. The continuing threat of future placement in the harsh environment of segregation was conceived as a lesson learned, a future deterrent.

Of course, none of these goals was regularly or predictably achieved. Moreover, notwithstanding the sometimes noble-sounding justifications, they always seemed to mask a basic, underlying punitive purpose. Nowadays, however, there is no mixed motive or need to disguise the punitive intent of even the most extreme forms of disciplinary segregation. Indeed, to many critics, the most extreme uses of isolation as punishment appear to be designed to achieve only one real purpose—to hurt people. The hurting at times seems so gratuitous that a more draconian end, beyond the simple infliction of pain, suggests itself—the goal is one of breaking a prisoner's spirit so profoundly that the experience will psychologically disable him.

The most extreme forms of disciplinary segregation, especially the supermax type confinement, seem to be practiced with no real concern for how or whether the prisoner will ever be able to readjust to free society, or even to mainline prison life. Indeed, most of these regimes have been implemented without any thought being given to long-term psychological consequences. Even the most extreme and, therefore, most psychologically disabling disciplinary segregation units often operate without transitional programs or graduated steps in which prisoners are exposed to conditions and experiences that are designed to reacclimatize them to more normal social environments and regain the competencies required for meaningful social interaction. In these cases, which appear to be becoming more common, it seems that the purpose of disciplinary segregation has become one of permanent exclusion from free society.

CONDITIONS AND COMPOSITION OF DISCIPLINARY SEGREGATION

Because forms of disciplinary segregation vary so widely, it is difficult to generalize accurately and meaningfully about the exact conditions of confinement that prevail in segregation units. By definition, prisoners held within them experience greater levels of social isolation, more severe limitations on movement and activity, and degrees of more deprived living conditions. Beyond these general characteristics, however, the exact nature of conditions will depend on the particular prison and the particular level of segregated discipline that is being applied.

Thus, disciplinary segregation includes units such as the Estelle High Security Unit in Texas in which prisoners were subjected to an especially problematic mix of extremely deprived and restricted confinement combined with high levels of noise and chaos. Certain units or "pods" in the California security housing unit at Pelican Bay—the state's most notorious supermax—are so quiet that they give the impression that no one is housed there, while other units in the same facility are boisterously loud. Prisoners in disciplinary segregation units in Florida—known as "close management"—are punished for talking to one another or for being "on the door" while in their cells (where they could otherwise communicate with one another or at least see what was taking place outside their cells).

The cells inside the "administrative maximum" or ADX are really cells within cells; in addition to the solid doors, each one is equipped with an inside

set of bars, which, when closed, prevent prisoners from coming to the doors of their cell. In some overcrowded disciplinary segregation units (such as Pelican Bay's supermax), prisoners are double-celled (housed with another prisoner), even though they are confined to their cells for an average of 23 hours per day. And, in one unusual variation of disciplinary segregation, prisoners in the High Security Unit at the Lexington federal penitentiary were kept in a form of "small group" isolation, where they were housed in the same small units and only allowed to interact with each other under conditions of extreme surveillance and deprivation.

GENDER AND RACE

Disciplinary segregation is used in women's prisons as well as in those that house men. Although, in general, fewer women prisoners are perceived to be a threat to the safety and security of the institution, and women generally are thought to adapt to prison confinement in less violent or aggressive ways, some women have been held in disciplinary segregation for very long periods of time. For those who are held in segregation, the conditions of confinement are as severe, psychologically taxing, and potentially harmful as those in men's prisons.

For a variety of reasons, higher numbers of prisoners of color are housed in disciplinary segregation units. In the United States, in particular, African Americans tend to be sentenced to prison in disproportionate numbers and to be given longer prison sentences than whites. For these reasons and perhaps because, in at least some prisons, prison rules are applied differentially to African American prisoners, they tend to be heavily overrepresented in disciplinary segregation units in many prison systems.

DEBATE OVER THE NEED FOR AND EFFECTS OF DISCIPLINARY SEGREGATION

Disciplinary segregation is a long-standing correctional practice. Yet it has been controversial and subjected to criticism since its inception several centuries ago. Prison administrators who defend and employ the practice in varying degrees generally offer at least one common rationale for its continued use—that housing otherwise dangerous or disruptive prisoners in one place, away from others, makes prisons safer overall. Although commonly asserted, and endorsed essentially as "commonsense" by many prison administrators, this rationale still lacks any convincing empirical proof or objective documentation. In some instances where policies of disciplinary segregation have been pursued aggressively, prison infractions and overall violence rates appear to have decreased. However, alternative explanations for these reductions are many and varied. In other instances, disciplinary segregation appears to have contributed to increases in violence and disruption (with the same caveat—that many alternative explanations for the adverse outcomes cannot be eliminated). Moreover, because most forms of disciplinary segregation lack explicit educational or therapeutic components—ones by which prisoners might learn something about the origins of their offending behavior or obtain treatment for the alleged maladies that caused them to infract—they are pursued more as a short-term management strategy rather than a real program of long-term violence control.

On the other hand, critics of the practice argue that much prison violence and disruption stem from adverse or poorly managed prison conditions, not from the inherent and cross-situational violent propensity of prisoners. Removing prisoners who have engaged in violent or disruptive behavior, absent attention being given to correcting or improving criminogenic prison conditions, is not likely to have an appreciable impact on overall levels of prison violence. Moreover, depending on the nature and duration of the disciplinary segregation itself, extremely adverse psychological reactions (including, in some instances, reactions that may make prisoners more rather than less violent) are likely to occur. Opponents of the extensive use of intense forms of disciplinary segregation contend that the costs of the practice—in economic and especially psychological terms—greatly exceed its alleged benefits.

CONCLUSION

Although sometimes prisoners' behavior and state of mind "improve" during and after their confinement in disciplinary segregation, becoming more compliant and less problematic overall, these "spontaneous remissions" appear to be infrequent. Given the fact that no proven penological or consistent therapeutic rationale is systematically pursued through this kind of confinement, the lack of beneficial outcomes is not surprising. Instead, prisoners commonly show patterns of deepening resentment, oppositional resistance, and even various forms and degrees of psychological deterioration. What is surprising is that so few alternative approaches to disciplinary infractions have been designed or implemented in correctional systems. But this, too, may reflect the power of the prison form and the punitive imperative that it implies: Wrongdoing must be responded to with penal punishment, and such punishment—in modern times—entails a form of separation or isolation from others, no matter the long-term consequences.

—Craig Haney

See also ADX (Administrative Maximum) Florence; Alcatraz; Control Unit Discipline System; Eighth Amendments; Lexington High Security Unit; Marion, U.S. Penitentiary; Pelican Bay State Prison; Self-Harm; Solitary Confinement; Special Housing Units; Suicide; Supermax Prisons

Further Reading

Bauman, Z. (2000). Social issues of law and order. *British Journal of Criminology, 40,* 205–221.

Christie, N. (1993). *Crime control as industry: Towards gulags, Western style?* London: Routledge.

Feeley, M., & Simon, J. (1992). The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology, 30*, 449–474.

Grassian, S., & Friedman, N. (1986). Effects of sensory deprivation in psychiatric seclusion and solitary confinement. *International Journal of Law and Psychiatry, 8,* 49–65.

Haney, C. (2003). Mental health issues in long-term solitary and "supermax" confinement. *Crime & Delinquency, 49,* 124–156.

Haney, C., & Lynch, M. (1997). Regulating prisons of the future: The psychological consequences of solitary and supermax confinement. *New York University Review of Law and Social Change, 23,* 477–570.

Korn, R. (1988). The effects of confinement in the High Security Unit at Lexington. *Social Justice, 15,* 8–19.

Rothman, D. (1971). *The discovery of the asylum: Social order and disorder in the new republic.* Boston: Little, Brown.

Shaylor, C. (1998). "It's like living in a black hole." Women of color and solitary confinement in the prison industrial complex. *New England Journal of Criminal & Civil Confinement, 24,* 385–416.

Tachiki, S. (1995). Indeterminate sentences in supermax prisons based upon alleged gang affiliations: A reexamination of procedural protection and a proposal for greater procedural requirements. *California Law Review, 83,* 1117–1149.

DISCIPLINE SYSTEM

All correctional facilities have a discipline and punishment system to ensure an orderly and safe environment for staff and inmates. Accordingly, rules and regulations cover almost all aspects of an inmate's daily routine. These rules should be provided in written form to everyone as they arrive at the reception and evaluation center. Anyone who breaks any of the rules and regulations of the penal institution will be subject to a disciplinary hearing within the institution. If the infraction is criminal and serious enough, the person also may be charged with another offense and taken to court.

DEVELOPMENT OF FORMAL DISCIPLINARY SYSTEMS

The use of a dark and isolated cell as a method of punishing violations of prison rules dates back to the earliest prisons in the United States. To enforce the rule of silence in the congregate prison system, inmates were placed in "the hole." These cells were often bare, unlit, and poorly ventilated. Those confined to them were served a diet of bread and water. The duration of their confinement ranged from days to years. Inmates were often placed in solitary confinement arbitrarily and were subject to verbal humiliation, physical beatings, and torture.

At this time, disciplinary procedures were exercised without challenge since inmates were legally considered slaves of the state. Although the case was at no time a legal base point upon which the courts could rely on for doctrine, it seems that many were influenced by the *Ruffin v. Commonwealth* (1871)

decision that "the prisoner has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except which the law in its humanity accords to him." Indeed, most courts maintained their "hands-off" policy about conditions of confinement well into the 20th century. Thus, it was not until the 1960s that federal and state courts began regularly to consider inmate appeals about correctional practices regarding their treatment and violation of their constitutional rights.

The 1941 case of *Ex parte Hull* is generally considered to mark the beginning of the court's intervention in inmates' allegations of mistreatment. In this case, the U.S. Supreme Court declared that inmates have the unrestricted right to the federal court system. Later, in *Coffin v. Reichard* (1944) the court extended federal habeas corpus to include conditions of confinement, stating that inmates retain all the rights of ordinary citizens except those expressly or by necessary implication that are taken from the inmate by the law. This decision, marking the first time in which a federal appellate court ruled that inmates do not lose all their civil rights as a condition of confinement, modified the long-standing interpretation of *Ruffin v. Commonwealth.*

The ruling in *Monroe v. Pape* (1961) permitted access to the federal courts to litigate inmate rights without first exhausting state judicial remedies. Later, in *Cooper v. Pate* (1964), the court ruled that state inmates could sue prison staff for depriving them of their constitutional rights. Hence, both the *Monroe v. Pape* and *Cooper v. Pate* court decisions signaled the end of the hands-off doctrine, and consequently served as the catalyst for an explosion of inmate lawsuits against prison authorities. In response, the rampant physical brutality, rigid authoritarian discipline, and repulsive conditions that had previously characterized disciplinary segregation were dramatically reduced.

DUE PROCESS: ITS SOURCE AND PURPOSE

Inmate disciplinary procedures are governed by the 14th Amendment to the U.S. Constitution. This amendment provides that a state shall not make or enforce any law that abridges the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law. Most disciplinary actions were exercised without challenge until the Supreme Court ruled in *Wolff v. McDonnell* (1974) that states are required to provide inmates with due process procedures before depriving them of a constitutionally protected liberty interest. The Supreme Court ruled that prison disciplinary procedures must follow certain minimum due process procedures when an inmate faces serious action that could result in the withdrawal of good time or placement in disciplinary segregation. Even so, prison officials are not bound by the same procedures found in criminal court because of the special conditions of incarceration. For example, inmates do not have the right to cross-examine witnesses or present evidence that may be hazardous to institutional safety or correctional goals.

In *Wolff,* the Supreme Court outlined the following due process procedures for states to follow when an inmate is accused of a disciplinary infraction. The inmate (1) must receive advance written notice (at least 24 hours) in order to prepare a defense against the charges; (2) is permitted to seek counsel from another inmate or a staff member when the circumstances of the case are complex or if the prisoner is illiterate; (3) has the right to present documentary evidence and to call witnesses on his or her behalf, as long as the security of the institution is not jeopardized; and (4) has a right to a hearing before an impartial body and has a right to receive a written statement of fact findings concerning the outcome of the hearing.

Following *Wolff,* the Supreme Court has relaxed many of the due process standards in disciplinary proceedings. For instance, it ruled in *Baxter v. Palmigiano* (1976) that in less serious cases where inmates might lose privileges, due process requirements are not required, even when a short-term segregation is possible. The Court also determined that the inmate has no right to counsel in these cases. Similarly, in *Sandin v. Conner* (1995), the Supreme Court ruled that disciplinary actions that are taken to achieve the goal of a safe and secure prison and do not add to the sentence being served or change the conditions of the sentence being served do not

create a liberty interest. Therefore, due process is not required. Finally, *Wolff* requirements are not required for disciplinary hearings that result in a 30-day segregation sanction. On the other hand, if the results from the disciplinary hearing change an inmate's release date, the due process protections defined by *Wolff* still apply.

DISCIPLINARY POLICY

The disciplinary policy of any correctional facility is a written document outlining the specific behaviors that are prohibited to inmates. This document should explain the process for considering guilt and determining punishments as well as listing the range of sanctions that usually result from disciplinary infractions. A copy of the disciplinary policy is usually provided to all new inmates on arrival at the reception and evaluation center. The policy should notify them of the rules and regulations they are responsible for adhering to and the possible sanctions associated with being found guilty of a disciplinary infraction.

DISCIPLINARY PROCEDURES

While all state and federal systems must adhere to the Supreme Court rulings listed above, they will vary slightly in terms of their responses to minor and major infractions. Even so, it is possible to generalize about the disciplinary procedures in most institutions.

When an inmate commits a disciplinary infraction, the correctional staff has several options to deal with the rules violation. Usually, the staff member who suspects that a disciplinary infraction has occurred must document it in an incident report, which is then submitted to the shift commander. The incident report specifies the prohibited act allegedly committed by the inmate and includes all the details surrounding the incident witnessed by the employee writing the report. The shift commander has the authority to dispose informally of a minor disciplinary infraction; however, a written record of the informal resolution is maintained. If an informal resolution of a minor disciplinary infraction is not appropriate or successful, the incident report is forwarded to the chief of security for investigation. Major disciplinary infractions, which cannot be disposed of informally, are reviewed by the shift commander and then forwarded to chief of security for investigation. Investigations for both minor and major disciplinary infractions normally commence within 24 hours of the reported violation.

If an inmate is found not guilty of a disciplinary infraction, the incident and disciplinary report, the disciplinary committee's decision, and all references to the disciplinary infractions should be removed from his or her institutional record unless the disciplinary report also includes an action for which the inmate was found guilty. If a prisoner is found guilty, a copy of the disciplinary report, notice of hearing, request for representation/witnesses form, waivers, the disciplinary committee's decision, and appeal forms are kept in his or her institutional record and central office record. The inmate is also provided with a written statement of the guilty findings, the evidence relied upon, the sanction(s) imposed, and a notice of the right to appeal.

DISCIPLINARY SEGREGATION

Individuals found guilty of some infraction against prison rules are usually placed on disciplinary segregation away from the rest of the population. Inmates on disciplinary segregation are typically housed in single cells or rooms and receive the basic necessities and services such as food, clothing, showers, medical care, and visitation by the prison chaplain. They are also allowed limited exercise, reading materials, and mail. They are not, however, usually eligible for most program privileges, other than religious guidance and necessary medical services.

Disciplinary segregation operational procedures are designed to ensure that an inmate's interactions with correctional staff occur infrequently. Inmates who are placed in disciplinary segregation typically spend 23 hours a day in their cells and are deprived of human contact and touch. Their meals are provided through slots. When they leave the cell, they are restrained and escorted by a minimum of two correctional officers. They also are denied contact

visits. While the evidence is not conclusive, medical experts and psychologists suggest that inmates confined in these conditions often suffer some type of mental breakdown. These experts argue that the side effects of total isolation range from delusions, schizophrenia, paranoia, panic attacks, and hallucinations to delirium-like conditions of hearing voices and even whispers. Experts also contend that total isolation leads to depression, cognitive impairments, anxiety, unbearable levels of spontaneous fits of rage and frustration, and difficulty in concentration with memory, which may result in disorientation, mind wanderings, self-torture, mutilation, and/or suicide. Finally, the experts suggest that apathy and lethargy set in, since inmates are tired all the time as a result of being completely idle.

GENDER DIFFERENCES IN DISCIPLINE

Despite lower levels of violence in women's prisons, it seems that staff members often perceive female prisoners as being harder to manage than their male counterparts. Male inmates are often considered to be more cooperative and respectful than female inmates, who are usually portrayed as manipulative and emotional. As a result, staff members are often quick to formally discipline women for certain actions that they might tolerate if they were committed by a man.

Indeed, despite lower levels of violence and serious infractions in women's prisons, empirical evidence indicates that the discipline for female inmates is generally harsher compared to that of male inmates. For example, Dorothy McClellan found in 1994 that in Texas, female offenders were far more likely to be cited for minor rule infractions than their male counterparts. The study findings also revealed that in these cases, the female inmates were punished more severely than males who committed similar offenses. For example, infractions such as cursing were thoroughly enforced in the women's prison, but were usually ignored in the men's prison. Likewise, in contrast to males, female inmates tended to be cited more often for offenses such as disobedience, disrespect, and vulgar language.

CONCLUSION

Prison disciplinary procedures are employed to regulate inmates' behavior while incarcerated in state or federal prison systems. Upon arrival at the reception and evaluation center, in addition to medical screening, psychological testing, and classification, inmates are provided with copies of written rules and regulations that govern their behavior as well as outline rules violations plus the prescribed penalties for violating established rules. As such, when imposing a disciplinary action on an inmate, correctional administrators adhere to the standards outlined in the *Wolff v. McDonnell* case to ensure that the minimal due process standards are met in disciplinary proceedings.

Inmates who are found guilty of major rules infractions typically are separated from the general population and placed in disciplinary segregation for a specified period of time. While not all inmates manifest negative psychological effects from total isolation in disciplinary segregation to the same degree, empirical evidence suggests that a significant number of inmates do suffer some type of mental breakdown. This problem has led many to recommend that trends toward increased use of forms of extremely harsh confinement be reversed. In addition, prisoners should be screened for special vulnerability to isolation and carefully monitored. Finally, while the informal and formal disciplinary procedures are the same for male and female offenders, research indicates that in some prisons the discipline female offenders receive is harsher than that of male offenders.

—Melvina Sumter

See also Classification; Control Unit; Disciplinary Segregation; *Habeas Corpus;* Legitimacy; Managerialism; Security and Control; Section 1983 of the Civil Rights Act; Special Housing Unit

Further Reading

Austin, J., & Irwin, J. (2001). *It's about time: America's imprisonment binge* (3rd ed.). Belmont, CA: Wadsworth.

Cripe, C. A. (1999). Inmate disciplinary procedures. In P. M. Carlson & J. S. Garrett, *Prison and jail administration: Practice and theory.* Gaithersburg, MD: Aspen.

Feeley, M. M., & Rubin, E. L. (1998). *Judicial policy making and the modern state.* New York: Cambridge University Press.

Gray, T. (2002). *Exploring corrections: A book of readings.* Boston: Allyn & Bacon.

Hass, K., & Alpert, G. (1995). *The dilemmas of corrections.* Prospect Heights, IL: Waveland.

McClellan, D. S. (1994). Disparity and discipline of male and female inmates in Texas prisons. *Women and Criminal Justice, 5*, 71–97.

Palmer, J. W., & Palmer, S. E. (1999). *Constitutional rights of prisoners* (6th ed.). Cincinnati, OH: Anderson.

Smith, C. E. (2000). *Law and contemporary corrections.* Belmont, CA: Wadsworth.

Wallace, D. (1992). *Ruffin v. Virginia* . . . a nonexistent baseline of prisoners' rights. *Journal of Criminal Justice, 20*, 333–342.

Legal Cases

Baxter v. Palmigiano, 425 U.S. 308; 96 S. Ct. 1551; 47 L. Ed. 2d 810 (1976).

Coffin v. Reichard, 143 F.2d 443 (6th Cir. 1944) 294.

Cooper v. Pate, 378 U.S. 546 (1964) 260, 262.

Ex parte Hull, 312 U.S. 546, 61 S.Ct. 640, 85 L.Ed. 1034 (1941).

Monroe v. Pape, 365, U.S. 167 (1961) 270.

Ruffin v. Commonwealth, 62 Va. (21 Gratt.) 790 (1871) 172, 243.

Sandin v. Conner, 515 U.S. 472; 115 S. Ct. 2293 (1995).

Wolff v. McDonnell, 418 U.S. 539; 94 S. Ct. 2963; 41 L. Ed. 2d 935 (1974).

DISTRICT OF COLUMBIA CORRECTIONS SYSTEM

Washington, D.C., has a unique governance structure, unlike any other city, since it is not part of any state. Article I, Section 8 of the Constitution gives the national Congress exclusive power to make legislation for this federal city. In the 1990s, the city's prison system deteriorated into disarray and the city as a whole faced severe budget crises. Although previously Congress had handed some control over internal matters to the city government, including running a prison system, it was convinced to act. As a result, Congress passed the National Capital Revitalization and Self-Government Improvement Act of 1997. This act enabled Congress to take control of the prison system, while leaving responsibility for the jail system with the city.

THE DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

The District of Columbia Department of Corrections (DCDC) was founded in 1946. It is an independent agency within the District of Columbia government, with a director appointed by the mayor. It supervises confinement for the city's pretrial detainees and the misdemeanants. DCDC is also responsible for running the city-owned halfway house.

THE DISTRICT OF COLUMBIA JAIL SYSTEM

Two facilities, controlled by separate administrations, currently serve as jails for the District of Columbia: the Central Detention Facility and the Central Treatment Facility. They are located next to each other, and in fact are physically connected by a bridge. Transfer from one jail to the other is often referred to by both inmates and staff members as "going across the bridge."

The Central Detention Facility is commonly called the DC Jail. It is run directly by the DCDC. Opened in 1976, it was built to house up to 2,200 inmates. Until 2002, the jail population was limited by a court order to a population of 1,674. Since that court order was lifted, it now houses an average population of more than 2,000 people.

The Central Treatment Facility (called CTF) was originally built to serve as an intensive medical and drug treatment facility for the District of Columbia's prison system. It opened in 1992. In 1997, the city signed a 20-year contact with Corrections Corporation of America to administer the day-to-day functions of the CTF. It is built to house a maximum of 898 inmates and houses an average of 800 people per day.

COMPOSITION OF THE DC DEPARTMENT OF CORRECTIONS POPULATION

According to publicly released DCDC statistics, almost 85% of the District's inmates are African American men. African American women make up the next largest group, comprising 8.5% of the

population. Hispanic men are 2.8% of the population and Hispanic women, 0.2%. The rest of the inmate population in DC is made of people who are Asian, white, or other racial groups. Broken down by gender, men constitute 91% of the DC corrections population and women are the other 9%.

PRISONS FOR INMATES FROM THE DISTRICT OF COLUMBIA

Historically, the District's 3,000-acre prison complex was located in Lorton, Virginia. In 1997, Congress passed the National Capital Revitalization and Self-Government Improvement Act to correct the serious financial difficulties facing the city. Congress wanted to address unfunded liabilities in the city's pension programs and other budgetary problems and refine the city's court system.

Years of neglect by the city government had turned the Lorton prison complex into an irreparable financial drain on the city's budget. The Revitalization Act mandated that the District close the Lorton prison complex and move its sentenced felons to control of the Federal Bureau of Prisons. In November 2001, the last of the Lorton prisoners was transported out. Now, after a felony sentencing hearing, a DC offender is designated to the Federal Bureau of Prisons and is taken from either of the two local jail facilities to a federal prison.

As a result, people who have been convicted of a felony violation of Washington's municipal code may be sent to prisons as far away as California. The Federal Bureau of Prisons has promised to try to keep 80% of DC inmates within 250 miles of the District and 90% within 500 miles. As this statement is simply one of intent to try, it is not legally enforceable on any level. It should be noted that the nearest federal medical center for women is in Fort Worth, Texas, so ill female inmates must be housed far away from the city and their families.

PAROLE FOR DISTRICT OF COLUMBIA PRISONERS

The parole process for prisoners from Washington, D.C., has also been federalized. Prior to the passage of the National Capital Revitalization and Self-Government Improvement Act of 1997, the local District of Columbia Board of Parole made decisions about parole for District inmates. With the passage of that act, Congress shifted authority to the U.S. Parole Commission. This policy change was finalized on August 5, 2000. Now, all decisions regarding whether to grant or revoke the parole of a DC inmate are made by the presidentially appointed commission in accordance with the federally established guidelines. This policy change is confusing for those inmates who believe that their parole should be determined according to the old DC guidelines.

In the past, decisions about parole were made on an individual basis by a parole board that was familiar with the city, its culture, and the programs available. Now decisions are made by presidential appointees from around the country. In turn, their decisions are based on relatively inflexible federal guidelines. While there are special guidelines for DC prisoners, these are based on the guidelines originally set up for federal prisoners, who, in general, commit a different class of crimes than those committed by prisoners prosecuted by the city. In addition, the U.S. Parole Commission is not bound by recommendations entered by the DC Board of Parole. Thus, prisoners may have been told that they would be paroled after serving a short amount of time, but after the transition, all decisions are revisited based on the stringent federal guidelines. These days, parole is legally considered a privilege, not a right. Thus, inmates do not have a right to parole at a certain date. At the time of this printing, legal challenges to the imposition of the new guidelines have not been successful.

When offenders are released on parole, unless there are special circumstances, they are released to live in the District under supervision. The Court Services and Offender Supervision Agency supervises the more than 2,615 people who are on pretrial releases, probation, or parole in DC. This agency was created by the Revitalization Act and took over from the previous city-run agency. It is the job of the Court Services and Offender Supervision Agency to ensure that people comply with the terms of their parole, for example, by

maintaining a job or remaining drug free. If there is a problem with an offender complying with the terms of parole, the agency can recommend that his or her parole be revoked.

PROBLEMS WITH THE DISTRICT OF COLUMBIA SYSTEM

Many lawsuits have been filed against Washington, D.C., for the unconstitutional conditions in all of its facilities. Two of the most important that are still relevant now that the Lorton Complex closed are *Campbell v. McGruder, et al.* and *Women Prisoners of the District of Columbia Department of Corrections, et al. v. District of Columbia, et al.*

Campbell v. McGruder, et al. was filed in 1971. It was later consolidated with another lawsuit, *Inmates of D.C. Jail v. Jackson, et al.,* which was filed in 1975. Both of these cases are class action lawsuits that were filed on behalf of pretrial detainees and sentenced inmates. Both cases charged widespread constitutional violations in the conditions of the DC Jail in areas such as medical care, environmental conditions, and mental health services. The city proved unable or unwilling to remedy persistent problems, so in 1995 the Court appointed a receiver to run the medical department. The receiver ran the medical services until 2000, when the District was once again allowed by the court to run its own medical services. Now it hires a subcontractor to provide services at the jail. Also, to counteract the effect of overcrowding, the Court implemented a population cap of 1,674 in 1985.

Due to the requirements of the Prison Litigation Reform Act, and the amelioration of some of the unconstitutional conditions that led the court to impose the cap, the population cap was lifted in 2002. Now, the DCDC is free to house as many people as it wants at the jail, regardless of how crowded it becomes. It remains to be seen whether DCDC can meet the requirements imposed by the Constitution with the number of people held in the jail.

The Women Prisoners lawsuit was filed in 1993. It alleged multiple violations of federal law, including discrimination based on gender, lack of appropriate medical care, and sexual harassment of female inmates. While the trial court ruled in many respects for the inmates, the District of Columbia was able to narrow the scope of the judgment somewhat in the appellate process. In the end, the lawsuit forced DCDC to create a policy and programs to limit sexual harassment, institute better obstetrical and gynecological care, and establish programming equity for the women as compared to the men.

Other problems continue. In the city jail system, inmates continue to complain of inadequate medical care, unhealthy environmental conditions, sexual harassment, sexual assault, and a mismanaged central records office. As men and women are placed around the country in the Federal Bureau of Prisons, there are concerns that arise about issues such as access to family, the cultural competence of staff in far-away prisons, and parity of programs.

CONCLUSION

The Washington, D.C., prison system remains in the control of the U.S. Congress, while the jail system is still under local control. Prisoner rights advocates continue to monitor the DC Department of Corrections for both ongoing and new problems. As the transition to federal control of prisoners is completed, advocates also continue to scrutinize and attempt to alleviate problems, especially those caused by the great distance between the prisons and the DC community. As the corrections system for the city remains split between local and federal control, there will continue to be an effort to ameliorate the confusion caused in both inmates and the general public.

—Deborah M. Golden

See also Corrections Corporation of America; Federal Prison System; Jails; Parole; Parole Boards; Prison Litigation Reform Act 1996; Privatization

Further Reading

Blecker, R. (1990, May). Haven or hell? Inside Lorton Central Prison: Experiences of punishment justified. *Stanford Law Review,* 1149.

DC Department of Corrections. (2004). DC Department of Corrections home page. Retrieved from http://www.doc.dc.gov/main.shtm

Hasaballa, A. Y. (2001). *The social organization of the modern prison.* Lewiston, NY: E. Mellon.

Kober, G. M. (1927). *Charitable and reformatory institutions in the District of Columbia.* Washington, DC: U.S. Government Printing Office.

Lezin, K. (1996, Winter). Life at Lorton: An examination of prisoners' rights at the District of Columbia correctional facilities. *Boston Public Interest Law Journal,* 165.

Oakey, M. H. (1988). *Journey from the gallows: Historical evolution of the penal philosophies and practices in the nation's capital.* Lanham, MD: University Press of America.

Ogletree, C. J., Jr. (2002, March). Symposium: The bicentennial celebration of the courts of the District of Columbia Circuit: Judicial activism or judicial necessity: The D.C. District Court's criminal justice legacy. *Georgetown Law Journal Georgetown Law Journal,* 685.

Parker, K. C. (2002). Note and comment: Female inmates living in fear—Sexual abuse by correctional officers in the District of Columbia. *American University Journal of Gender, Social Policy & the Law American University Journal of Gender, Social Policy & the Law,* 443.

Photo 1 *Dorothea Dix*

DIX, DOROTHEA LYNDE (1802–1887)

Dorothea Lynde Dix was a social reformer and advocate for better treatment of the mentally ill. During the 19th century, mentally ill individuals generally were confined in the same facilities as convicted criminals. Between 1841 and 1856, Dix inspected jails, prisons, workhouses, and other institutions housing the mentally ill in the United States and in 13 European countries, collecting evidence of mistreatment of criminals and the mentally ill. She actively worked for the creation of mental hospitals designed to treat the mentally ill and to separate them from convicted offenders, changing the nature of the prison population. In addition, she brought about major improvements in how criminals in prisons and jails were housed and treated.

BIOGRAPHICAL DETAILS

Dorothea Dix was born in Hampden, Maine, on April 4, 1802. Her parents, Joseph and Mary Dix, were inattentive and abusive to Dorothea and her two younger brothers, Joseph and Charles. Her father was an alcoholic itinerant preacher, who rode circuit and was frequently absent from home. Her mother, who suffered from depression and was often bedridden, did not adequately care for the children. By the time she was 10, Dorothea was expected to care for her younger brothers and to stitch religious tracts, which her father sold.

Shortly before the War of 1812 began, the family moved to Vermont, and later to Worcester, Massachusetts. When she was 12, Dorothea and her brothers went to live with their wealthy paternal grandmother in Boston. Madame Dix attempted to educate Dorothea and turn her into a socialite. However, Dorothea had no interest in dancing or fine clothes and was eventually sent to live with her great-aunt, Sarah Duncan, in Worcester. While there, Dorothea opened a small "dame school" for girls between the ages of six and eight. She ran this school until 1819, when she returned to Boston and opened a school for older children in a building on her grandmother's estate. The school flourished and, after her father's death in 1821, allowed her to support her widowed mother. In addition to teaching,

she also wrote poetry, children's textbooks, and religious tracts for children.

Dix was not physically strong and suffered from tuberculosis during the 1830s. In 1836, she collapsed and was forced to close her school. Upon her doctors' recommendation, she left for a long holiday in Europe. While visiting friends in England, Dix met prison reformers such as Elizabeth Fry and Samuel Tuke, who were attempting to develop more humane treatments for the mentally ill.

BECOMING A SOCIAL REFORMER

Dix returned to Boston in 1838, after the deaths of her mother and grandmother. Her inheritance from her grandmother, combined with royalties from the sale of her books, gave her financial independence. In 1841, she was asked to teach a Sunday School class for women inmates in the East Cambridge Jail. She was appalled at the conditions in which the inmates lived. Criminals, children, and the mentally ill were crowded together in filthy, unheated cells without furniture or blankets. Many were naked, physically abused, and underfed. This experience greatly affected her and was the impetus for what would become her lifelong passion: a dedication to improving conditions for individuals suffering from mental and emotional disorders.

Dix campaigned for better treatment of inmates in the East Cambridge Jail and eventually obtained a court order requiring the jail to provide heat and proper clothing for the inmates. She then traveled to other parts of Massachusetts, finding similar conditions in jails, workhouses, and other facilities for the mentally ill. In 1843, with the help and support of Dr. Samuel Howe, Director of the Perkins School for the Blind, she presented her evidence to the Massachusetts Legislature and eventually persuaded the legislature to allocate funds to expand the State Mental Hospital in Worcester.

Dix then began investigating the conditions of institutions in other states. She proceeded the same way in each state, first visiting facilities and collecting information on conditions in which the mentally ill were housed, then preparing a "memorial" (a document presenting her evidence and outlining her concerns), and finally, persuading well-known local politicians to act as lobbyists by delivering her memorials and requesting funding for better accommodations for the mentally ill. In total, she played a key role in the founding of 32 mental hospitals, 15 schools for the "feeble-minded," and a school for the blind. Her efforts also inspired other reformers who also worked to establish or improve hospitals and other institutions for the mentally ill.

In the 1840s, Dix developed a proposal focusing on national long-term care and treatment of indigent mentally ill. She recommended that Congress set aside a land grant, with the income used to care for the mentally ill. Her proposal was supported by President Millard Fillmore, and she lobbied for her plan from 1848 to 1854. In 1854, her bill passed in the House and Senate, but President Franklin Pierce vetoed the bill.

In the late 1850s, Dix traveled to Europe, planning to rest and recover from her failed attempt at national provisions for the mentally ill. However, she soon began crusading for indigent mentally ill throughout Europe. Between 1854 and 1856, she visited 13 different countries and even met personally with Pope Pius IX, persuading him to order improvements in hospital conditions in Rome.

CONCLUSION

Dix returned to the United States in 1856 and continued her work as an advocate for the mentally ill. In 1861, when the Civil War began, Dix was appointed superintendent of U.S. Army Nurses. She recruited women volunteers and organized them into a nursing corps, established field hospitals and other facilities, and tirelessly worked to raise funds for medical supplies. After the war ended, Dix returned to her advocacy work, primarily focusing on Southern states where facilities for the mentally ill had been damaged or destroyed during the war. In 1881, Dix fell ill and retired, moving into an apartment in the New Jersey State Hospital, in Trenton, New Jersey, the first hospital planned by Dix and built through her efforts. She remained there for six years, until her death on July 17, 1887.

—Ellen G. Cohn

See also Elizabeth Fry; Fay Honey Knopp; Medical Model; Mental Health; Rehabilitation Theory

Further Reading

Colman, P. (1992). *Breaking the chains: The crusade of Dorothea Lynde Dix.* White Hall, VA: Shoe Tree Press.

Dix, D. L. (1971). *On behalf of the insane poor: Selected reports.* New York: Arno.

Dix, D. L. (1975). *The lady and the president: The letters of Dorothea Dix and Millard Fillmore.* Lexington: University Press of Kentucky.

Dix, D. L., & Lightner, D. L. (1999). *Asylum, prison, and poorhouse: The writings and reform work of Dorothea Dix in Illinois.* Carbondale: Southern Illinois University Press.

Gollaher, D. (1995). *Voice for the mad: The life of Dorothea Dix.* New York: Free Press.

Tiffany, F. (1971). *The life of Dorothea Lynde Dix.* Michigan: Plutarch.

Wilson, D. C. (1975). *Stranger and traveler: The story of Dorothea Dix, American reformer*. Boston: Little, Brown.

DOCTORS

The purpose of medicine is to diagnose, comfort, and cure; the purpose of prisons, although sometimes rehabilitative, is to punish through confinement. These often mutually incompatible purposes form the background for the interaction of correctional and health professionals and help explain why ethical dilemmas, even in well-managed correctional settings, are inevitable. Medicine is typically practiced in an office, clinic, or hospital where the goals of patient care define the administration and process of care. The role of prison doctors in the practice of medicine should be the same in corrections as it is in the outside world: to provide health care to the patient. Like their peers in the community, prison doctors are bound by certain ethical imperatives, particularly protection of the confidentiality of the patient-provider relationship and the process of informed consent. Correctional medicine, however, is practiced in a space where custody is predominant and health care is viewed, at best, as a necessary support for good administration, and, at worst, as a barely tolerated interference with the authority of the warden or correctional staff.

The provision of humane and effective health care for prisoners is guaranteed by the Eighth Amendment of the U.S. Constitution. Nonetheless, it presents formidable challenges. The extent to which these challenges are faced and met reflect wider societal views, the ethical integrity of prison medical services, and the degree of support prison doctors receive from their colleagues and professional associations.

DUTIES OF PHYSICIANS IN THE CORRECTIONAL SETTING

Correctional physicians have numerous duties. Their most basic task is to provide hands-on health care. This is usually done in the intake areas, during sick call, in infirmaries, and whenever emergency care is required. Physicians also act as consultants with outside providers, hospitals, emergency rooms, and specialists. Should an inmate die while in custody, it is the prison doctor who must ascertain why this happened. He or she must assess the conditions surrounding the death and determine whether the delivery of medical care contributed to its occurring.

Prison doctors are also crucial to the detoxification of inmates. The withdrawal process from drugs or alcohol generally happens in two phases: (1) the initial four to six hours and (2) a more prolonged phase in which an individual may require treatment through the administration of decreasing doses of either the same drug on which he or she was physiologically dependent or a drug that has been demonstrated to be effective in controlling symptoms. Doctors must determine which medications to use to help inmates in this part of the process while also monitoring their reaction to the first stage of withdrawal.

Many individual physicians approve of assisting in executions, even though all major medical societies and organizations (including the American Medical Association [AMA], the American College of Physicians, and the American College of Surgeons) have published their opposition to physician participation in capital punishment on ethical grounds. Twenty-eight states require or permit

doctors to be involved in executions. According to the AMA, physicians may certify death and administer a tranquilizer. They may not, however, pronounce death, place an IV for lethal injection, order the drugs to be used, or do anything else to facilitate the execution.

CHALLENGES FACED BY PRISON DOCTORS

A number of factors often create barriers to the provision of physician services in correctional institutions. For example, medical personnel and correctional staff may be incompetent or indifferent to prisoners' health. There is often a shortage of prison doctors, since it is difficult to find highly qualified practitioners willing to trade their income from private practice for prison service salaries. Consequently, prison health services tend to rely heavily on physicians' assistants (PAs) and nurses. The situation may be exacerbated by the location of a facility, low salaries, sexism, and poor working conditions. For example, isolated rural institutions may find it difficult to hire a medical professional. Other institutions may refuse to hire women. Those facilities that employ physicians do not always provide adequate supplies or equipment. Most problematically, the lack of trust inherent in penal facilities makes providing medical care difficult. As a result, inmates do not assume that the medical system is acting in their best interests.

The changing and aging prison population has meant that prison doctors are now dealing with medical problems that were less prevalent 20 years ago, such as those associated with caring for the elderly. They are also required to provide adequate obstetric/gynecological care for the growing number of women prisoners, while treating and preventing the spread of tuberculosis, hepatitis, and HIV/AIDS.

PRIVATIZATION OF HEALTH CARE

As with so much else in the U.S. criminal justice system, prison health care in many facilities has been privatized. When this happens, physicians work as contract employees, rather than for the state. The Physicians' Network Association is one such private company that provides health care to adult and juvenile facilities throughout the United States. Established in 1990, this organization provides physician, nursing, and mental health services to correctional facilities, nursing homes, assisted living centers, and medical clinics.

CONCLUSION

Despite the many challenges facing prison doctors, in many ways, correctional health care is one of the last bastions where a physician can actually practice medicine the way it was taught in medical school. He or she is free from the problems of private practice such as billing, rationing care based on ability to pay rather than need, defensive medicine, cost of operating a practice, and so on. There is no need to worry about whether there will be enough patients to make ends meet. A physician who wants to provide good health care can do so in the prison setting. He or she can continue in the role of caregiver and patient advocate.

—Ernest R. Williams

See also Dental Care; Drug Treatment Programs; Elderly Prisoners; Gynecology; Health Care; HIV/AIDS; Hospice; Optometry; Physicians' Assistants; Women's Health

Further Reading

American College of Physicians. (1998). *Ethics manual* (4th ed.). West Philadelphia, PA: Author.

Anno, B. J. (2001). *Correctional health care: Guidelines for the management of an adequate delivery system*. Washington, DC: National Institute of Corrections.

Dabney, D., & Vaughn, M. S. (2000). Incompetent jail and prison doctors. *The Prison Journal, 80,* 151–183.

Dubler, N. N. (1998). The collision of confinement and care: End-of-life care in prisons and jails. *Journal of Law, Medicine and Ethics, 26,* 149–156.

Farber, N. J., Aboff, B. M., Weiner, J., Davis, E., Boyer, E. G., & Ubel, P. A. (2001). Physicians' willingness to participate in the process of lethal injection for capital punishment. *Annals of Internal Medicine, 135*(100), 884–888.

Prout, C., & Ross, R. N. (1988). *Care and punishment: The dilemmas of prison medicine.* Pittsburgh, PA: University of Pittsburgh Press.

Skolnick, A. A. (1998). Prison deaths spotlight how boards handle impaired, disciplined physicians. *Journal of the American Medical Association, 280*, 1387–1390.

DONALDSON, STEPHEN (1946–1996)

Stephen Donaldson, the first American jailhouse rape survivor to discuss his experience publicly, spent many years of his life working to expose the problem of sexual assault in U.S. correctional institutions. He also served as the president of the group Stop Prisoner Rape from 1988 to his death in 1996.

Donaldson, who was born Robert A. Martin, Jr., in Norfolk, Virginia, lived a life of many firsts. He adopted the name Stephen Donaldson as a pseudonym for his involvement in the gay liberation movement, started the world's first gay student organizations at Columbia University in 1966, and was the first sailor publicly to fight against a discharge from the U.S. Navy for "homosexual behavior."

In 1973, Donaldson was arrested during a Quaker antiwar pray-in at the White House. He refused to pay the $10 bail, which he believed discriminated against the poor, and instead chose to go to jail.

Donaldson was initially placed in a cellblock with other nonthreatening prisoners, including G. Gordon Liddy, who had broken into Democratic Party headquarters in the Watergate complex that year. In his autobiography, Liddy relates what he heard happened to Donaldson when District of Columbia Jail Captain Clinton Cox transferred him to an all-black cellblock. The young, small, and white prisoner was beaten and gang-raped approximately 60 times over the next two days.

Donaldson required rectal surgery to recover from his injuries. Furious at having been set up by Cox, he called a news conference on August 24, 1973, the day of his release from the hospital. He also testified about his experience before the Washington, D.C., City Council. The Washington *Star-News*, writing of Donaldson's experience, called him "a man of uncommon understanding."

Protesting his experience in the Washington, D.C., jail was the beginning of a life of work to end sexual abuse in prison. In 1984, he was named Eastern regional director for People Organized to Stop Rape of Imprisoned Persons, the group that eventually became Stop Prisoner Rape (SPR). He was named president of SPR in 1988.

Donaldson was an indefatigable researcher and prolific writer on the subject of prisoner rape. His articles and editorials appeared in the *New York Times*, *Los Angeles Times*, *Boston Globe*, *Penthouse*, and many other publications. He was the first person to collect statistical data on the incidence of prisoner rape. He joined a team of researchers, headed by Dr. Cindy Struckman-Johnson of the University of South Dakota, that concluded that from 9% to 22% of male prisoners are raped in confinement each year.

Donaldson appeared at many rallies to improve prison conditions, as well as on radio and TV. He was the focus of a 40-minute live TV interview on *Good Morning San Francisco* in 1985, after which the U.S. Parole Commission ordered him not to speak about jails and prisons in the media. He also appeared on *Geraldo* and *60 Minutes* to discuss prisoner rape.

Buddhism was a serious interest for Donaldson, and he taught courses on the subject at Columbia University. He spent a year in India becoming an Advaitist Hindu monk and took the name "Lingananda," as part of his studies.

Seemingly suffering from posttraumatic stress disorder as a result of the 1973 incident, Donaldson was frequently in and out of trouble with the law. He was jailed numerous times, and he was often raped in custody. While incarcerated in the early 1980s, he contracted AIDS from a prisoner who sexually enslaved him. Such victims are called "punks" in prison lingo, and Donaldson—in the Buddhist tradition of embracing what is painful or unpleasant—took the additional name of "Donny the Punk." Under this name, he became well-known in the punk rock music culture in the United States and Europe.

Not long before he died, he wrote a brief for and testified before the U.S. Supreme Court in *Farmer v.*

Brennan, the case that became the legal precedent for handling of both inmate-on-inmate rape and custodial sexual misconduct. In defense of the sometimes explicit content on SPR's Web site, Donaldson also testified as a plaintiff in the case *ACLU v. Reno*, which challenged the Communications Decency Act.

Donaldson died July 18, 1996, in New York City at the age of 49. His death was caused by an "indeterminate virulent infection complicated by an AIDS-defining condition." Several of his essays are featured on SPR's Web site, www.spr.org.

SOURCE: Portions of this biography are drawn from the American Civil Liberties Union's obituary of Stephen Donaldson (http://www.aclu.org).

—Lara Stemple

See also Activism; Bisexual Prisoners; Homosexual Prisoners; Prison Monitoring Groups; Rape; Sex—Consensual; "Stop Prisoner Rape;" Violence

Further Reading

Eigenberg, H. (1990). Rape in male prisons: Examining the relationship between correctional officers' attitudes toward male rape and their willingness to respond to acts of rape. In M. C. Braswell, R. Montgomery, & S. Dillingham (Eds.), *Prison violence in America*. Cincinnati, OH: Anderson.

Stop Prisoner Rape. (2004). Stop Prisoner Rape home page. Retrieved from www.spr.org

Struckman-Johnson, C., & Struckman-Johnson, D. (2000). Sexual coercion rates in seven mid-western prisons. *The Prison Journal, 80,* 379–392.

DOTHARD v. RAWLINSON

In *Dothard v. Rawlinson* (1977), the U.S. Supreme Court addressed how Title VII of the Civil Rights Act of 1964, which forbids sex discrimination in the workplace, applied to a state prison's employment policies regarding prison correctional officers. At the time, Alabama had a statute that specified that prison guards must be at least five feet, two inches tall and weigh at least 120 pounds. The plaintiff in *Dothard,* a female applicant for a prison correctional officer position within an Alabama maximum-security facility, alleged that this policy, although seemingly neutral with regard to gender, had a discriminatory impact in practice. Namely, women were far less likely than men to meet the state's minimum physical standards. The weight and height requirements in question disqualified about 40% of female applicants, and only 1% of male applicants. The Court held that once a plaintiff demonstrates that an employment policy has a disparate impact on the basis of sex, the burden of proof then shifts to the employer, who must show that there is a manifest relationship between the specified qualifications and the employment in question. The plaintiff would then have the opportunity to demonstrate that "other selection devices without a similar discriminatory effect would also serve the employer's legitimate interest in efficient and trustworthy workmanship."

In *Dothard v. Rawlinson,* the Court ruled that the plaintiff did indeed establish a prima facie case of sex discrimination and that the state did not demonstrate the validity of using height and weight standards to measure an applicant's ability to serve as a correctional officer. As a result, the minimum height and weight requirements were held to be in violation of Title VII of the Civil Rights Act of 1964. The Supreme Court thus paved the way to open up employment as correctional officers to female applicants.

GENDER AS A BONA FIDE OCCUPATIONAL QUALIFICATION

During the early stages of Dothard's legal attack on Alabama's height and weight requirements, the state adopted a regulation specifying that women could not work as prison guards in maximum-security facilities where they would be in "continual close physical proximity to inmates of the institution." This regulation had the effect of screening women out of about 75% of prison guard positions. Dothard subsequently amended her claim to include the state's open use of gender as an occupational qualification. The question for the Court was whether the explicit use of gender qualifications is "reasonably necessary to the normal operation of that particular business or enterprise." Gender in this case was deemed to be a bona fide occupational qualification that would constitute a legitimate

exception to Title VII's general prohibition against sex discrimination in the workplace.

The Supreme Court's ruling that gender was a legitimate factor disabling women from certain tasks on the grounds that the "environment in Alabama's penitentiaries is a peculiarly inhospitable one for human beings of whatever sex" rescued the state from a Title VII violation. The Court pointed out that no attempt was made to segregate male sex offenders from the prison's general inmate population, and hence female guards in such institutions would likely prove unable to function effectively. In short, given Alabama's notoriously brutal prisons, the state could legitimately prohibit women from serving as prison guards in maximum-security prisons in "contact" positions.

The Court in *Dothard* did emphasize that "Alabama's penitentiaries are evidently not typical . . . [and] women guards could be used effectively and beneficially" in many maximum-security prisons. As such, one can understand the impact of *Dothard* as potentially quite narrow, since the Court took pains in this case to interpret the claim of Alabama against the backdrop of what they themselves characterized as a prison system shot through with "rampant violence" and a "jungle atmosphere."

DISSENT IN *DOTHARD*

In his dissent, Justice Thurgood Marshall refused to accept that Alabama's particularly inhospitable maximum-security prisons were in any sense operating "normally." Marshall concluded that "two wrongs do not make a right," and Alabama, if indeed its prisons were in violation of the Eighth Amendment's prohibition against cruel and unusual punishment, should be required to remedy this constitutional deficiency "with all possible speed." Marshall also suggested that the conditions of Alabama's maximum-security facilities posed just as much risk to male guards as to female guards. Marshall then lamented that the Court majority in *Dothard* required from the state no empirical evidence of breakdowns in the "normal" operation of their prisons because of female prison guards. He concluded that mere speculation about what *might* happen should not be able to satisfy the stringent requirements of a bona fide occupational qualification defense.

DISCRIMINATION AGAINST MALE PRISON GUARDS

In those relatively few cases involving male prison guards and female prisoners, the courts have been more sympathetic to the privacy rights of women inmates. An interesting companion case to *Dothard* can be found in *Torres v. Wisconsin* (1988). In this case, the superintendent of a women's maximum-security facility (Taycheeda Correctional Institution) decided to prohibit men from serving in correctional officer positions that involved a great deal of contact with prisoners. The superintendent argued that the rehabilitation of many female prisoners would be substantially furthered by limiting the access of male correctional officers. Two men filed suit after they were reassigned to positions involving less contact with prisoners, albeit they suffered no loss of pay because of the reassignment. The Seventh Circuit Court of Appeals held that the state successfully carried their burden of demonstrating a legitimate employment issue based on gender.

The court in this case was convinced that the state's goal of rehabilitating female prisoners at Taycheeda Correctional Institution, where about 60% of the inmates had been sexually abused by males in the past, was materially furthered by the superintendent's policy on gender. As in *Dothard,* the court concluded that while there was no available "objective evidence" on the harmful effects of having male prison guards in close contact with female prisoners with a history of sexual abuse, the "totality of the circumstances" presented in the record demonstrated to their satisfaction the legitimacy of the policy in question.

CONCLUSION

The ability of prison facilities to use gender as a job requirement has been narrowed greatly since the *Dothard* ruling. The courts have tended to favor the employment rights of female prison guards over the privacy claims of male prisoners. Conversely, the federal courts have been more willing to limit

the employment opportunities for male guards when they are dealing with female prisoners. The overall employment impact on male prison guards has been negligible, however, in part because the vast majority of prisoners in the United States are men.

The general trend has been for the federal courts to find that "very few prisons [were] as 'constitutionally intolerable' as Alabama's maximum-security prison" (Jurado, 1998, p. 27). Many states have no gender requirements for who may serve as a prison guard in maximum-security facilities, ostensibly because no such requirements are warranted on the basis of physical strength, security, or correctional officers' influence on prison conditions. Evidence suggests that correctional officers very rarely use physical force to carry out their job duties but rather rely on interpersonal skills such as negotiation, accommodation, and manipulation to carry out their core job functions. Available evidence also suggests that women correctional officers are not more likely than male officers to be assaulted by inmates. Finally, whether correctional officers are men or women does not seem to have an appreciable impact on prison conditions.

—Francis Carleton

See also Correctional Officers; History of Correctional Officers; Managerialism; Professionalization of Staff; Women's Prisons

Further Reading

Farkas, M. A., & Rand, K. (1997). Female correctional officers and prison privacy. *Marquette Law Review, 80,* 995.

Jenne, D., & Kersting, R. (1996). Aggression and women correctional officers in male prisons. *The Prison Journal, 76*, 442.

Jenne, D., & Kersting, R. (1998). Gender, power, and reciprocity in the correctional setting. *The Prison Journal, 78*, 166.

Jurado, R. (1998). The essence of her womanhood: Defining the privacy rights of women prisoners and the employment rights of women guards. *American University Journal of Gender, Social Policy & the Law, 7,* 1.

Parker, K. (2002). Note and comment: Female inmates living in fear—Sexual abuse by correctional officers in the District of Columbia. *American University Journal of Gender, Social Policy & the Law, 10,* 443.

Pogrebin, M., & Poole, E. (1997). The sexualized work environment: A look at women jail officers. *The Prison Journal, 77*, 41.

Legal Cases

Dothard v. Rawlinson, 433 U.S. 321 (1977).
Torres v. Wisconsin, 859 F.2d. 1523 (1988).

DRAFT RESISTORS

A draft resistor or conscientious objector is an individual who, with sincere conviction that is motivated by conscience, cannot take part in either all forms or in particular aspects of war. There have been many examples and ways of resisting armed service throughout the history of the United States. During Vietnam, for example, many young men refused to appear for military obligations and often engaged in a public declaration of resistance by burning their draft card. Others, more silently and anonymously, merely crossed the border. Both then and now, members of the armed forces claimed conscientious objector status.

The U.S. government recognizes two types of conscientious objectors: (1) those who, by reason of religious, ethical, or moral belief, are conscientiously opposed to participation in war in any form and (2) noncombatant conscientious objectors, who are opposed to killing in war in any form but who do not object to performing noncombatant duties (e.g., medic) in the armed forces. In addition, there are four other types of resistors who are not officially recognized: (1) tax protesters, whose conscience does not allow them to pay the military portion of their taxes because of ethical, moral and religious beliefs; (2) selective objectors, whose conscience forbids them to participate in an "unjust" war (e.g., Vietnam); (3) nuclear pacifists, who refuse to participate in a nuclear war, or what they believe would likely become a nuclear war; and (4) noncooperators with the draft, whose conscience does not allow them to cooperate with draft law requirements.

Many resistors, such as Quakers, who are pacifist by doctrine, refuse to serve for religious reasons.

Others do not fight because of a deep sense of their responsibility toward humanity as a whole and from a belief that the government doe not have the moral authority to wage war. Some draft resistors are unwilling to serve in the military in any role, while others may agree to work in noncombat roles. In World War I, for example, numerous resistors drove ambulances, often under fire.

HISTORY

If the citizen soldier can be traced back to the early origins of America, so can the draft resistor. The first known recorded instance of pacifist resistance to military service took place in Maryland in 1658, where one Richard Keene was fined for refusing to be trained as a soldier. Usually, religion underpinned individual resistance to military action. Indeed, James Madison, in his original proposal for a bill of rights, also felt that no person should be compelled to render military service because of religious scruples. It is not clear why his idea was never adopted, but the evidence suggests that the framers of the Constitution favored leaving military exemptions to the jurisdiction of the states.

Conscientious objection first achieved legal status during the Civil War. At this time, President Abraham Lincoln established a system of alternative civilian service, and the revision of the 1864 draft law provided that draftees who objected on religious grounds be considered noncombatants.

From 1948 to 1973, the United States drafted men to fill vacancies in the armed forces. In 1973, the draft ended and the United States converted to an all-volunteer military. Today, a registration is in place, whereby with certain exceptions all 18-year-old men residing in the United States are required to register for the draft.

During the 20th century, conscientious objectors risked punishment and incarceration if they refused to serve in battle. For example, many of those who objected to fighting in World War I on either religious or moral grounds, as well as those who just spoke out against the war, were sent to prison. Most famously, socialist Eugene Debs was convicted of criticizing the conviction of draft resistors and draft opponents and was sentenced to 10 years in prison. Similarly, even though President Franklin D. Roosevelt restored the citizenship rights of more than 1,500 persons who served prison terms for draft violations (or for minor espionage acts) during the war, numerous men were incarcerated for refusing to serve in World War II. Of the 34.5 million men who registered for the draft in the second world war, more than 72,000 applied for conscientious objector status. Of these, 6,000 rejected the draft outright and served prison sentences. Once again, it was not until after the war that President Harry Truman pardoned some 1,500 of these individuals and another 9,000 who had been convicted of military desertion during wartime. During the Vietnam War, more than 209,000 men were formally charged with violating draft laws. Of the 25,000 indictments, 8,750 were convicted and fewer than 4,000 served prison time.

CONTEMPORARY VIEWS

In 1970, the Supreme Court removed the religious requirement and allowed conscientious objection based on a deeply held ethical philosophy with no reference to a deity. One year later, however, the Court refused to allow objection to a particular war that affected tens of thousands of opponents to the Vietnam War causing an exodus of draft evaders, primarily to Canada and Scandinavia.

President Gerald Ford in 1974 instituted a partial clemency program for draft resistors. The program covered the following categories: convicted drafted violators, convicted military deserters and AWOLs (absent without leave), draft violators who had never been tried, and veterans with less than honorable discharges for absence offenses. Persons receiving clemency were required to complete up to 24 months of alternative service and sign an oath of allegiance to the United States. Only 27,000 of the 350,000 eligible individuals applied and 21,800 were given clemency, mostly those living in the United States, not exiles.

In 1977, President Jimmy Carter established two programs to assist war resistors. In January, he issued an unconditional amnesty for draft resistors and

later that year, set up a process to pardon military deserters. Together these programs provided amnesty for all draft evaders whether they had pursued legal remedies or not. Unfortunately, there are no accurate figures available for the real number of resistors who benefited from it. In addition, Congress did not adequately fund the program and the period of time under which people could apply was very limited.

CONCLUSION

Claiming conscientious objector status is by no means a thing of the past. There were 117 conscientious objectors during the 1991 Persian Gulf War. More recently, in the war in Iraq several hundred U.S. soldiers initially applied for this status. Likewise, the United States is not alone dealing with this issue. In Israel, for example, many soldiers in the IDF (Israeli Defense Force) have recently been subject to court-martial for their refusal to fight against the Palestinians, seeing it as an army of occupation. There is no such alternative civilian service in Israel, so most serve jail or prison sentences for their acts of conscience. Wherever a state elects to wage war, it seems that there will be those who refuse to serve. The question then becomes how does society respond to their resistance?

—Kelly R. Webb

See also Enemy Combatants; Prisoner of War Camps; Resistance

Further Reading

Brock, P. (Ed.). (2002). *Liberty and conscience: A documentary history of conscientious objectors in America through the Civil War.* Oxford, UK: Oxford University Press.

Eller, C. (1991). *Conscientious objectors and the Second World War.* Westport, CT: Praeger.

Gaylin, W. (1970). *In the service of their country: War resisters in prison.* New York: Viking.

Kohn, S. M. (1986). *Jailed for peace: The history of American draft law violators, 1658–1985*. Contributions in Military History, No. 49. Westport, CT: Greenwood.

Schlissel, L. C. (1968). *Conscience in America: A documentary history of conscientious objection in America, 1757–1967.* New York: E. P. Dutton.

DRAMA PROGRAMS

Theater behind bars has consistently survived in harsh prison environments as well as in more lenient milieus. Prisoners and practitioners report that drama programs involving workshops, classes, or productions enable them to transcend their prison routines and move toward greater empathy. They also help them gain access to literature and to a world outside their confinement while feeling part of a community. Drama helps many to create personal space in an impersonal place; work toward personal, social, or institutional change; and prepare for release and reintegration. However, as prisons seek to make conditions increasingly restrictive for inmates, artists have more difficulty in finding supporters inside, and prisoners have less opportunity for creative outlets.

HISTORY

Prison is a ready-made place for theater because people need to be able to express themselves. Theater has always been a way for ordinary people to feel extraordinary, and for many to transcend their circumstances, physical problems, or emotional lives. In an unfeeling or repressive environment, it is a way to be connected to one's inner self and it is also a way to step into the shoes of a person whose behavior may be radically different from one's own. Entertainment from the outside is one way prisoners gain access to drama but more significant are those programs initiated by inmates or provided by artists and/or teachers from the outside.

While it is difficult to pinpoint a first program or play behind bars in this country, a photo from the State Penitentiary in Canon City, Colorado, held in the archives of the *History of the American West, 1860–1920* in the Denver public library, shows male prisoners enjoying a stage show at the turn of the 20th century. The 1970s and 1980s saw an increase in the relationship between theater and criminal justice. Programs in European countries far surpassed those in American prisons as companies from England, France, Italy, Spain, Ireland, and Germany, for example, sought to create innovative

ways to reach prisoners. Theater troupes such as England's Clean Break started because inmates wanted to communicate their experiences with others. Theatre for Prison and Probation began in Manchester, England, as the need grew to teach practitioners to work in prisons. John Bergmann founded Geese Theatre in 1980 in Iowa and expanded his work to include training and performing with prisoners in seven countries. Shakespeare too got a turn as Murray Cox brought *Hamlet* to a secure psychiatric hospital in the United Kingdom, male inmates in a Kentucky maximum-security prison performed *Titus Andronicus,* and women at Framingham Women's Prison in Massachusetts put on *The Merchant of Venice* and *Rapshrew,* an adaptation of *The Taming of the Shrew.*

By the 1990s, as more violence hit America's cities, the country turned toward a "tough on crime" policy and theater programs folded as prison officials feared the wrath of politicians and the scorn of the public for allowing inmates to participate in nonpunitive activities. When the Omnibus Crime Bill, in 1995, took away Pell grants from incarcerated adults—the federal funds that were supporting students behind bars—many college credit programs disappeared. At the same time, many other arts programs were cut across this country.

TYPES OF PROGRAMMING

Drama programs that encourage productions inside tend to fall into two categories. Many artists work with inmates' own stories and help prisoners create plays from them. These kinds of works are original and may involve music and poetry as well. Rhodessa Jones from San Francisco has been creating original pieces for more than 10 years with incarcerated women, incorporating music and dance into her theatrical productions as well. In South African prisons, puppets often play a large role in productions as a way to tell stories, and in Brazil, a dialogue was initiated after a play about the oppressive prison system was performed for an audience that included politicians. Other practitioners work with scripts and develop plays that expand inmates' knowledge of literature, producing the plays exactly as the author wrote them, or recreating classic texts by allowing prisoners to add some of their own words to the original text.

Theater practitioners also use drama techniques for ends other than performance such as anger management, dealing with drugs, bullying behind bars, stress management, and teaching cooperation versus competition. Buzz Alexander in Michigan created a course to educate theater students at a university to be volunteers behind bars. Charles Dutton, known to TV audiences as the star of the 1990s sit-com *Roc,* first educated himself in solitary confinement by reading plays. When he returned to the general population, he started a prison theater group for inmates to deal with their pent-up energy, and when he was released from prison pursued an acting career at Yale Drama School. Most practitioners who go into prison to do drama work also talk about the fact that they, as teachers, are consistently taught by the inmates, thereby reconnecting with the age-old transformational power of theater.

PROBLEMS IN RUNNING A PRISON DRAMA PROGRAM

The major problems that drama practitioners face come from the nature of incarceration itself. Inmates may enroll in a class or sign up for a production and then get disciplined for weeks and be pulled out or transferred to a different prison. Visits, doctor appointments, and conflicting activities cause inmate-students to miss rehearsals or classes. Literacy can be a problem and often students of many skill levels are enrolled in the same class. However, by reading plays and by using improvisation, groups overcome the discrepancies in abilities.

Most difficult are issues around production. Props and costumes need approval and prison rules must be carefully followed, sometimes meaning extra hours for thorough searches. Any disruption in the prison may mean activities are cancelled. Security always takes precedence over expression and may cause performance cancellations. Tensions between inmates may also surface in the intensity of dramatic performance and because correctional officers

sometimes sit in on rehearsals. Issues that must always be addressed are working with the authoritative prison administration, safety, conflicts within the group, the liaison with guards, and time issues.

CONCLUSION

Anecdotal evidence from participants indicates that drama programs in prison are important to the inmates and that the "tough on crime" attitude should not discredit such programs. Black, white, and Latino women were equally involved in classes taught in the Massachusetts Women's Prison and reported that their experiences in class and on stage helped them learn more about other ways of living than those they had learned on the street. In England, evaluations show that prisoners' attitudes changed after their involvement with drama. Many became more self-confident and reported higher levels of self-esteem. Officers reported a good sense of group coherence that promoted a more respectful environment. European Theatre and Prison Conventions have been held in Milan, Manchester, and Berlin, aimed at organizing artists and promoting theater in prison as a viable vehicle for growth and change. What is certain is that these kinds of energies are not going away and may in fact thrive in even the most repressive environments and most secure institutions. While the future of drama programs may be at risk, the outcomes have been so positive to insist that theater behind bars is definitely an underutilized tool in U.S. prisons.

—Jean Trounstine

See also Art Programs; College Courses in Prison; Creative Writing Programs; Literacy; Pell Grants; Prison Music

Further Reading

Boal, A. (1995). *The rainbow of desire: The Boal method of theatre and therapy* (A. Jackson, Trans.). London: Routledge.

Cox, M. (Ed.). (1992). *Shakespeare comes to Broadmoor. "The actors are come hither."* London: Jessica Kingsley.

Fraden, R. (2001). *Imagining Medea: Rhodessa Jones and theater for incarcerated women.* Chapel Hill: University of North Carolina Press.

Thompson, J. (Ed.). (1998). *Prison theatre: Perspectives and practices.* London: Jessica Kingsley.

Trounstine, J. (2001). *Shakespeare behind bars: The power of drama in a women's prison.* New York: St. Martin's.

DRUG OFFENDERS

Drug offenders have been the fastest growing segment of the U.S. prison population since the mid-1980s. As a result of the "war on drugs," which focused local enforcement on street dealing and increased sentences for drug crimes, drug offenders now make up a significant proportion of inmates in most state prisons and in the federal corrections systems. The growth in numbers of people serving sentences for drug offenses has disproportionately penalized ethnic minorities, especially young back men. The decision to treat drugs as a law-and-order issue rather than one of public health has also created significant obstacles to effective treatment provisions for drug users.

DRUGS AND CRIME

Crime is one of the attendant problems of drug abuse. According to one estimate, a male drug user may commit 80 to 100 serious property offenses per year to pay for his drugs. A number of ethnographic and longitudinal studies of drug-using criminals also show that high levels of drug (ab)use are associated with high levels of crime, while lower levels of drug use are associated with fewer offenses. However, the connection between drugs and crime is not always straightforward. Not all drug users are predatory offenders; many have no convictions except for illegal possession and remain otherwise "crime-free" for all their drug-taking careers. Moreover, there is evidence to suggest that some types of drugs are less associated with crime than others; offending might have more to do with the lifestyle and personal circumstances of the drug user than anything else. For example, ecstasy use is not generally associated with crime because of the sociodemographic features of users most of whom are occasional drug users with adequate economic resources. They are less likely to have a criminal

history or a subsequent criminal career. On the other hand, heroin users are more likely to be working class, unemployed, homeless and poly-addicts. Drugs and crime are strongly associated with this group, but this may be because their sociodemographic background put them at a higher risk of criminality in the first place.

DRUG CONTROL

The current characterization of drug control in the United States as a war on drugs was initiated by the Nixon administration in the early 1970s. Since then, the United States has launched successive "wars" on drugs even at a time when general population surveys showed declining levels of drug use. In each war, law enforcement and punishment have been by and large favored over prevention, treatment, and education strategies.

In practice, the war on drugs has been translated into "get tough" drug laws and harsh mandatory minimum prison sentences. In an increasing climate of zero tolerance, police crackdowns and intensive community policing strategies have also been extended to minor drug users and buyers. Controversial police enforcement activities have included undercover drug buys, increased use of stop-and-search powers especially in drug hot spots, and police arrests for various misdemeanors such as loitering and disorderly conduct.

CONSEQUENCES

The toughened-up approach to drug control has brought a large number of drug offenders into the courts, jails, and prisons. From 1980 to 1998, the total number of criminal arrests nationwide increased by 40% while the number of drug arrests rose by 168%. Of the 38,288 suspects referred to U.S. attorneys for prosecution during 1999, about one-third were involved with marijuana; 28%, cocaine powder; 15%, crack cocaine; 15%, methamphetamine; 7%, opiates; and 3%, other drugs. The majority of these suspects (around 97%) were investigated for drug trafficking (including manufacture, distribution, or possession with intent to distribute illicit drugs), 2% for simple possession, and less than 1% for other drug offenses. According to data collected by the U.S. Department of Justice, the number of drug offenders entering into the prison system has also increased dramatically in the past two decades. Between 1980 and 2000, the number of women and men incarcerated in federal prisons and new commitments to state prisons for drug offenses increased more than tenfold. The average time served in prison by a convicted drug offender rose by over 100% during the same period.

Many minor drug offenders have been caught up in the drug control system. A significant proportion of the prison inmates are low-level drug offenders with no current or prior violence or previous prison time. Almost half of the drug defendants convicted in federal courts during 1999 had no prior convictions; 92% of first-time drug offenders were sentenced to prison. Even statutes that are meant to target the violent and more serious offenders often result in punishing relatively minor drug offenders. For example, as of 1995 more people had been sentenced under California's three-strikes law for simple marijuana possession than for murder, rape, and kidnapping combined.

RACE AND GENDER

There have been other effects of the drug-related prison population explosion. At every level of the criminal justice system empirical analyses suggest that the war on drugs has resulted in worsening racial disproportionality in juvenile institutions, in jails, and in state and federal prisons. Between 1985 and 1995, the number of black state prison inmates sentenced for drug offenses rose by more than 700%. In some states, the racial disparity has been dramatic. In Pennsylvania, for example, drug commitments of black males increased by a staggering 1613% in the 1980s; white males by 477%. In 1990, 11% of Pennsylvanians were black but 58% of state prisoners were black. A similar pattern has been found in Minnesota, North Carolina, and Virginia. It is now clear that blacks and Hispanics are serving most of the mandatory prison terms under the existing drug laws. In 2000, sentenced

for drug offenses were 43,300 (out of a total of 178,500) Hispanic state prison inmates and 145,300 (out of 562,000) black state prison inmates.

The impact of the prison population explosion on young black men and minority communities has been well documented. Black women are also overrepresented among those sentenced to prison for drug offenses. For example, in 1994, around 8 out of 10 women sentenced for crack cocaine offenses and 1 in 2 women sentenced for drug offenses overall were black.

EFFECTIVENESS

Conclusions about the effectiveness of drug sentencing are hard to draw. It is difficult to measure the deterrent effect of criminal sanctions on drug selling. Indeed, some critics argue that as long as demand for drugs and the likelihood of marginal gains from drug selling remain high, offenders in socially and economically marginal neighborhoods may continue to perceive strong economic benefits from participation in the drug economy. The incapacitative effect is also limited in high-volume drug offenses since a top drug dealer or major trafficker in prison may simply be replaced by someone else in the organized crime enterprise.

In Britain, the use of imprisonment for drug offenders has remained relatively steady over the past decade—about 10% of the total of drug offenders by the end of the 1990s. Research indicates that drug taking among prison populations prior to incarceration is high, with use in the 12 months before entering prison ranging from 40% to about 70%. Findings from self-report studies show that many continue to use a variety of drugs while in prison. However, many are reluctant to seek help, as they fear they will be targeted during their sentence (e.g., for additional searches).

In the United States, there are similar estimates that as many as 50% to 60% of state prison inmates have a drug problem sufficiently severe to warrant treatment. The provision of drug treatment programs in prison varies, and claims for the effectiveness of treatment for drug and alcohol problems differ dramatically. There is a significant gap between the need and the availability of drug treatment in prison, and any programs that do exist are often determined by the interests and qualifications of the staff and the amount of time allocated to this rather than other requirements. The goal conflict between treatment and custody that has existed since the inception of prisons remains highly pertinent especially at a time when other training and education activities are seen as extravagances that make life too easy for inmates.

CONCLUSION: AN ALTERNATIVE APPROACH

So is there an alternative approach to the treatment and punishment of drug-using offenders? In 1989, the first American drug court to adopt the so-called Miami drug court model was established to provide court-based treatment programs to treat the offenders' drug addiction. Since then, there has been a burgeoning of dedicated drug courts throughout the United States as well as in Canada, Australia, and the Republic of Ireland. Drug courts are not homogeneous. Some place offenders on a diversionary program prior to adjudication stage, others implement postadjudication treatment courses, and still others deal only with low-level offenders. Many proponents argue that drug court has revitalized rehabilitation within the criminal justice system. They claim that treatment experience begins in the courtroom and continues throughout, making it a comprehensive therapeutic experience for the drug-using offenders. At the same time, sanctions are imposed for continued drug use, and responses increase in severity for failure to abstain. Evaluations of drug courts are promising, although as less tractable offenders enter the programs, rates of compliance may decline and recidivism may rise. Other critics have argued that the drug court produces personalized justice and, with it, a set of attendant dangers since it may produce vastly divergent sentences for similar offenses.

There is no doubt that penal sanctions for drug offenses have been influenced by populist concerns about the evil of drugs and inherent contradictions in the goals of punishment. In this context, the rhetoric of a "war" on drugs is particularly unhelpful because it legitimizes the potential excesses of

a law-and-order approach to the problem of drugs while at the same time obscures its social costs and differential impact on particular social groups.

—Maggy Lee

See also African American Prisoners; Deterrence Theory; Drug Treatment Programs; Hispanic/Latino (a) Prisoners; Incapacitation Theory; Increase in Prison Population; Narcotics Anonymous; Rehabilitation Theory; Sentencing Reform Act, 1984; War on Drugs; Women Prisoners

Further Reading

Bean, P. (2002). *Drugs and crime.* Cullompton, UK: Willans.

Bureau of Justice Statistics. (2001). *Federal drug offenders, 1999 with trends 1984–99, NCJ August 2001.* Washington, DC: U.S. Department of Justice.

Burrows, J., Clarke, A., Davison, T., Tarling, R., & Webb, S. (2000). *The nature and effectiveness of drugs throughcare for released prisoners.* Home Office Research Findings 109. London: Home Office.

Chaiken, J. M., & Chaiken, M. R. (1990). Drugs and predatory crime. In M. Tonry& J. Q. Wilson (Eds.), *Drugs and crime.* Chicago: University of Chicago Press.

Currie, E. (1998). *Crime and punishment in America.* New York: Metropolitan.

Federal Bureau of Investigation. (1980). *Uniform Crime Reports for the United States.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Investigation. (1999). *Uniform Crime Reports for the United States, 1998.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Investigation. (2003). *Uniform Crime Reports for the United States, 2002.* Washington, DC: U.S. Department of Justice. Retrieved from http://www.fbi.gov/ucr/02cius.htm

Mauer, M. (2000). *Race to incarcerate.* New York: New Press.

McKenzie, D., & Uchida, C. (Eds.). (1994). *Drugs and crime.* Thousand Oaks, CA: Sage.

National Association of Drug Court Professionals. (1997). *Defining drug courts: The key components.* Alexandria, VA: Author.

Nolan, J. (1998). *The therapeutic state.* New York: New York University Press.

Tonry, M. (1995). *Malign neglect: Race, crime, and punishment.* New York: Oxford University Press.

U.S. Department of Justice, Bureau of Justice Statistics. (2000). *Prisoners in 2000.* Retrieved from www.ojp.usdoj.gov/bjs

Weinman, B. A., & Lockwood, D. (1993). Inmate drug treatment programming in the Federal Bureau of Prisons. In J. Inciardi (Ed.), *Drug treatment and criminal justice.* Thousand Oaks, CA: Sage.

DRUG TREATMENT PROGRAMS

Drug treatment programs are designed to provide offenders with the skills to end drug use and maintain a drug-free lifestyle. Currently, less than half of all U.S. correctional facilities have specific substance abuse programming. Despite rates of substance abuse estimated at a minimum of 75%, treatment capacity is limited to approximately 10% to 15% of the overall population. Due to restricted funding and resources, most programs address substance abuse in general rather than exclusively focusing on the use of illicit drugs. Interest in the development of treatment specific to narcotics is, however, increasing due to high rates of drug offenders, recidivism, and prison overcrowding. The types of treatment available range from traditional institutional 12-step programs such as Narcotics Anonymous to intensive "treatment communities" where the offender is separated from the general prison population. Preliminary program evaluations indicate that some forms of substance abuse treatment are associated with decreased parole breaches, recidivism rates, and addiction relapse.

DEVELOPMENT

Correctional drug treatment programs in the United States originated in the 1930s with "narcotics farms" in Lexington, Kentucky, and Fort Worth, Texas. Treatment in these institutions was based on therapeutic withdrawal using gradually declining doses of methadone. Diversionary programs such as these, which placed offenders in civil substance abuse institutions rather than in correctional facilities, continued to be the primary means of dealing with drug-using offenders until the 1960s. In the 1960s and 1970s, the idea of treating offenders through psychological counseling and programming gained popularity. Treatment options incorporating programs such as detoxification, 12-step programs, counseling, and residential treatment developed and spread. In the late 1970s, however, meta-analyses of existing programs showing limited effects on recidivism led to the adoption of a "nothing works" approach to penal rehabilitation.

Diminished faith in the treatment of offenders resulted in a swift decline in correctional drug treatment programs that lasted until the mid-1980s.

RECENT FUNDING INITIATIVES

The declaration of a "cocaine epidemic" and the "war on drugs" in 1986 led to unprecedented numbers of drug offenders in U.S. prisons. In response, the Anti-Drug Abuse Act of 1986 called for the development of new resources for correctional drug treatment. Initiatives such as projects REFORM and RECOVERY were implemented to provide the research and training needed for the development of nationwide treatment programs. These initiatives originated in the Bureau of Justice Assistance, but were soon passed to the Department of Health and Human Services's newly developed Center for Substance Abuse Treatment. Currently, program funding is provided by a variety of sources, including the Bureau of Justice, Department of Health, research organizations such as the National Institute on Drug Abuse, correctional psychological services, and individual states and correctional facilities.

PROGRAM ADMISSION

Offenders are referred to treatment programs through institutional admissions screening, staff, judge, or case manager recommendation, parole requirements, or, more rarely, through volunteering. Offenders are often initially identified for suitability based on reported substance abuse history, drug-related offenses, or standardized psychological tests such as the Addiction Severity Index. Many institutions also require individual interviews with psychology staff or social workers to confirm motivation and personal suitability for treatment. As a general rule, more intensive programs have more stringent admission criteria. Additional requirements vary by treatment program, but often include documented history of drug use, drug-related recidivism, and a clean institutional disciplinary file. Most programs do not admit inmates who have a history of violent or sexual offenses, mental illness, or in-custody disturbances. Sentence length also determines program participation as some treatment modalities require up to one year to complete or are offered only to inmates approaching parole or release dates.

PROGRAM MODALITIES

Treatment programs vary according to the offender population, resources, and attitude toward rehabilitation of individual prisons and/or their governing states. Larger institutions usually offer a greater range of treatment options. Where more than one option is available, inmates are generally matched during the screening process according to personal needs and suitability criteria. Inmates can be transferred to other prisons in order to access suitable programs, but restrictions such as security level, available beds, jurisdiction, and inter-facility cooperation make the practice comparatively rare.

Diversion

Due to prison overcrowding, programming diverting offenders with nonviolent drug-related offenses or drug abuse problems is an extremely popular option. These programs include community-based incarceration such as halfway houses with mandatory participation in community substance abuse programs, boot camps, intensive probation, and electronic monitoring. Most use urinalysis, the collection of urine samples for drug testing on random or fixed intervals, to monitor offender compliance. A term of incarceration is often imposed if the offender breaches the diversion arrangements, for example, by failing a urinalysis test or by committing a new crime.

The TASC (Treatment Alternatives for Safer Communities) program is a popular example of a diversion offered to drug-using offenders. There are more than 180 TASC projects operating across the United States. TASC provides intensive case management, treatment, and support to drug offenders who do not pose a serious threat to the community. Clients in the TASC program remain in treatment for an average of six to seven weeks longer than average criminal justice clients and are provided with referrals to community resources following

program completion. By taking a comprehensive, individual-needs approach, the program aims to provide offenders with the skills and contacts to develop a drug- and crime-free lifestyle.

Treatment Communities

Treatment communities are the most intense treatment option available, although specific practices vary from program to program. Inmates must have a well-documented history of drug abuse issues; self-report is inadequate and the screening process thorough. Treatment communities are characterized by residential settings that separate inmates from the general population. Cornerstone, operating in Oregon, opened as the first correctional treatment community in 1975. The Stay'n Out program in New York, established in 1977, is the most commonly modeled program, having demonstrated reduced rearrest rates among both male and female participants in a 1984 National Institute on Drug Abuse evaluation. Both programs follow a similar approach, with the key difference being the use of primarily ex-addict, ex-offender staff in the Stay'n Out model.

Program length in treatment communities varies from a few months to over a year, with optimal effects shown at participation durations of 9 to 12 months. Treatment communities are designed to offer comprehensive programming to address substance abuse as a lifestyle issue. It is understood, in other words, as a symptom of wider personal problems rather than as a sole cause of offending. Communities operate based on mutual self-help and responsibility. Inmates depend on one another for support and share the responsibility of day-to-day program operation.

Programs such as Cornerstone and Stay'n Out are broken down into phases of increasing responsibility and therapeutic intensity. The introductory phase familiarizes prisoners with daily operations, intermediate phases teach them to deal with substance abuse issues by recognizing relapse triggers and developing life skills, and final phases place prisoners in leadership positions assisting newer participants. Many programs also incorporate a community transition phase in which prisoners are released to community aftercare, monitored, and often encouraged to continue assisting with the program as role models. Programming offered within the community usually includes a combination of individual psychotherapy, group therapy, cognitive-behavioral therapy, life skills training, relapse prevention skills, education, and occupational training.

In the federal system, the Federal Bureau of Prisons offers a number of incentives to prisoners participating in residential drug treatment programs. These incentives include financial compensation to make up for lost work time and sentence reductions of up to one year for inmates who successfully complete residential programs.

Group Counseling

Several treatments fall under the heading of group counseling within correctional institutions. Programs incorporating expression through means such as dramatic role-playing and art are gradually accompanying traditional practices such as cognitive-behavioral therapy in which the offender learns to identify and modify problematic thinking and behavioral patterns. Most group therapy programs use a confrontational approach. Inmates discuss the emotional, cognitive, and behavioral issues associated with their drug use and respond to challenges and suggestions offered by their peers.

Counseling sessions occur at various levels of frequency and intensity. Program frequency varies according to institutional resources and practices. The participants largely determine intensity, as group members must decide how much they are willing to reveal and interact with the others. Members of the prison psychology department often staff groups, although some institutions use private contractors or incorporate community volunteers.

Individual Counseling

Individual psychological counseling is available to all members of the inmate population. However, high counselor workloads limit the duration and frequency of treatment sessions; other modalities would ideally complement personal development.

Treatment specifics depend on the training of the psychologist, but are most typically based in psychoanalysis, reality therapy, cognitive therapy, or behavioral therapy.

Methadone Maintenance

Methadone programs are rare due to the security and policy issues related to providing incarcerated offenders with a narcotic substance. However, the danger of HIV transmission through intravenous drug use among incarcerated heroin addicts garnered support for the establishment of the "Key" program at the Rikers Island facility in New York. The first of its kind in 1987, the Key provides methadone to heroin addicts during their incarceration and arranges referrals to community programs on release. Inmates do not have to be on a methadone program prior to incarceration in order to qualify.

Twelve Step

Twelve-step programs are available in most facilities with substance abuse programs. Narcotics Anonymous and Cocaine Anonymous are based on the Alcoholics Anonymous format but adapted to focus on illicit drug addictions. Twelve-step programs are often staffed by volunteers and ex-addicts from the community; therefore, they can operate at virtually no cost to the institution. They provide a forum of mutual support for offenders as they work through steps from admitting the problem to attempting to make amends for harm done. Some groups provide sponsors in the community to provide additional support, particularly upon community reentry.

Drug Education

Drug education programs have been mandatory in all federal prisons since 1990. Program participation is compulsory for any inmates with drug-related offenses. The education sessions are low intensity and relatively brief, designed only to inform participants of the potential consequences of drug use and motivate them to pursue further treatment. Treatment is intended to be a minimum of 40 hours in duration, usually taking place twice a week for approximately 10 weeks. Education sessions address issues such as reasons for drug use, theories of addiction, types of drugs, effects of drug use on the individual, and effects on the family. These sessions consist of activities such as lectures, movies, group discussions, and written assignments.

Detoxification

Detoxification programs provide therapy for inmates undergoing withdrawal on admission to the institution. Participants may be provided with gradually declining doses of methadone or receive counseling through the prison psychology department or community volunteers. Detoxification programs may also be offered to those ceasing a drug habit maintained within the correctional institution.

TREATMENT PROGRAMS FOR WOMEN

Female offenders are more likely than male offenders to have substance abuse problems. Yet, because women constitute a small minority of the correctional population, the treatment programs that are available to them are most often ones that have originally been designed for men. The problem with such programs is that female substance abusers tend to have very different needs that traditional male programs do not address. First, female drug use is more often correlated with criminality. Therefore, the percentage of women incarcerated for drug-related offenses is higher and it is increasing more quickly than that of male offenders. Second, drug use by female offenders is more likely to be instigated or encouraged by a romantic partner and associated with issues of abuse, psychological problems, and escape. Third, female drug offenders are less likely to have marketable employment skills and are at a higher risk for health problems such as HIV, malnutrition, and sexually transmitted diseases. Finally, due to histories of abuse and dependency, many women may be unable to cope with the adversarial nature of group therapies designed for men.

Programs that address the specific needs of female substance abusers are being developed. The OPTIONS (Opportunities for Prevention and Treatment Interventions for Offenders Needing Support) program in Philadelphia, for example, focuses on issues such as diet, body image, abuse, parenting, empowerment, and self-image that are of greater concern to women. OPTIONS, a treatment community, also operates in a cyclical pattern, eliminating the pressure and competition of the hierarchical system in male programs. Other programs offer innovative modalities such as acupuncture and recreation therapy in place of adversarial group therapies.

Programs such as WINGS (Women Incarcerated Getting Straight) in Alabama and Stepping Out in San Diego, California, also provide treatment specific to pregnant or postpartum women. These programs are usually less intense and focus on health and parenting as well as substance abuse issues. Although many programs for female offenders attempt to integrate postrelease community resources, transitional efforts are often hampered by low education and employment skills and few placement options, particularly for women with children.

CURRENT PROBLEMS FACING DRUG TREATMENT PROGRAMS

The primary barrier to the development and implementation of correctional drug treatment programs is funding. Although successful programs are cost-effective through reductions in justice and health costs, programs face competition for limited funds from other correctional programming. They must deal with political resistance from the zero-tolerance mentality surrounding both drugs and incarceration. In addition, prison overcrowding severely limits the space available for treatment. Programs such as treatment communities rely on separating the offender from influences such as drugs, rivalry, and peer pressure in the general population. With no room to isolate prisoners in treatment, programs must face these additional barriers to rehabilitation.

Programs also face problems of subject selectivity. Not all screening processes are able to weed out volunteers who are looking to improve their record or kill time rather than address real problems. Substance abuse treatment programs are also seen as prime marketing grounds for inmate drug dealers. Most intensive programs target high-risk populations—offenders with long histories of drug abuse and recidivism. Measures of success based on absolute levels of relapse rather than control group comparisons may therefore be interpreted as indications of program failure.

To achieve cost effectiveness, treatment programs cater to the greatest common denominator. Unfortunately, this practice does not address the needs of minorities such as women and people of varying racial and ethnic backgrounds. Despite the overrepresentation of Native and Hispanic offenders with substance abuse issues, for example, only a few programs offer instruction or interaction in languages other than English.

CONCLUSION

Although the developmental trend in correctional drug treatment is fairly recent, the Federal Bureau of Prisons, individual researchers, and the National Institute of Drug Abuse have been involved in program evaluation since the late 1980s. Program success is most commonly measured by reduced rates of recidivism, parole revocation, and drug use relapse. Current data indicate that the most successful programs are of high intensity, such as treatment communities, and incorporate a supervised community transition phase. Duration of treatment is also correlated with success, with an ideal program length of 9 to 12 months. Treatment modalities such as 12-step programs, drug education programs, individual counseling, and group counseling that are infrequent, low intensity, and take place within the general population are generally of negligible efficacy unless part of a more comprehensive overall treatment program that includes some form of postrelease continuity.

Preliminary evaluations indicate that comprehensive drug treatment programs reduce recidivism as well as drug use. Reduced rates of reincarceration can in turn reduce prison overcrowding and justice system expenses. Successful treatment programs are therefore necessary in a nation where the “war

on drugs" ensures that both drug offenders and prison overcrowding remain key social concerns.

—Rebecca Jesseman

See also Alcoholics Anonymous; Drug Offenders; Group Therapy; Increase in Prison Population; Individual Therapy; Medical Model; Narcotics Anonymous; Psychological Services; Rehabilitation Theory; Therapeutic Communities; War on Drugs; Women Prisoners

Further Reading

Federal Bureau of Prisons. (2000). *TRIAD Drug Treatment Evaluation Project: Three-year outcome report.* Retrieved from www.bop.gov

Leukefeld, C. G., & Tims, F. M. (Eds.). (1992). *Drug abuse treatment in prisons and jails.* Washington, DC: U.S. Government Printing Office.

Lipton, D. S. (1998). Treatment for drug abusing offenders during correctional supervision: A nationwide overview. *Journal of Offender Rehabilitation, 26*(3 & 4), 1–45.

Substance Abuse and Mental Health Services Administration. (2000). *Substance abuse treatment in adult and juvenile correctional facilities.* Retrieved from www.samhsa.gov/oas/ufds/correctionalfacilities97/index.htm

U.S. Department of Justice, National Institute of Corrections. (1994). *Profiles of correctional substance abuse treatment programs: Women and youthful violent offenders.* Retrieved from www.nicic.org/pubs/1994/011369.pdf

E

EASTERN STATE PENITENTIARY

The Eastern State Penitentiary opened in 1829. Sometimes called the Cherry Hill Penitentiary, it was erected in what was once a cherry orchard. Cherry Hill was designed from the beginning to enable those in solitary confinement to work. Care was taken so that its architectural design would follow the premises of the Pennsylvania system. Its first seven cellblocks were built to radiate from a central rotunda where guards could keep surveillance on prisoners who were housed in their own cells, each with central heat, running water, a toilet, and a skylight. Next to each cell was an outdoor exercise yard surrounded by a wall. Samuel Wood, a Quaker and member of the Philadelphia Society for Alleviating the Miseries of Public Prisons, served as Cherry Hill's first warden. Several of the wardens who followed Wood were also members of the Philadelphia Society.

Cherry Hill became famous as the chief exponent of the separate system. It attracted penal reformers from all over the world who came to see how successfully rehabilitation could be accomplished by means of total and complete separation and to view its modern construction. Ultimately, however, this system was replaced by the silent or congregate system initiated in New York State at Auburn Prison. Nonetheless, elements of the separate system can still be seen in contemporary practices of solitary confinement.

SOLITARY CONFINEMENT

When an inmate arrived at Eastern State Penitentiary, he was placed in a cell and left alone to contemplate his fate without work or reading materials. After a few days, if he had not already requested it, the prisoner was asked if he wanted work to do in his cell. If he had a trade that could be continued inside his cell, he was permitted to pursue it. If he did not, he was allowed to choose one and received instruction from an overseer. Prisoners wore masks or hoods on the few occasions when they were permitted out of their cells to prevent them from communicating with each other. Prisoners did, however, receive visitors.

The Board of Inspectors visited regularly as required by the terms of their appointment. The Philadelphia prison society had an extensive visiting program to encourage contact with the prisoners at Cherry Hill. The society's records indicate that its members made thousands of visits each year. Not only did they provide support and counsel to the inmates, they also accumulated information about prison operations and conditions. They made notes about each visit and the morale and emotional status of the offender. Records indicate that inmates

were allowed visits with family members a few times a year.

Advocates of the separate system maintained that physical punishment was unnecessary to control an institution. Because prisoners were isolated from each other, there were few opportunities to get into trouble. If someone was recalcitrant, he was not permitted to work or keep reading materials in his cell. He could also be placed on a restricted diet.

CRITICISMS OF THE REGIME

In 1834, serious allegations surfaced that Warden Samuel Wood had used cruel forms of physical punishment against several prisoners. An investigation by the state legislature in 1835 discovered that Wood had isolated prisoners in a dark, unheated cell with no bedding and only bread and water for exceptionally long periods of time. It was also suggested that he used the shower bath to discipline prisoners by pouring water, at various temperatures, on an inmate from different heights. Another punishment was the tranquilizing chair. Prisoners were strapped to a large chair so tightly they could not move any part of their body. Finally, there was evidence Wood had used the straight jacket and the iron gag. A minority report expressed concern about the severity of punishment; however, the investigators' majority report found that such punishments were not inappropriate, and Wood was not admonished. Over the years, the prison's Board of Inspectors sanctioned the use of limited forms of corporal punishment at Cherry Hill.

THE CHALLENGE OF THE AUBURN MODEL

Unlike the separate system of solitary confinement, the Auburn system required prisoners to work together in large groups during the daytime. Only at night were they isolated in their own cells. To deal with the large numbers of prisoners gathered together, a strict code of complete silence was enforced. Officials instituted extensive surveillance techniques backed by certain and swift punishment once they discovered an infraction. Prisoners marched to and from their cells to the industrial shops or the mess hall in silent lockstep formation. When a prisoner disobeyed the rules, he was subject to immediate corporal punishment, usually a flogging or caning.

With the initiation of the Auburn system began a fierce debate about the meaning of punishment. Adherents to the Pennsylvania system spoke and wrote prolifically about its virtues, as did its detractors who supported the silent system. Both sought to remove offenders from society and prevent them from contaminating each other. They shared the theory that offenders were a "different class" of people (Hirsch, 1992, p. 36). Their similarities, however, ended here. The separate system kept inmates physically segregated 24 hours a day. In contrast, the Auburn system made inmates separate only at nighttime and enforced a rigid code of silence during the day.

Embedded in the two regimens were different beliefs about human nature and the ability of people to change. In the Pennsylvania system, isolation was tempered by the Quaker philosophy. Although there are reports that some wardens at Cherry Hill relied on corporal punishment, there is ample evidence that efforts were made to avoid incorporating it into the regular regime of the penitentiary. The men who devised the Pennsylvania system believed in the capacity of the individual to reform and that corporal punishment threatened rehabilitation. Those who devised the silent system were less inclined to believe that offenders could reform and thus spent little time aiding prisoners' efforts to change.

In 1833, French statesman and author Alexis de Tocqueville and his traveling companion Gustave de Beaumont chronicled the debate that was waging between the Pennsylvania and New York systems in their book *On the Penitentiary System in the United States.* For Beaumont and Tocqueville, the New York system, with its reduced expectations, was more likely to instill good habits and an industrious nature. Prisoners learned useful trades in a congregate setting that was more like what they would eventually

experience upon release. Similarly, after visiting Cherry Hill in 1842 author and social reformer Charles Dickens denounced the Pennsylvania system for its psychological torture. Acknowledging the good intentions of those who supported separation, Dickens wrote that they simply did not know what they were doing. Finally, critics pointed out, prisons built for the separate system were more expensive, and the inmates could not produce the quantity and variety of products that could be produced in the large, congregate shops that resembled assembly-line factories.

CONCLUSION

By the 1850s, the Philadelphia Prison Society had failed to convince the nation that the separate system was best. Cherry Hill was the only penitentiary in the United States that operated under the separate system, and even there the system had been diluted. Overcrowding made it impossible to assign every inmate to a single cell. By 1866, Cherry Hill officials no longer titled their system the separate or silent system, instead designating it the individual treatment system. A congregate workshop was built in 1905. In 1913, the separate system was officially abandoned. Pennsylvania closed the Eastern State Penitentiary in 1971.

Recently, this historic institution has been reborn as a museum. The Pennsylvania Prison Society opened the penitentiary for guided tours in 1994. In 2001, the Eastern State Penitentiary Historic Site, Inc., a nonprofit corporation, took over operation of the facility and extensive preservation efforts. In its new guise as an historic site, Eastern State Penitentiary powerfully demonstrates the early ideas of confinement in the United States.

—Barbara Belbot

See also Auburn Correctional Facility; Auburn System; History of Prisons; John Howard; Newgate Prison; Panopticon; Pennsylvania Prison Society; Pennsylvania System; Philadelphia Society for Alleviating the Miseries of Public Prisons; Quakers; Benjamin Rush

Further Reading

Barnes, H. E. (1968). *The evolution of penology in Pennsylvania: A study in American social history*. Montclair, NJ: Patterson Smith. (Original work published 1927)

Beaumont, G. de, & Tocqueville, A. de. (1964). *On the penitentiary system in the United States and its application in France* (Introduction by T. Sellin). Carbondale: Southern Illinois University Press. (Original work published 1833)

Hirsch, A. J. (1992). *The rise of the penitentiary: Prisons and punishment in early America*. New Haven, CT: Yale University Press.

Lewis, O. F. (1967). *The development of American prisons and prison customs, 1776–1845*. Montclair, NJ: Patterson Smith. (Original work published 1922 by the Prison Association of New York)

Lewis, W. D. (1965). *From Newgate to Dannemora: The rise of the penitentiary in New York, 1796–1848*. Ithaca, NY: Cornell University Press.

McKelvey, B. (1977). *American prisons: A history of good intentions*. Montclair, NJ: Patterson Smith.

Teeters, N. K. (1955). *The cradle of the penitentiary: The Walnut Street Jail at Philadelphia, 1773–1835*. Philadelphia: Pennsylvania Prison Society.

Teeters, N. K., & Shearer, J. D. (1957). *The prison at Philadelphia Cherry Hill: The separate system of penal discipline, 1829–1913*. New York: For Temple University Publications by Columbia University Press.

EDUCATION

A range of educational opportunities is available in prisons, jails, juvenile justice facilities, and various community-based settings. Classes are often tailored to the needs of students and seek to provide learning experiences that will help them during their sentence and after release. For example, those entering correctional facilities may require classes in literacy, communication, and other subjects that will ease their transition into a corrections setting. In contrast, those who are nearing release will benefit from learning experiences that prepare them for the transition into a society that is very different from that found in prison, and, depending on their length of sentence, possibly unlike what they left behind. Other courses or learning may be selected based on age, gender, prior education and skills, and other factors.

Education

A U.S. Supreme Court Justice once stated that criminals are sent to prison as punishment, not to be punished. However, many citizens are against educational programs in prisons. Deprivation of education in prisons is a means of punishing prisoners.

These same citizens expect prisoners to be rehabilitated upon their release. Rehabilitation starts with education. Education unlocks many doors in a person's mind, giving a person legitimate skills and opportunities upon release.

Education also changes the way people think. It gives people hope and confidence in a future free of crime and incarceration. To eradicate education in prisons is to abandon prisoners in their quest for successful reintegration into society after they've paid their debt.

Education also plays a key role in prisoners' pursuits for redemption, be it spiritual or secular. How can I redeem myself or prove worthy of freedom if I am not invested with the proper tools to accomplish these objectives? I fail society because my incarceration has failed to prepare me adequately for my return to society. How can you expect me to build a better life and become a better citizen if I'm not given the appropriate blueprints? To deprive a prisoner of education while incarcerated is to render that person useless. We live in a society that emphasizes the importance of education in terms of success.

Finally, who do you want for a neighbor: An educated ex-con focused on positive productivity, or an uneducated ex-con focused on the only avenue you have left open: Crime?

John Rowell
Dixon Correctional Center, Dixon, Illinois

HISTORY

The earliest U.S. prisons generally sought to educate prisoners through religious instruction. Pennsylvania's Walnut Street Jail tried to reform and teach inmates by encouraging hard work and religious contemplation. Both activities were conducted in solitude. Over time, however, education outgrew solitary Bible reading, culminating in the introduction of a school in 1798, together with a library of 110 books.

The competing Auburn system that provided the model for most penitentiaries in the federal and state systems was far less supportive of prison classes, because of a concern that they might distract inmates from the more important tasks of prison labor. Nonetheless, by 1870 the National Prison Association, which was the forerunner of the American Correctional Association, set out in its Declaration of Principles that "education is a vital force in the reformation of fallen men and women" (Conrad, 1981, p. 1). Since then prison classes have been an entrenched part of the prison experience.

Inmates in the first prisons were taught the basics of reading and writing by prison staff and, if possible, an employable skill that might keep them away from criminal activity upon release. Later, education departments began to have responsibility for law and leisure libraries as well as vocational training and postsecondary schooling options. In most prisons, they also organize sports and recreational activities.

PURPOSE

The U.S. Department of Education defines correctional education as "that part of the total correctional process that focuses on changing the behavior of offenders through planned learning experiences and learning environments. It seeks to develop or enhance knowledge, skills, attitudes, and values of incarcerated youth and adults." Similarly, the U.S. Department of Justice "recognize[s] the importance of education as both an opportunity for inmates to improve their knowledge and skills and as a correctional management tool that encourages inmates to use their time in a constructive manner" (cited in Tolbert, 2002, p. 15). These definitions illustrate the overlapping goals of correctional education: to improve individual skills while helping to manage correctional settings.

Prison-based education programs may provide incentives to inmates in an environment in which rewards are relatively limited. Formal classes and other less structured educational settings offer socialization opportunities with similarly motivated students and educators, who serve as positive role models. Education keeps students busy and provides intellectual stimulation in a place that can be difficult to manage. Programs also provide a "light at the end of the tunnel"—a stabilizing force for the individual who otherwise views his or her situation as somewhat hopeless.

Corrections education often focuses on improving individual skills needed to function productively within correctional facilities. These courses include literacy, special education, English as a second language (ESL), and learning disabilities. Other classes are designed to help inmates with life skills necessary in, and out, of correctional facilities. These include classes in parenting, empathy skills, communication and dispute processing, and cultural awareness. Finally, some classes are designed to instruct prisoners in vocational skills that may lead to employment opportunities upon release. These courses include library science, tutoring, barbering or hairstyling, auto and small engine repair, cooking, laundry and tailoring, carpentry, and building maintenance.

COLLEGE COURSES AND BASIC EDUCATION

Many states have mandatory education laws that require correctional education courses for any inmate who scores below a certain level on a standardized test. At least 26 states have laws that mandate education for a certain amount of time or until a set level of achievement is reached. The level that inmates must reach varies enormously, however. The Federal Bureau of Prisons, for example, requires inmates who do not have a high school diploma or a general equivalency diploma (GED) to participate in literacy programs for a minimum of 240 hours or until they obtain their GED. In New York State, by comparison, prisoners must indicate merely that they can read at a ninth-grade level. Enrollment in correctional education is also usually required if the inmate is under a certain age, as specified by that state's compulsory education law. Thus, in Connecticut, all young women under the age of 18 who are held in the state's only women's facility in Niantic spend the majority of their day in school.

Since the mid-1990s, prison classes other than basic literacy has been under attack both from within and outside the prison. Tertiary education has been particularly vulnerable. Although college classes in prison date to the 1920s, academic or postsecondary courses were rarely offered until 1965, when Congress passed Title IV of the Higher Education Act, a major part of which was the Basic Education Opportunity Grants. Later renamed the Pell grant in honor of Senator Claiborne Pell, the bill's sponsor, this act enabled prisoners and other low-income people to afford college education for the first time.

These days, however, prisoners are no longer guaranteed the right to earn a college degree. Since Pell grants for prisoners were abolished by the Violent Crime Control Act of 1994, few college programs remain in operation throughout the country. In 1990, there were 350 higher education programs for inmates. In 1997, only eight programs remained. Since there was no source for replacement funds, these programs were forced to abandon efforts to provide college courses in prison. Most of what is left of a once successful system of prison higher education is college by correspondence for those who can afford to pay for it themselves. Prisoners are limited even here, by restrictions on audio- and videocassettes and on the number of books they are allowed to have in their cells at any one time. They are also not given access to the Internet. Compounding matters, many universities have established residency requirements for course completion. Fears of alumni disapproval, faculty absences, and an association of the university degree with offenders are all used as excuses by many institutions from stepping into the breach created by the repeal of the Pell grants.

BENEFITS OF EDUCATION WITHIN AND BEYOND THE PRISON

There are numerous benefits of an education both within and beyond the prison. At the most basic level, enrollment in education classes may raise an inmate's income during his or her sentence. In the federal system, for example, prisoners must have a GED or equivalent in order to work in most prison jobs. Without this qualification, they remain at the lowest pay level in the institution. Those for whom English is not their native language must take ESL classes to be able to read and understand simple instructions in their prison jobs. Many prisons also provide a range of other nonfinancial incentives for inmates who participate in education classes. Opportunities to earn privileges within the facility, increased number of visits, and the accumulation or loss of "good time" credit that can lead to earlier parole are all used to motivate students while simultaneously encouraging certain types of behavior within the facility.

In addition to helping prisoners cope with their sentence, education also appears to have a significant impact on people's tendency to reoffend. For example, the Three State Recidivism Study (Steurer, Smith, & Tracy, 2001) examined the impact of prison education while controlling for the effects of socioeconomic factors, criminal behavior, family life, educational experiences, and work history. This study found that inmates who participated in education programs while incarcerated showed lower rates of recidivism after three years. Measures of recidivism, rearrest, reconviction, and reincarceration were significantly lower in each of the three states. Employment data demonstrated that during each of the three years after release wages reported to the state labor departments were higher for the education participants than nonparticipants.

Likewise, a 1987 Bureau of Prisons report found that the more education an inmate received, the lower the rate of recidivism. Inmates who earned college degrees were the least likely to reenter prison. For inmates who had some high school, the rate of recidivism was 54.6%. For college graduates, the rate dropped to 5.4%. Similarly, a Texas Department of Criminal Justice study found that while the state's overall rate of recidivism was 60%, for holders of college associate degrees it was 13.7%. The recidivism rate for those with bachelor's degrees was 5.6%. The rate for those with master's degrees was 0%. Finally, the Changing Minds study (Fine et al., 1991) found that only 7.7% of the inmates who took college courses at Bedford Hills returned to prison after release, while 29.9% of the inmates who did not participate in the college program were reincarcerated.

Even small reductions in recidivism can save millions of dollars in costs associated with keeping the recidivist offender in prison for longer periods of time. The Bedford Hills study, for example, calculates that the reduction in reincarceration would save approximately $900,000 per 100 student prisoners over a two-year period. If we project these savings to the 600,000 individuals who are released from prison in a single year, the savings are enormous. Additional costs are apparent when we consider that the individual, had he or she not committed another crime, would be working, paying taxes, and making a positive contribution to the economy. When we add the reduction of costs, both financial and emotional, to victims of crime, the benefits are even greater. Finally, the justice system as a whole, including police and courts, saves a great deal of money when the crime rate is reduced.

CHALLENGES

Prison educators face many challenges that are shared by teachers in other settings. Inmates who choose to enroll in corrections-based courses are not necessarily any different from the typical student. As in any class, the range of students can include very gifted students, students who face challenges, and students who have various motives for enrolling in the course.

The correctional educator's challenge is compounded by the unique nature of prison culture and the need for security. Prisons adhere to strict routines that may not be ideal in an educational setting. In addition, inmates are often moved from one facility to another. This movement interrupts, or ends, the individual's educational programming.

These structural issues are accompanied by social factors that can further limit learning opportunities. For example, other prisoners may not support the individual's educational efforts. Although the student may be very motivated to earn an education, he or she remains in an environment in which conflicting demands may limit the opportunity to act on that motivation. In addition, prison administrators may also have varying degrees of support for education—especially if they see education as a threat to the primary functions of security and control.

Since correctional education programs offer courses in a variety of areas, institutions often rely on a range of funding sources. Some sources will provide general funds while others will provide funding for specific programs. As discussed above, Congress placed significant restrictions on corrections-based college courses with the passage of the Violent Crime Control and Law Enforcement Act of 1994. This act eliminated Pell grants for prisoners, with devastating effects. As a result of the elimination of Pell grants for prisoners, nearly every prison-based college program was eliminated. Since this funding often provided the foundation for other educational programs, the elimination of these programs had a ripple effect in correctional facilities. The funding problems were exacerbated with the passing of the Adult Education and Family Literacy Act (AEFLA), which became law in 1998. Funding continues to fall short of need, and the AEFLA has not improved this situation. The AEFLA continues to provide funding but altered the formula for state funding. Prior to 1998, states were required to spend at least 10% of AEFLA funds on educational programming in correctional institutions. The law now requires that they spend no more than 10%. Similar limitations were placed on funding as the Perkins Vocational and Technical Act was amended in 1998 to require that no more that 1% of federal funding for vocational and technical education programs be spent in state institutions, including correctional institutions.

Legislation over the past 20 years, a time in which the prison population has grown at unprecedented levels, has resulted in significant cuts in corrections education funding. This has resulted in the elimination of many programs. Ironically, the "get tough on crime" mentality resulted in the elimination of many programs that were effective in reducing crime. In the 1990s we began to see a dollar-for-dollar tradeoff between corrections and education spending. New York, for example, steadily increased its Department of Corrections budget by 76% to $761 million while decreasing funding to university systems by 28%, to $615 million. Research by the RAND Corporation demonstrates that crime prevention is more cost effective than building prisons and that of all crime prevention methods, education is the most cost effective. However, states were committing an increasing percentage of their budgets to fund longer prison terms and increased prison construction.

CONCLUSION

At the end of 2002, there were 1,440,655 people in federal and state prisons. The vast majority of these individuals will be released and will be expected to become productive, law-abiding members of society. Nearly 600,000 inmates are released each year, either unconditionally or under conditions of parole. Unfortunately, many of those released will be rearrested and will return to prison. Costs of this cycle of incarceration and reincarceration are very high. Corrections education has the potential to greatly reduce these costs as studies consistently indicate that an individual who benefits from education while in prison is less likely to return to prison than someone who has not.

There is some question as to why corrections-based education leads to lower recidivism. Many of the benefits of education are difficult to measure. As such, it may be difficult to show a clear relationship between educational opportunity and recidivism. However, an intervening factor, the ability to find and hold a job, appears to clearly demonstrate the benefits of corrections-based education. Individuals who take courses while in prison improve their chances of attaining and keeping employment after release. As a result, they are less likely to commit additional crimes that would lead to their return to prison. Individuals who benefited from college courses in prison also found better jobs and held

these jobs for longer periods of time. It is clear that these factors work together to reduce recidivism—those with more education find stable employment, which makes them less likely to commit crime.

The imprisonment binge over the past 20 years has created a situation where we are beginning to see prison releases at unprecedented levels. Due to strict sentencing guidelines, these prisoners have often served long terms and are released only when their terms have been completely served. As a result, many are released unconditionally, without parole or other postrelease supervision. Each of these individuals will be expected to begin leading a productive, law-abiding life outside prison walls. It is clear that access to a quality education increases the individual's chance of success.

Correctional educators continue to work with their students while facing constant scrutiny and pessimism from the public and from some legislators who question the value of their work and the merits of providing educational opportunities for those who have committed serious crimes. Due to various controversies surrounding corrections education, most prisoners do not participate in prison education programs. The rate of participation has dropped over the past decade during a time in which crime control efforts became increasing punitive. Given the unprecedented prison population, and the equally unprecedented rate of release, corrections education has the potential to save millions of dollars while improving the lives and opportunities of individuals who have served their time and have successfully paid their debt to society.

—Kenneth Mentor

See also Adult Basic Education; Art Programs; College Courses in Prison; Drama Programs; English as a Second Language; General Educational Development (GED) Exam and General Equivalency Diploma; Good Time Credit; Literacy; Music Programs; Pell Grants; Prisoner Reentry; Recidivism; Rehabilitation Theory; Violent Crime Control Act 1994; Vocational Training Programs

Further Reading

Batiuk, M., Moke, P., & Rountree, P. (1997). Crime and rehabilitation: Correctional education as an agent of change—A research note. *Justice Quarterly, 14*(1).

Bureau of Justice Statistics. (2002). *Key crime and justice facts at a glance.* Retrieved from http://www.ojp.usdoj.gov/bjs/glance.htm

Conrad, J. P. (1981). *Adult offender education programs.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

Davidson, H. S. (Ed.). (1995). *Schooling in a "total institution": Critical perspectives on prison education.* Westport, CT: Bergin & Garvey.

Fine, M., Torre, M. E., Boudin, K., Bowen, I., Clark, J., Hylton, D., Martinez, M., Roberts, R. A., Smart, P., & Upegui, D. (2001) *Changing minds: The impact of college in a maximum security prison.* New York: Graduate Center of the City University of New York. Retrieved from http://www.changingminds.ws/

Gerber, J., & Fritsch, E. (1993). *Prison education and offender behavior: A review of the scientific literature.* Huntsville: Texas Department of Criminal Justice, Institutional Division.

Greenwood, P. W., Model, K. E., Rydell, C. P., & Chiesa, J. (1996). *Diverting children from a life of crime: Measuring costs and benefits.* Santa Monica, CA: RAND.

Haigler, K. O., Harlow, C., O'Connor, P., and Campbell, A. (1994). *Literacy behind prison walls.* Washington, DC: National Center for Education Statistics.

Harer, M. (1995). *Prison education program participation and recidivism: A test of the normalization hypothesis.* Washington, DC: Federal Bureau of Prisons.

LoBuglio, S. (2001). Time to reframe politics and practices in correctional education. In J. Comings, B. Garner, & C. Smith (Eds.), *Annual review of adult learning and literacy* (Vol. 2). San Francisco: Jossey-Bass.

Steurer, S., Smith, L., & Tracy, A. (2001). *Three State Recidivism Study.* Prepared for the Office of Correctional Education, U.S. Department of Education. Lanham, MD: Correctional Education Association.

Tolbert, M. (2002). *State correctional education programs.* Washington, DC: National Institute for Literacy. Retrieved from http://www.nifl.gov/nifl/policy/st_correction_02.pdf

Trounstine, J. (2001). *Shakespeare behind bars: The power of drama in a women's prison.* New York: St Martin's.

U.S. Department of Education, Office of Correctional Education. (1994). *The impact of correctional education on recidivism 1988–1994.* Washington, DC: U.S. Department of Education.

EIGHTH AMENDMENT

The Eighth Amendment to the U.S. Constitution forbids "cruel and unusual punishments." The federal courts have sought to address how this is to be

applied in the context of prisons. At what point do prison conditions become so egregious and inhospitable that the government has, in essence, inflicted cruel and unusual punishment upon prisoners?

HISTORY

The U.S. Supreme Court first became involved in the field of prisoners' rights in 1964, under the leadership of Chief Justice Earl Warren. By the early 1970s, federal district courts, which had been empowered by the Warren Court to play a key role in evaluating the constitutionality of prison conditions, began to apply the Eighth Amendment to state and federal prisons. As a result, by 1986 "in thirty-seven states correctional administrations or individual prisons were operating under federal court orders" (Rosenberg, 1991, p. 306). Despite the potential for change, however, most agree that the interventions by the federal courts led to minimal improvements in the conditions of life in prison. In any case, since the latter part of the 1980s, the role of these courts has been much reduced by the Supreme Court under the leadership of Chief Justice William Rehnquist.

APPLYING THE EIGHTH AMENDMENT TO PRISONS

Federal courts have developed several standards that are to be used in evaluating a prisoner's claim of an Eighth Amendment violation. First, the punishment in question must be both cruel *and* unusual before the Eighth Amendment can be used to limit the power of the government. Second, prison inmates do retain fundamental Bill of Rights protections, so long as those rights are compatible with the legitimate objectives of incarceration. Third, in the case of *Wilson v. Seiter* the Supreme Court has decided that the threshold question for deciding if the Eighth Amendment has been violated is if prison guards have, as part of their official conduct, engaged in the "serious deprivation of a human need" vis-à-vis prisoners. Furthermore, a prisoner seeking vindication under the Eighth Amendment must demonstrate that the prison official in question had a "culpable state of mind" when depriving a prisoner of a human need such as food, warmth, or exercise. This means that the prison official(s) must have acted with "deliberate indifference" in depriving a prisoner of a human need—that is, he or she must know that the prisoner will face a serious risk of substantial harm and then fail to act on that knowledge. Such a claim can encompass the state's failure to protect an inmate from other prisoners, as in the case of rape or prison violence. Similarly, the government has a constitutional obligation to provide adequate medical and mental health services to needy prisoners. Prison overcrowding can also create a legal cause of action, if prison conditions subject inmates to a "substantial risk of serious harm." Finally, the government has violated the Eighth Amendment if prison officials inflict "unnecessary and wanton . . . pain." This standard of conduct, however, is qualified by a recognition that harsh punishment may be appropriate as part of the core functions of a correctional facility.

ROLE OF CONGRESS AND THE COURTS IN RECENT YEARS

Congress responded to what it saw as the illegitimate role of federal judges in determining prison policy with the Prison Litigation Reform Act of 1996 (PLRA). This piece of legislation significantly limited the ability of prisoners to bring Eighth Amendment litigation against state and federal facilities by requiring that prisoners exhaust all possible administrative remedies prior to bringing any grievances based on federal law about prison conditions to the courts. Prisoner petition appeals subsequently fell by 5% in 1997, although they rose by 8% in 1998—due, in significant part, to the rapidly growing prison population in the United States. In *Porter v. Nussle,* 534 U.S. 516 (2002), the U.S. Supreme Court ruled unanimously that the term *prison conditions* applies both to general conditions within a prison and to individual instances involving a claim of excessive force employed by a particular correctional officer. Nussle, an inmate, had argued that a single instance of excessive force applied by a guard against an inmate fell outside the PLRA's coverage of "prison conditions," and thus could be brought before a

federal court via an Eighth Amendment claim without recourse to administrative remedies within the prison system itself.

The District Court for the Middle District of Alabama, in December of 2002, held that a women's prison designed to house 364 inmates violated the Eighth Amendment by allowing the prison population to reach 1,017. In the view of the court in this case, this extreme form of overcrowding subjected the inmates to a "substantial risk of serious harm." The prison administrators were then ordered to remedy this constitutional defect as quickly as possible, using their own discretion in the fashioning of a solution. The U.S. Supreme Court, however, in *Wilson v. Seiter,* held that placing two inmates in cells designed for a single person does not necessarily violate the Eighth Amendment. Rather, prisoners living under such conditions must demonstrate the "deprivation of a . . . human need [and] a culpable state of mind on the part of prison officials."

While the Supreme Court of late has been decidedly hostile to the rights of prisoners, it has not uniformly struck down all Eighth Amendment claims. In a recent case, *Hope v. Pelzer,* for example, the Court held that an Alabama prison's use of a "hitching post" to place handcuffed prisoners in the hot sun for several hours did indeed constitute the "gratuitous infliction of wanton and unnecessary pain," and thus violated the Eighth Amendment.

A limitation on the Eighth Amendment's application to incarceration facilities is the issue of what constitutes a "punishment." Conditions in jail prior to a trial, therefore, and sexual predators who are confined by the government after serving their term of detention in order to receive treatment, are not covered by the ban on cruel and unusual punishments. In such cases, however, the Fifth Amendment's due process clause would apply, and the courts have developed standards for this claim that are similar to those they have developed for the Eighth Amendment.

CONCLUSION

All of the above limitations on the ability of prisoners to invoke the Eighth Amendment on their own behalf may help to explain the limited impact that litigation has had on prison conditions in the United States. While many scholars agree that Eighth Amendment litigation has helped to ameliorate the very worst conditions in U.S. correctional facilities, several also suggest that many serious problems such as prison overcrowding and sadistic behavior by prison guards remain.

—Francis Carleton

See also Capital Punishment; Chain Gangs; Civil Commitment of Sexual Predators; Correctional Officers; *Estelle v. Gamble;* First Amendment; Fourth Amendment; Health Care; Jailhouse Lawyers; Overcrowding; Prison Litigation Reform Act 1996; Prisoner Litigation; Rape; Riots; Violence; *Wilson v. Seiter*

Further Reading

Bosworth, M. (2002). *The U.S. federal prison system.* Thousand Oaks, CA: Sage.

Developments in the law: The law of prisons: II. The Prison Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act: Implications for federal district judges. (2002). [Special isssue]. *Harvard Law Review, 115,* 1846.

Hallinan, J. (2001). *Going up the river: Travels in a prison nation.* New York: Random House.

Lucero, L., & Bernhardt, J. (2002). Thirty-first annual review of criminal procedure: VI. Prisoners' rights. *Georgetown Law Review, 90,* 2005.

Rich, W. (2002). Editor's letter: Prison conditions and criminal sentencing in Kansas—A public policy dialogue. *Kansas Journal of Law and Public Policy, 11,* 693.

Rosenberg, G. (1991). *The hollow hope.* Chicago: University of Chicago Press.

Third Branch. (1999). Changing trends in prisoner petition filings. *Newsletter of the Federal Courts, 31*(12).

ELDERLY PRISONERS

The most common definition of an *elderly inmate* is someone aged 50 and older. The point at which someone becomes elderly has been set at 50 because research has identified a 10-year differential between the overall health of inmates and that of the general population. Most have attributed this to people's lifestyles prior to incarceration during which many used drugs and alcohol to excess, had

poor eating habits, and were poor. Even so, there has been difficulty and dissent among scholars, both in corrections and in general, in reaching agreement on who classifies as an "elderly prisoner." The definition of aging is affected by many factors including physical, emotional, social, and economic changes in communities. Similarly, the processes of aging are dependent not only on time but along on the interaction of various factors such as gender, age of parents, susceptibility to disease, environment, diet, and lifestyle.

CURRENT SITUATION

There are approximately 103,132 inmates aged 50 and older in U.S. correctional facilities. Most elderly inmates are male and tend to be held in minimum-security facilities. Changes in sentencing, which have criminalized more practices and lead to longer periods of confinement for many crimes, in conjunction with a move away from early-release practices such as parole, are all contributing to a rapid growth in older inmate populations. In essence, inmates are staying longer and growing older in prisons rather than being older when entering prison.

ELDERLY PRISONER DEMOGRAPHICS

There are three main groups of elderly prisoners. First, there are the first-time inmates imprisoned at an older age. These people are highly likely to be imprisoned for a violent offense and have the most complex needs of the three groups due to their lack of familiarity with the conditions of incarceration. In the second group are repeat offenders who return to prison at a later age. They often have substance abuse problems and associated poor health. In the final group are people who have grown old in prison due to the long sentences they are serving. While prisoners in this group are likely to be well adjusted to the system, they are also very likely to be institutionalized so that their release is very difficult for them to manage. Such people may be at high risk of self-harm and suicide when they return to the community, or they may reoffend in order to be returned to a penal institution where they will feel more comfortable.

OFFENSE CATEGORY

Most inmates over 50 years of age are imprisoned for violent offenses. Whereas age may be a mitigating factor in sentencing for most other offenses, it will have the least effect for violent offenders. Thus, older persons who commit a violent crime are more likely to be imprisoned than older people committing property or nonviolent crimes.

HOUSING

Most correctional centers are designed to accommodate young and active inmates. Elderly residents report finding the prison environment cold and damp and the stairs and distances difficult to cope with. Since they may be unable to climb stairs, they usually require ramps or wheelchair accessibility to be built. Correctional institutions designed during the 1980s often feature buildings scattered over wide areas. Inmates in these institutions are required to walk long distances to obtain meals, medical services, and other essentials. This may be difficult for elderly inmates.

Research has also found that older inmates express a greater need for privacy and for access to preventive health care and legal assistance, all of which have implications for the design or modification of correctional centers. Currently, prisons are generally designed to provide basic health care and do not have the facilities for the higher health monitoring required for older people. Overcrowding has also meant that inmates often lack of individual space and have only minimal access to services. These factors may be particularly difficult for elderly inmates to manage.

IMPLICATIONS FOR MANAGEMENT

The specific needs of elderly inmates, in particular their need for a high level of care, dramatically increase the cost of incarceration. Growing old is accompanied by an inevitable physical decline. The

majority of people over 60 years of age in the community have at least one chronic health condition, use more prescription drugs, have more adverse reactions to medication, and spend twice as much time in medical facilities. The health care costs of the elderly in prison are second only to HIV/AIDS patients.

Elderly inmates in U.S. correctional facilities commonly receive more specialized medical care including chronic care clinics and preventive care. They also usually have an increased frequency of physical examinations. More than half of the correctional departments in the United States report that special nutrition/dietary care and housing and the use of inmate aides to provide nonmedical assistance are available to the elderly in their particular jurisdictions. On the other hand, very few of these agencies have special units for elderly female prisoners. Elderly women will have very different health care and other needs not only in relation to other elderly male prisoners but also to other female inmates in general. Difficulties they face include menopause, osteoporosis, and frequent difficulties with arthritis, cardiac conditions, and memory loss.

It may also be complicated to find ways of keeping older inmates occupied during their term of incarceration. There are few suitable programs and it is often difficult to find specialized and suitably trained staff. Careful staff recruitment and selection for sensitivity to the unique requirements of elderly inmates should be a considered by administrators. Suitable programs may include reading and discussion groups, modified exercise and fitness programs, and modified treatment and rehabilitation programs. Often the reasons for offending are quite different for older people and difficult to address through current rehabilitation programs.

Certain legislation must be considered when developing and implementing policies, processes, and programs for older inmates. Antidiscrimination law, such as the Americans with Disabilities Act, addresses age and can affect issues such as opportunity to work, transport, and access to health care and buildings. It must be carefully considered by correctional administrators.

CONCLUSION

Research shows that while elderly inmates may appear better adjusted to prison life and less disruptive than younger inmates, many have more extensive psychological and emotional difficulties. Older inmates frequently express fear of being victimized by younger prisoners and suffer from greater social isolation within the correctional environment. Such differences from the mainstream prison populations mean that elderly inmates require more physical and personal resources than other types of inmates in correctional centers.

—Anna Alice Grant

See also Clemency; Furlough; Health Care; HIV/AIDS; Hospice; Increase in Prison Population; Indeterminate Sentencing; Just Deserts Theory; Parole; Prison Culture; Prison Industrial Complex; Sentencing Reform Act 1984; Truth in Sentencing; War on Drugs

Further Reading

Aday, R. H. (1994). Golden years behind bars: Special programs and facilities for elderly inmates. *Federal Probation, 58*(2), 47–54.

Correction yearbook. (2000). Retrieved from http://www.cji-inc.com/cyb/download/000ver50.pdf

Hartjen, C., & Rhine, E. (1992). Ageing inmate offenders: Another perspective. In C. Hartjen & E. Rhine (Eds.), *Correctional theory and practice*. Chicago: Nelson Hall.

Kesley, O. W. (1986). Elderly inmates: Providing safe and humane care. *Corrections Today, 48*(3), 56, 58.

Krajick, K. (1979). Growing old in prison. *Corrections Magazine, 5*(1), 33–46.

Kratcoski, P., & Babb, S. (1990). Adjustment of older inmates: An analysis by institutional structure and gender. *Journal of Contemporary Criminal Justice, 6*(4), 264–281.

Kratcoski, P., & Pownall, G. (1989). Federal Bureau of Prisons programming for older inmates. *Federal Probation, 53*(2), 28–35.

LIS Inc. (1997, September). *Prison medical care: Special issues in corrections.* National Institute of Corrections. Retrieved from http://www.nicic.org/pubs/prisons.htm

Mays, G. L., & Wintree, L. T. (1998). *Contemporary corrections.* Belmont, CA: Wadsworth.

Morton, J. (1992). *An administrative overview of the older inmate.* National Institute of Corrections. Retrieved from http://www.nicic.org/pubs/prisons.htm

Morton, J., & Anderson, J. (1982). Elderly offenders: The forgotten minority. *Corrections Today, 44*(6), 14–16, 20.

ELECTRONIC MONITORING

Electronic monitoring emerged in the United States in the early 1980s, at a time when prison overcrowding and costs necessitated the development of alternative strategies for supervising offenders. Electronic monitoring involves the use of telemetric technology to monitor the presence or absence of an offender in a specified monitored location. The surveillance technology is often coupled with community sanctions such as probation or home confinement, also known as house arrest, to ensure compliance with specified conditions such as curfew. The objectives of electronic monitoring, like other alternative correctional measures, are to protect society through offender supervision, decrease the use of incarceration among less serious offenders, punish offenders, and support rehabilitation.

PROGRAMS AND TECHNOLOGIES

Electronic monitoring programs are run by state departments of corrections, local courts and law enforcement agencies, and private contractors, depending on the jurisdiction in which the program is run. There is a great deal of variation in the administration of this penal strategy. For example, programs may target specific populations, and offense types, and vary in their hours of operation. Some charge the offender a fee, while others do not.

Electronic monitoring exists at all stages of the criminal justice system from pretrial to postrelease supervision. Thus, surveillance may be used as (1) an alternative to pretrial detention, (2) a sanction meted out at time of sentencing, (3) an alternative to custody that is offered postsentencing, (4) a tool to ensure compliance with a work release program, or (5) a condition of probation or parole.

There are two main types of monitoring technology currently in use: *continuous signaling* and *programmed contact*. Continuous signaling involves the use of three devices: a transmitter that is worn by the offender on the ankle or wrist, a receiver-dialer attached to a telephone in the monitored location, and a central computer that receives the transmitted information. The transmitter sends signals to the receiver-dialer, which contacts the central computer at the monitoring center whenever there is a change in the offender's status (entering or leaving the monitored location). The offender's approved schedule is stored within the central computer, allowing for a comparison between the signaled change in status and the offender's schedule to ensure compliance and detect violations.

Programmed contact technology involves the use of equipment that initiates periodic telephone calls to the location under surveillance (usually the offender's home) to verify the offender's presence. Verification may occur by having the offender insert a worn device, or wristlet, into a verifier box that is attached to the phone. This is known as an "electronic handshake." Verification may also be established using voice verification technology, video verification, or by having the offender call an 800 number and typing in a random code provided by a device worn by the monitored person to establish ID.

For individuals who do not have a telephone, a drive-by unit may be used for monitoring purposes. A transmitter worn by the offender will send out signals that an officer can receive by tuning a receiving device into the frequency of the monitor. The person will not be aware of when checks are being conducted.

Hybrid electronic monitoring equipment, combining continuous signaling and programmed contact technology, is now also being used. When continuous signaling equipment notes a deviation from the offender's approved schedule, he or she will be contacted by telephone to allow for verification of his or her location.

Electronic monitoring programs may also use alcohol-testing systems to ensure compliance with a condition to abstain from alcohol use. There are four types of alcohol testing systems currently available. The simpler tests provide only an indication that the offender has consumed alcohol, while more sophisticated testing systems measure a person's actual blood alcohol level.

ELIGIBILITY FOR ELECTRONIC MONITORING: WHO IS BEING MONITORED?

Due to the variance in the administration of electronic monitoring programs across the United

States, no one set of eligibility criteria exists. Rather, individual programs define and operate under their own regulations.

Electronic monitoring is currently in use with both adult and juvenile offenders. While both male and female offenders are eligible, the majority of those being monitored are male. Most offenders under this type of surveillance have committed nonviolent offenses. However, there are some monitoring programs that specifically target high-risk offenders who are considered to be at risk for recidivism. These programs increase the level of supervision for selected recently released offenders, allowing correctional officials to watch their reintegration into the community.

To be considered for most electronic monitoring programs, an offender must have a structured living arrangement and either be currently employed or actively seeking work. While some programs accept only those who do not have a history of serious substance abuse, other programs are specifically designed for offenders who have been convicted of driving while under the influence (DUI) or drug law violations.

PREVALENCE OF USE AND EFFECTIVENESS

Currently, electronic monitoring programs are operated in some form in most, if not all, U.S. states. Because such programs are operated at various levels of government and by nongovernment agencies, and their duration is relatively short, it is difficult to obtain accurate information regarding the number of individuals being monitored at any given time. While electronic monitoring programs have grown rapidly, the percentage of offenders being supervised in this way compared to the total number of offenders under some form of supervision is extremely small. Recent estimates suggest that approximately 28,000 to 30,000 people are currently being electronically monitored across the United States, equaling only 0.6% of the total offender population.

Determining the effectiveness of electronic monitoring is complicated by a dearth of experimental studies that evaluate them. Existing evaluations use various indicators of success, including rates of completion and recidivism, and the number of violations accumulated while participating in a program. Success rates for electronic monitoring vary dramatically, ranging from 30% to 100%. These rates are affected by a program's rules and regulations and its approach to dealing with violations, as some programs are very strict and will terminate an offender's participation upon first violation whereas others will assess the violation and provide offenders with warnings. Most revocations from electronic monitoring programs are the result of technical violations, not the commission of a new offense. At present, it is unclear whether electronic monitoring is more effective in terms of successful completion and rates of recidivism than other community sanctions.

SOME STRENGTHS AND WEAKNESSES OF ELECTRONIC MONITORING

Arguably, one of the greatest strengths of electronic monitoring is that it provides an intermediate sanction between the extremes of probation, which offers minimal or limited supervision, and incarceration, which entails total supervision. Surveillance of this nature enables individuals to maintain family and community ties and employment during the sanctioning period. The maintenance of these supports may decrease their likelihood of reoffending, particularly important for juvenile offenders. Offenders placed on electronic monitoring are also able to avoid the stigma of imprisonment.

Electronic monitoring is also a means for avoiding what has been termed "offender contamination," that is, exposing first-time or nonserious offenders to the more experienced offenders found in prisons. Despite the less restrictive nature of surveillance as compared to incarceration, it has been reported as having a stabilizing affect on the lives of monitored offenders, as they become accustomed to a routine of attending work and spending time in the home. Offenders under electronic surveillance may be made to pay restitution to their victim as a condition of their program. Electronic monitoring

programs have also had some success in effectively treating certain types of offenders such as those convicted of DUI, drug, and other nonviolent offenses. Finally, the costs associated with this strategy are far less than the costs of incarceration.

Despite numerous strengths, electronic monitoring also has a number of weaknesses. The technology associated with it has had to be continually upgraded to deal with numerous technical problems such as the incompatibility of phone lines, radio frequency interference, and transmission blockage due to environmental conditions. Although many companies have added tamper detection equipment to their techniques, offenders continue to remove or disable monitoring devices and avoid detection.

The implementation of electronic monitoring programs may, in some instances, widen the net of criminal justice control by punishing individuals who would have otherwise been diverted from the justice system. When used with serious or high-risk offenders, it has been criticized for failing to adequately protect the public, as those who are under surveillance are free to be in the community unescorted.

Although electronic monitoring was initially implemented in response to increasing prison overcrowding, it has had only a minimal impact on decreasing prison populations. It has also been criticized for turning the home into a prison. In doing so, electronic monitoring may have a negative impact on other inhabitants of the household, whose lives are disrupted by numerous phone checks, unannounced home visits from correctional workers, and having a member of their family restricted to the home. Relapse after program completion is also a concern, as offenders must adjust to the process of going from the intensive supervision of electronic surveillance to minimal or no supervision.

THE USE OF ELECTRONIC MONITORING INTERNATIONALLY

Electronic monitoring is in use or has been considered for use in a number of countries around the world including Canada, Singapore, Australia, Sweden, and the United Kingdom. In Canada, it has not been implemented by the federal government, but rather programs are run at the provincial level in four provinces: British Columbia, Saskatchewan, Newfoundland, and Ontario. Surveillance programs of this nature developed slowly in Canada and are subject to a great deal of variation in program administration. In Canada, electronic monitoring is used to enhance compliance with house arrest and may be initiated by the courts or by corrections depending on jurisdiction.

Like in Canada, electronic monitoring in the United Kingdom has developed slowly. While the strategy was introduced by the Criminal Justice Act of 1991, this sanctioning option was not used until 1994. In the United Kingdom, electronic monitoring has two main uses: (1) part of an order of probation lasting less than six months and (2) a home detention curfew whereby an offender will spend the last two months of a custodial sentence in the home under electronic surveillance. Electronic monitoring is a national program in the United Kingdom and is supervised by the Home Office.

CONCLUSION: THE FUTURE OF ELECTRONIC MONITORING

Electronic monitoring technology continues to be developed to enhance the supervision capabilities of correctional officials. Equipment has now been created that links the individual to the global positioning system (GPS). The coupling of electronic surveillance with GPS removes the restrictions of monitoring the offender in only one or a small number of locations and enables the continuous tracking of offenders. Future advances in monitoring technology involve the creation of tracking devices that may be implanted into the body of the monitored individual. This device would be able to signal the location of the offender at all times and monitor such activities as drug use or alcohol consumption associated with offending.

—Melissa Baker

See also Community Corrections Centers; Furlough; Home Arrest; Intermediate Sanctions; Minimum Security; Overcrowding; Pretrial Detainees; Prerelease Programs; Recidivism; Work-Release Programs

Further Reading

Bonta, J., Rooney, J., & Wallace-Capretta, S. (1999). *Electronic monitoring in Canada* (User report). Ottawa, ON: Solicitor General Canada.

Payne, B. K., & Gainey, R. R. (2000). Electronic monitoring: Philosophical, systemic, and political issues. *Journal of Offender Rehabilitation, 31*(3/4), 93–111.

Schmidt, A. K. (1994). Electronic monitoring in the United States. In U. Zvekic (Ed.), *Alternatives to imprisonment in comparative perspective.* Turin, Italy: United Nations Interregional Crime and Justice Research Institute.

Schmidt, A. K. (1998). Electronic monitoring: What does the literature tell us? *Federal Probation, 62*(2), 10–19.

Whitfield, D. (1997). *Tackling the tag: The electronic monitoring of offenders.* Winchester, UK: Waterside.

ELMIRA REFORMATORY

"Elmira" conjures up both the best and the worst of prison history in the United States. Though it is most commonly known for the reformatory that bore its name, Elmira, New York, was originally a prison opened to contain Confederate prisoners of war during the Civil War. It became known as a "death camp" because of the squalid conditions and high death rate in its few years of operation. Approximately one-quarter of the 12,000 Southern prisoners died there between summer 1864 and the war's conclusion in 1865. Today, only a large stone plaque in the current residential area marks the prison once known as "Helmira."

The opening of New York State's Elmira Reformatory at a different site in 1876 marked an important shift in the history of U.S. penology. Built as the first rehabilitation-oriented institution in the country, the ideals of the early-19th-century's penitentiary model, which were embodied in the Pennsylvania and Auburn systems, were supplanted by the new ideals of the reformatory movement. Fixed sentences intended to fit the crime were replaced by the new indeterminate sentence designed to fit the criminal. Mass discipline and physical punishment would give way to individual classification, with privileges as rewards. Instead of releasing the criminal unconditionally after his debt to society was paid, the reformatory's "new parole procedure would assure he did not begin running up a new tab" (Elmira, 1998).

CONSTRUCTION AND DESIGN

In 1869, the New York State Legislature authorized the purchase of 280 acres of land in Elmira. The original plans for the reformatory made provisions for 500 prisoners. Cellblocks would be arranged so that prisoners could be divided by classification, but not completely isolated. Construction soon began, with the majority of physical labor done by inmates from other state prisons. Elmira received its first prisoners in July 1876. Thirty inmates transferred from the Auburn Prison to help finish construction, with others following as the construction progressed. By 1879, the $1.5 million project was nearly completed, and the appearance of the institution reflected its purpose. Zebulon Brockway (1969), superintendent of Elmira from 1876 until 1900, commented:

> The very outward appearance of the reformatory so little like the ordinary prison and so much like a college or a hospital helps to change the common sentiment about offenders from the vindictiveness of punishment to the amenities of rational educational correction. (p. 163)

This thinking spawned a new vocabulary at Elmira. The institution itself was referred to as "the college on the hill" or "a reformatory hospital." Inmates were deemed "students" or "patients" (Blomberg & Lucken, 2000, p. 71).

INDETERMINATE SENTENCES AND INSTITUTIONAL PROGRAMS

Elmira's reformatory program was, originally, intended for first-time felons between the ages of 16 and 30 and was developed by Brockway. It combined the indeterminate sentence, a mark system of classification, and parole. The first indeterminate sentencing law, which also was drafted by Brockway, was enacted in New York in 1877 and applied only to the Elmira Reformatory. This law retained the maximum penalties in the state statutes while typically setting the minimum sentence at one year. The amount of time served between the minimum and maximum was up to the supervisor and,

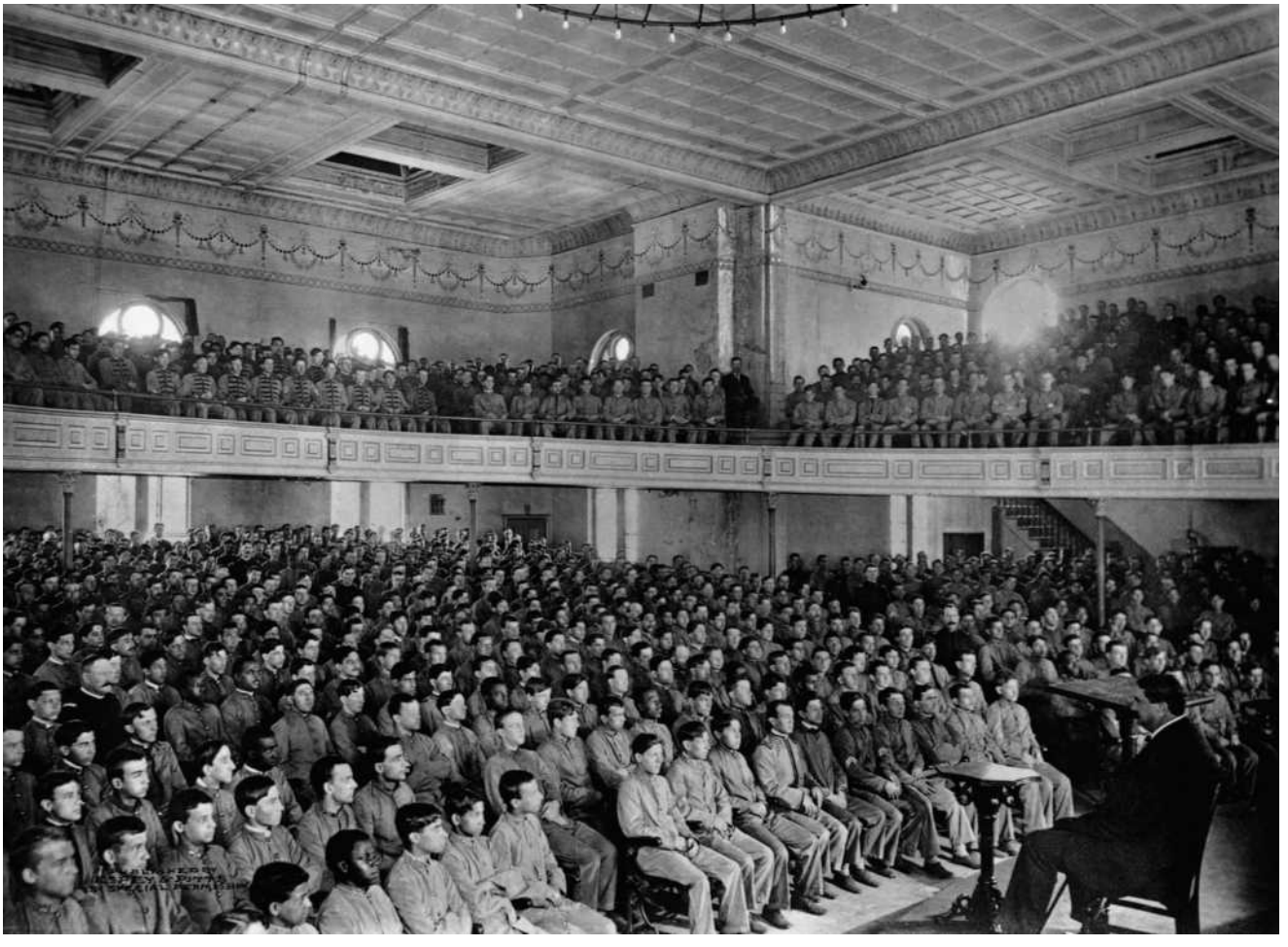

Photo 1 *Elmira*

ultimately, the prisoner himself (Witmer, 1925). According to Brockway (1910),

> The indeterminate sentence was important for reformation in that . . . the indeterminateness of the sentence breeds discontent, broods purposefulness, and prompts to new exertion. Captivity, always irksome, is now increasingly so because the duty and responsibility of shortening it and of modifying any undesirable present condition of it devolves upon the prisoner himself, and, again, by the active exactions of the standard and criterion to which he must attain. (p. 470)

To shorten his sentence, the prisoner was forced to adhere to the reformatory program. Not only did this entail good behavior, but he also was required to earn good marks in work and school. Elmira's educational program consisted of inmates, college professors, public school teachers, and lawyers teaching a wide range of general subjects, as well as sports, religion, and military drill. In addition, a trade school served to provide inmates with the entry-level skills needed for work in such fields as tailor cutting, plumbing, telegraphy, and printing.

THE MARK SYSTEM

Progress through Brockway's reformation program was traced through a mark system of classification, similar to the merit and demerit system used in military academies. Upon entering the reformatory, an individual was placed in the second of three grades for an observation period of six months. If he failed to comply with the program, he would be demoted

to the third grade where he would stay until he proved himself worthy of returning to the second grade. Demotion to the third grade meant increased punishment and the loss of privileges. The inmate would be placed in a red uniform and forced to march in lockstep. In addition, he would be denied writing, mail, and visitation privileges. On the other hand, six months of good behavior in the second grade would earn an inmate promotion to the first grade and the privileges that went along with it.

The first grade entitled the inmate to a comfortable blue uniform, a spring mattress, better food, and extended library and bedtime hours. An additional six months of good behavior in the first grade, coupled with other criteria, such as the inmate's offense of conviction, number of marks earned or lost, attitude, history and future plans, would determine the inmate's eligibility for parole. Parole, which was typically set at a minimum of six months, served as a test to determine how much of the reformation program had been absorbed. Once on parole, the prisoner worked at prearranged employment in the field in which he had been trained, with required "monthly reports certified by the employer and [parole] supervisor." Upon completion of this trial period of freedom, and barring any setbacks on behalf of the prisoner, he would become a free man (Brockway, 1969, p. 324).

CONCLUSION

By the time Brockway retired in 1900, the population of Elmira had grown to roughly 1,500 inmates. Even though the end of his career was marred by investigations into physical and psychological abuse at the institution, many of his original programs had remained in place, most notably the classification system. Brockway would interview each new inmate to discover any potential problems or needs, and then place him in programs that could best reform that inmate. These ideas were expanded in 1917 by Dr. Frank Christian, one of Brockway's successors. The culmination of Brockway's and Christian's work was the building of a reception center at Elmira in 1945, which officially became a part of the main facility in 1970, resulting in the reformatory being renamed the Elmira Correctional and Reception Center.

Even though Elmira is no longer a reformatory, many of the programs that began with Brockway can be seen in the modern institution. The reception center still has an active educational and industrial programs, as do many other prisons across the nation. In addition, although indeterminate sentences and parole have been criticized, they, along with classifications of prisoners and the use of privileges as rewards, still serve key functions in corrections today.

—Josh Stone

See also Zebulon Reed Brockway; Corporal Punishment; Determinate Sentencing; Flogging History of Prisons; Indeterminate Sentence; Irish (or Crofton) System; Juvenile Justice System; Juvenile Reformatories; Alexander Maconochie; Massachusetts Reformatory; Parole

Further Reading

Blomberg, T. G., & Lucken, C. (2000). *American penology.* New York: Aldine de Gruyter.

Brockway, Z. R. (1910). The American reformatory prison system. *American Journal of Sociology, 15*(4), 454–477.

Brockway, Z. R. (1969). *Fifty years of prison service: An autobiography.* Montclair, NJ: Patterson Smith.

Elmira. (1998, October). *DOCS Today.* Retrieved from http://www.geocities.com/MotorCity/Downs/3548/facility/elmira.html

Farr, G. R. (n.d.) *The federal Confederate prisoner of war camp at Elmira.* Retrieved from http://www.rootsweb.com/~srgp/military/elmcivwr.htm

Gray, M. P. (1999). *Elmira, a city on a prison-camp contract.* Retrieved from http://www.gloverfamily.com/civilwar/elmira/elmirahistory.htm

Rotman, E. (1990). *Beyond punishment: A new view on the rehabilitation of criminal offenders.* New York: Greenwood.

Witmer, H. L. (1925). The development of parole in the United States. *Social Forces, 4*(2), 318–325.

ENEMY COMBATANTS

In 2001, the Bush administration coined the term *unlawful combatant* (later renamed *enemy combatant*) to describe certain individuals either captured

during the war in Afghanistan or suspected of having links to the terrorist organization Al-Qaeda. Currently, any individual who the administration deems a threat or danger to the United States, including "citizens who associating themselves with the enemy and with its aid, guidance, and direction, or enter into this country bent on hostile acts are enemy belligerents" (U.S. District Court, Lower Manhattan, *U.S. v. Padilla* [2002]), may be defined as an enemy combatant. In other words, U.S. citizens may also be designated as enemy combatants.

As of March 2003, two Americans have been categorized in this way: Jose Padilla and Yassar Esam Hamdi. Padilla was named an enemy combatant in June 2002 after he was "captured" not on a battlefield, but at Chicago's O'Hare Airport. The government says he was planning to detonate a radiological bomb in America. Padilla was transferred to a Navy brig in South Carolina where he has been questioned by military interrogators and denied contact with outsiders, including his attorney. He has not been charged with a crime. Hamdi is an American-born Saudi who was captured in Afghanistan. He is being detained at a Navy brig in Virginia. Provisions for future enemy combatants include a special wing at Goose Creek (SC Navy Brig) to accommodate up to 20 U.S. citizens. Attorney General John Ashcroft is said to have announced additional plans to construct detention camps for U.S. citizens deemed as enemy combatants.

Categorization as an enemy combatant denies a captive access to the rights of the Geneva Convention to which prisoners of war are entitled. Enemy combatants are not permitted contact with lawyers, family, or friends. They may also be denied counsel, detained indefinitely, and held incommunicado, without due process and without review of their designation as enemy combatants by the U.S. Court of Appeals.

ORIGINS OF THE TERM

The term *enemy combatant* derives from two sources: international law and the 1942 U.S. Supreme Court *Ex parte Quirin* (317 U.S. 1) decision that pertained to eight suspected Nazi saboteurs, one of whom was a U.S. citizen. International law recognizes combatants and noncombatants in Article 3 of the Geneva Convention Rules of War (Hague 4, Chapter 1, Article 3, October 18, 1907). The terminology articulates who qualifies for prisoner of war status in order to establish who is then duly protected with rights. Article 3 states: "The armed forces of the belligerent parties may consist of combatants and non-combatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war." International law standards for noncombatant status are reserved for persons accompanying the armed forces without being members, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labor units or of services responsible for the welfare of the armed forces (Article 4:4, Hague Convention 3, 1949). *Combatant* is defined by the following standards: "(a) That of being commanded by a person responsible for his subordinates; (b) that of having a fixed distinctive sign recognizable at a distance; (c) that of carrying arms openly; (d) that of conducting their operations in accordance with the laws and customs of war" (Article 4:2, Hague Convention 3, 1949).

In the 1942 *Quirin* case, the Supreme Court defined enemy combatant' with the same terminology as spies were then viewed under international law. That is to say, unlawful combatants were judged to be the same as spies, who engage in secretive passage through military lines, without uniform (a criteria under international law for prisoner of war [POW]) in a time of war for the purpose of waging war by destruction of life or property. This renders such individuals belligerents who are not entitled to the status of POW or offenders against the law of war and therefore subject to trial. Such individuals are subject to trial and punishment by military tribunals. Since *Quirin,* no new case has elaborated or superseded this definition.

IMPLICATIONS FOR THE FUTURE

At the time of writing, the implications of U.S. citizens being detained under military rule and denied constitutional rights continues to the subject of vigorous debate. On September 5, 2002, Senators Carl

Levin and Russ Feingold wrote to Attorney General John Ashcroft and Defense Secretary Donald Rumsfeld seeking clarification of the new category of enemy combatant in eight areas. Specifically, they requested the operative definition along with a document providing a clear and distinct definition (and its sources), the process by which individuals may be given this label, and the criteria used in its determination. They also wanted to know about the rights of U.S. citizens named as enemy combatants, the time line for detention, any documented changes to existing U.S. military regulations implementing the Geneva Convention of 1949, and an un-redacted copy of the president's orders designating Padillo and Hamdi as enemy combatants.

Around this same period, the American Bar Association (ABA) took two unprecedented actions condemning the practice of the Bush administration. In a resolution on August 13, 2002, the ABA denounced the secret detention of people by the Immigration and Naturalization Service (INS). On August 9, 2002, the ABA released a preliminary report addressing the government's ability to detain U.S. citizens as enemy combatants. The ABA cited Section 4001(a) of the 1971 U.S. Criminal Code that states: "No citizen shall be imprisoned or otherwise detained by the US except pursuant to an Act of Congress."

CONCLUSION

Individuals detained and labeled as enemy combatants without the process afforded by the U.S. Constitution or international law have almost no legal rights or safeguards. While supporters of this change of policy point to the need for safeguarding homeland security since the terrorist attacks on the Pentagon and the World Trade Center in New York City on September 11, 2001, critics argue that the current rule of law could become a malleable tool during times of peace and war.

—Dawn Rothe

See also First Amendment; Foreign Nationals; Fourth Amendment; Prisoner of War Camps; Eighth Amendment; USA PATRIOT Act 2001

Further Reading

Avalon Project. (2002). *Convention between the United States of America and other powers, relating to prisoners of war.* Retrieved from http://www.yale.edu/lawweb/avalon/lawofwar/geneva02.htm

Ex parte Quirin 317 U.S. 1 87 L. Ed. 317 U.S. 1 (1942).

Human Rights Watch. (2002). Human Rights Watch home page. Retrieved from http://www.hrw.org

International Criminal Court. (2002). International Criminal Court home page. Retrieved from http://www.iccnow.org/

[President Bush's June 9, 2002, order declaring Jose Padilla, a U.S. citizen, to be an enemy combatant.] (2002). Retrieved from http://news.findlaw.com/hdocs/docs/terrorism/padillabush60902det.pdf

Sonnett, N. R., et al. (2002). *ABA Task Force on Treatment of Enemy Combatants, preliminary report* 10–11. Retrieved from http://abanet.org/poladv/letters/exec/enemycombatantareport.pdf

U.S. Code. 18 U.S.C. 4001(a).

Winthrop, Military Law (2nd ed.). Instructions for the Government of Armies of the United States in the Field Approved by the President, General order No. 100, 4/1863, Sections 4 & 5.

Turley, J. (2002, August 14). Camps for citizens: Ashcroft's hellish vision. *Los Angeles Times*.

ENGLAND AND WALES

Imprisonment is the harshest penalty available to the courts of England and Wales, since the death penalty was abolished for murder in 1969. Currently, around 110,000 offenders are each year committed to the 137 institutions that make up the prison system, providing employment for more than 43,000 staff to keep them there. All of this stands in stark contrast to the situation just over 50 years ago, when, in 1946, there were about 40 prisons, approximately 15,000 prisoners, and around 2,000 staff (Morgan, 2002, p. 1117). The reasons for this striking increase are complex, yet there is considerable consensus that the prison system in England and Wales has been in a state of ever-deepening crisis since the early 1970s.

Even though conclusions drawn from international comparisons should always be treated with caution, it is clear that England and Wales consistently use imprisonment to a greater extent than practically every other country in Western Europe.

In 2002, for instance, 139 persons were incarcerated per 100,000 population in England and Wales, compared to 96 in Germany, 95 in Italy, 93 in the Netherlands, and 68 in Sweden (Walmsley, 2003, p. 5). Such crude comparisons also indicate that England and Wales lie behind the global leaders in imprisonment—Russia, the United States, China, and South Africa—as well as most of the countries in Eastern Europe. Of course, these international differences can only be properly explained through separate and detailed analyses of the political changes, cultural sensibilities, economic landscapes, and social histories that each of these societies has experienced. Such a task is beyond the scope of this entry; instead the more modest ambition is to chart the historical origins of imprisonment and provide an overview of contemporary problems that sustain the prison crisis.

THE ORIGINS OF IMPRISONMENT

Any attempt to identify the exact moment when the prison was born in England and Wales is an exercise doomed to failure. For as Christopher Harding and his colleagues (Harding, Hines, Ireland, & Rawlings, 1985) point out, some form "of detention becomes necessary as soon as disputes over wrongs come to be settled in any but the most immediate and brutal fashion" (p. 3). According to the historian Ralph Pugh (1968, p. 1) the holding of defendants prior to trial was probably the earliest use of imprisonment, a practice that dates from the ninth century in England. At this time, the accused were held awaiting "gaol delivery" (the arrival of traveling courts) usually in makeshift structures such as castle dungeons, hall cellars, town gates, and stables.

Imprisonment in medieval England came to serve three main uses: *custodial* (detaining those waiting trial or sentence), *coercive* (forcing fine defaulters and debtors into making good their misfortune), and *punitive* (as punishment in its own right). The main role of early prisons was to detain rather than punish, with the coercive function used almost exclusively for recovering civil debt. The punitive potential of imprisonment was not thought to be useful until the late 18th century. Until this point, the customary forms of punishment were primarily corporal or capital including banishment, execution, mutilation, branding, whipping, and forms of public shaming.

As the feudal system began to break down and mercantile capitalism emerged, significant numbers of people migrated from rural areas to the burgeoning towns and cities. This new population was widely viewed as troublesome, and thought to spread crime, poverty, and unemployment. In response, a range of secular institutions that are usually understood to be the precursors of modern imprisonment emerged across Europe in the 16th and 17th centuries. The *hôpital général* in France, the *spinhuis* and *rasphuis* in Amsterdam, and Bridewells and workhouses in Britain were all used to confine the growing numbers of poor, homeless, and dispossessed citizens. Britain and France also transported offenders to their colonies.

It was not until the 18th century that the prison was really established as the best response to crime, as opposed to the former public spectacles of suffering such as capital punishment or flogging. There are competing explanations as to why the prison came to be the dominant response to crime at this time, from capitalism to technological advancements and legal changes. The role of religious reformers such as John Howard and Elizabeth Fry was also crucial. Such figures were opposed to the indiscriminate mixing of men and women in the Bridewells, workhouses, and local gaols. They were also concerned about the lack of segregation between the tried and the untried, the open sale of alcohol, gambling, and the generally filthy conditions, where diseases like typhus were rife.

Guided by religious piety and Enlightenment reason the reformers advocated the benefits of classification, isolation, and sanitation. Howard's widely publicized description of the abuses and distress encountered in these institutions and his comprehensive proposals for change, combined with the American War of Independence of 1776, which left the government with nowhere to send those sentenced to transportation, ultimately led to the 1779 Penitentiary Act. This act promoted a new vision of imprisonment that would unite the punitive and

reformative through hard labor and religious instruction in a system where prisoners were classified into groups, and profits from their labor were used to pay staff. Nearly 100 years later, in 1877, the penal system was finally fully brought under centralized state control.

THE MODERN PRISON SYSTEM

The prison system has changed considerably since the 19th century. While the big Victorian prisons hold the majority of prisoners, there is now a range of more recently constructed institutions as well. In many respects, prisons in England and Wales fall into one of two categories. First, there are local prisons and remand centers whose primary task is to receive and deliver prisoners to the courts, and to allocate those serving sufficiently long enough sentences to the second category of institutions. These are Young Offender Institutions and adult training prisons, which are further subdivided into closed and open institutions for men and women. This subdivision reflects a prisoner security classification and the level of security that institutions provide. All prisoners are classified A, B, C, or D according to a scheme devised in 1966 by Lord Mountbatten following a series of notorious prison escapes.

Category A prisoners are those "whose escape would be highly dangerous to the public or police or to the security of the state" and while Mountbatten thought that such prisoners would probably be no more than 120, a recent estimate puts the current figure at some 700 (Morgan, 2002, p. 1143). At the opposite end of the spectrum, Category D prisoners are those "who could be trusted under open conditions." Category B and C prisoners are those in between, who are held in closed conditions providing more or less security. Trial and remand prisoners, with the exceptions of those provisionally categorized as A, are all assumed to be Category B.

Where to house sentenced Category A prisoners has been the subject of long-running controversy. Mountbatten called for the concentration of all such individuals into one single-purpose maximum-security fortress that would not only ensure that high-risk prisoners were kept in secure surroundings but that security could be relaxed in other regimes. This proposal was quickly rejected on the basis that housing all high-risk prisoners together would mean that maintaining order and providing a constructive regime would be near impossible in a prison composed of "no-hopers." Instead a policy of "dispersal" was adopted, in which maximum-security prisoners are spread around among a few high-security prisons known as dispersal prisons. There are currently five of these institutions plus a further five that have high-security arrangements.

Even though the dispersal policy might have solved the problem of perimeter security since high-security prisons are very difficult to escape from, it has intensified the problems of internal control. For within the prison system the presence of a small number of maximum-security prisoners affects the vast majority of other prisoners who are subjected to much more restrictive and oppressive regimes so that high-security conditions are met.

The system of classification maintains a sharp differentiation between dispersal, training, and local prisons, to the extent that the latter have come to bear the brunt of the chronic overcrowding, squalid conditions, and understaffing, while the dispersal and training prisons have to a large extent been protected. The rationale behind this policy is the assumption that for prisoners serving short sentences there is too little time to achieve results, so that these prisoners all too often bear the brunt of the substantial problems faced in the penal system and where the sense of crisis is most palpable. It is important to recognize that the crisis is composed of the following sets of interrelated issues: an expanding prison population that contributes to overcrowding and decrepit conditions, which does much to undermine the authority and legitimacy of the system while constituting a number of troubling social consequences that are now outlined.

CONTEMPORARY CRISES

The Expanding Prison Population

Since the 1950s, the growth in the prison population has consistently kept apace of available space in penal institutions. This is in marked contrast to the

era between the two World Wars, when prisons were routinely half full. For instance, in 1928 there were only just over 11,000 prisoners in a system that could offer 20,000 cells. By 1938 the number of prisoners remained around the 11,000 mark, but many prisons had been closed on the grounds that they were no longer required (Stern, 1993, p. 24). In contrast, during the postwar era there was a fivefold increase in recorded crime from 280,000 in 1938 to 1,334,000 in 1965. During this period, the courts' proportionate use of imprisonment actually decreased as the fine replaced probation as the main form of sentence, yet the prison population tripled—from 11,100 in 1938 to 32,500 in 1968 (Bottoms, 1987, p. 181).

Even though the prison population rose modestly during the 1980s, and reached a peak at around 50,000 in 1988–1989, it then declined in the early 1990s to around 45,000. Between 1993 and 1998, it increased rapidly by some 47% to reach 65,300 and then declined slightly only to increase from January 2001 to reach a new peak of 71,220 in June 2002 (Home Office, 2002). Nevertheless, it is important to recognize that there has been a "twin-track" approach operating across criminal justice policy since at least the mid-1970s, where successive governments have pursued both "soft" and "tough" sentencing options simultaneously. In mid-1980, for instance, 22% of prisoners were serving sentences of more than four years; by mid-2000 this figure stood at 46% of adult male prisoners (Home Office, 2001, p. 76). These changes are partly explained by the introduction of parole in 1967 and subsequent developments in its use, but the important point to note is that long-term prisoners dominate life both numerically and culturally in most training prisons and consequently preoccupy prison administrators, with important consequences for the remaining prisoners.

Overcrowding and Conditions

The prison system in England and Wales is seriously overcrowded. The effects of the sheer numbers contribute to a sense of crisis in many ways. Most obviously, the overcrowding has a deleterious impact on conditions. Prisoners who begin their carceral career, and most do, in a local prison will typically find themselves in the midst of the worse conditions that the penal system can inflict, where overcrowding has been a daily feature of life within many of these institutions for more than three decades. The dilapidated physical conditions in which prisoners are contained combined with poor sanitation, scarcely edible food, decaying cramped cells, clothing shortages, and brief, inadequate family visits compound this wretchedness. Moreover, since there is neither the space, facilities, nor resources to provide training, work, and educational opportunities when there are too many prisoners to cope with, most people remain idle. Such abject conditions have been condemned by the European Committee for the Prevention of Torture, which concluded in 1991 that the overcrowding, unsanitary facilities, and impoverished regimes found at three Victorian local prisons amounted to inhumane and degrading treatment.

Authority and Legitimacy

Criminologists in Britain routinely portray a crisis of authority and legitimacy in the prison system. Here they refer not only to the long and bitter industrial relations between prison staff and management but also to major changes in the philosophy and organizational form of prison administration. In the postwar era, there has been a shift in the source of authority in prisons from a highly personalized form of charismatic power to systems based on bureaucratic rules and procedures. Further organizational changes have meant that the Prison Service, formerly a Department of State within the Home Office, became a semiautonomous executive agency in 1993 and privatization (the contracting out of public services to the private sector) is now an important and controversial feature of the penal landscape. For its critics, the turn to managerialist issues in the 1980s and 1990s has only served to undermine a sense of mission to the service, save for meeting narrow management objectives and performance indicators.

SOCIAL CONSEQUENCES

Gendered Prisons

As in other judicial systems, English prisons predominantly hold young adult men and most

commentators agree that the organization and culture of the prison system reflect this dominance to the extent that there are very different regimes for male and female prisoners. For instance, women prisoners have tended to be thought of as mad or sad rather than bad, and their regimes have reinforced traditional stereotypes of motherhood and domesticity. There are only a dozen or so women's institutions in the English prison system, making it both extremely difficult for women in prison to sustain relationships with friends and family while compounding their overall marginalization in research and policy areas.

Nonetheless, the drastic increases in the female prison population over the past decade and a series of scandals have pushed the issue of women's imprisonment to the forefront of policy debates. For instance, between 1990 and 1998 the female prison population doubled, and reached 3,350 in 2000, the highest level since 1901 (Home Office, 2001). The sense of crisis in women's prisons extends far beyond numbers. For example, since the mid-1990s the media have widely reported on the shocking practices of manacling mothers in labor and degrading methods of drug testing. In addition, Holloway Prison, the largest prison for women, was deemed too filthy to inspect by the Chief Prisons Inspector; and in 2002 more women killed themselves in prison than ever before. Nevertheless, there are some signs that the government is sufficiently concerned about the increase in women prisoners to have published the *Strategy for Women Offenders* with a view to reducing the number of women in prison (NACRO, 2001/02, pp. 27–28).

Ethnicity, Nationality, and Racism

As in the United States, prisoners in England and Wales are disproportionately young, poor, ethnic minorities. They also possess few occupational skills or academic qualifications and are likely to be suffering from psychiatric distress. Recent figures indicate that 19% of male prisoners and 25% of female prisoners are members of ethnic minorities; two thirds of them are Afro-Caribbean (Morgan, 2002, p. 1133). There are a number of reasons for this overrepresentation. One key factor is nationality, and it has been noted that 9% of the prison population comprises foreign nationals (a growing trend observed across Europe). Another factor is the relative youthfulness of ethnic minorities compared to the white population, which means that overrepresentation is all the more likely to occur (Morgan, 2002, p. 1134).

Elaine Genders and Elaine Player (1989) have provided substantial evidence of racial discrimination within prisons. For example, they found that the best jobs were regularly allocated to white prisoners, as prison officers believed that Afro-Caribbean prisoners were arrogant, lazy, and antiauthority. More recently, the official inquiry into the racist murder of Zahid Mubarek in March 2000 by his fellow cellmate, in Feltham Young Offender Institution, found pervasive institutional racism, leading the Prison Service to invite the Commission for Racial Equality to carry out a formal inquiry into racism in prisons. The first part of the report identified 20 "systematic failures" by the Prison Service to prevent the murder, while the second part commented more widely on racial discrimination in prisons (Commission for Racial Equality, 2003a, 2003b).

CONCLUSION

Clearly, the problems that face the penal system in England and Wales are deep, multifaceted, and controversial. In November 2002, the government released figures predicting that the number of prisoners would increase by 40% over the next decade, taking the population to more than 100,000 for the first time. The escalating prison population means that the system will expand far beyond Western European norms, with English and Welsh prisons continuing to be damaging places as the severe problems that have been documented here will intensify. Under these circumstances, it is unlikely that an overstretched prison system will help offenders lead law-abiding lives, while the question of why some countries persist with imprisonment to a greater extent than others remains more pressing than ever.

—Eamonn Carrabine

See also Australia; Bridewell; Canada; Classification; Federal Prison System; Elizabeth Fry; History of Prisons; John Howard; Legitimacy; Managerialism; New Zealand; Overcrowding; History of Prisons; Racism; Rehabilitation Theory; Resistance; Riots; State Prison System; Women's Prisons

Further Reading

Bosworth, M. (1999). *Engendering resistance: Agency and power in women's prisons*. Aldershot, UK: Ashgate.

Bottoms, A. (1977). Reflections on the renaissance of dangerousness. *Howard Journal of Criminal Justice, 16*, 70–96.

Bottoms, A. (1987). Limiting prison use: Experience in England and Wales. *Howard Journal of Criminal Justice, 26*, 177–202.

Carlen, P. (1983). *Women's imprisonment: A study in social control.* London: Routledge and Kegan Paul.

Cavadino, M., & Dignan, J. (2002). *The penal system.* London: Sage.

Commission for Racial Equality. (2003a). *The murder of Zahid Mubarek: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part 1.* London: Author.

Commission for Racial Equality. (2003b). *Racial equality in prisons: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part 2.* London: Author.

Committee for the Prevention of Torture. (1991). *Report to the United Kingdom government on the visit to the United Kingdom carried out by the CPT from 29 July 1990 to 10 August 1990.* Strasbourg, France: Council of Europe.

Garland, D. (1990). *Punishment and modern society: A study in social theory.* Oxford, UK: Clarendon.

Genders, E., & Player, E. (1989). *Race relations in prison.* Oxford, UK: Clarendon.

Harding, C., Hines, B., Ireland, R., & Rawlings, P. (1985). *Imprisonment in England and Wales: A concise history.* London: Croom Helm.

Home Office. (1966). *Committee of an Enquiry Into Prison Escapes and Security* (Mountbatten Report). London: HMSO, Cmnd. 3175.

Home Office. (2001). *Prison statistics England and Wales 2000.* London: HMSO, Cmnd. 5250.

Home Office. (2002). *Prison population brief, England and Wales: June 2002.* London: HMSO.

Morgan, R. (2002). Imprisonment: A brief history, the contemporary scene, and likely prospects. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (pp. 1113–1167). Oxford, UK: Oxford University Press.

National Association for the Care and Resettlement of Offenders (NACRO). (2001/2002). Women offenders. *Safer Society, 11*, 27–28.

Prison Service. (2001). *Prison service: Annual report and accounts, April 2000 to March 2001,* HC 29. London: Author.

Pugh, R. (1968). *Imprisonment in medieval England.* Cambridge, UK: Cambridge University Press.

Sparks, R. (2001). Prisons, punishment and penality. In E. McLaughlin & J. Muncie (Eds.), *Controlling crime* (pp. 201–256). London: Sage.

Spierenburg, P. (1984). *The spectacle of suffering: Executions and the evolution of repression.* Cambridge, UK: Cambridge University Press.

Stern, V. (1993). *Bricks of shame.* London: Penguin.

Walmsley, R. (2003). *World prison population list* (4th ed.). London: HMSO.

Woolf, H., & Tumim, S. (1991). *Prison disturbances April 1990,* Cm 1456. London: HMSO.

ENGLISH AS A SECOND LANGUAGE

English as a second language (ESL) is the term used to describe English-language instruction for nonnative English speakers. Another term used to describe the nonproficient English speaker is limited English proficiency (LEP). All prisoners in the United States should be able to demonstrate proficiency in English. If not, they must enroll in ESL or LEP instruction. In addition to providing language skills needed in the institution, corrections-based ESL and LEP instruction seeks to assist the learner with the basic language skills necessary to perform adequately in general education classes.

Of the total prison population, 8% are non–U.S. citizens. The number of inmates with limited English speaking ability is much higher. According to the Federal Bureau of Prisons, 31.7% of inmates held in federal facilities are classified as Hispanic, 1.6% as Native American, and 1.8% as Asian. These numbers vary greatly by state. For example, 53% of New Mexico inmates are Hispanic. New York has the second highest percentage of Hispanic inmates with over 32%. Five other states have Hispanic prison populations of over 25%. Although Spanish is the most common non-English language in prison, the ethnic background of inmates is changing in ways that reflect recent trends in immigration. As a result, we can expect an even wider range of languages in state and federal prisons. Due of a growing number of illegal immigrants, in some cases entire facilities are being

filled with non-English speakers. In this case, the language needs are so complex that ESL instruction is being supplemented, or replaced, with electronic translation technologies.

ASSESSING AND TEACHING

A survey of national of adult literacy in 1992 found that on a scale of 1 (low) to 5 (high), over half of nonnative speakers consistently scored below Level 3. Level 2 was the average level for Hispanics born in the United States, while Level 1 was the average for immigrants from Hispanic countries. Level 3 was the average for Asian-Pacific Islander born in the United States, compared to Level 2 for immigrants from Asia and the Pacific Islands (National Center for Education Statistics, 1992).

Several standardized and commercial tests are used to determine the proficiency level of a potential ESL student. Among these are Test of Adult Basic Education (TABE), Adult Basic Learning Exam (ABLE), Basic English Skills Test (BEST), CASAS ESL Appraisal, and the Henderson-Moriarty ESL Placement (HELP). Some of these tests measure the proficiency of the learner in his or her native language to provide a comparison with the learner's aptitude in English. Other tests measure oral abilities such as listening and speaking (the first two levels of English acquisition), while others measure writing and reading as well (the upper levels of English acquisition). The results of most tests need to be interpreted to properly classify the learner by level. Training on interpretation is required for best results, yet, due to expenses, such training is often not provided to the instructor. As a result, in many cases the learner is not properly classified before enrolling in ESL classes.

Several curricula are available to the nonnative speaker. Some of these, provided by general education material providers, include student workbooks, learning tapes, and instructor manuals. Two other curricula commonly used and available for correctional facilities are "Crossroads Café" and "I Can Read." These programs include videos that the student can use without support from an instructor or tutor. The videos show the learner the written target word, pronounce the word, and connect the word to phrases or objects.

CHALLENGES

Regardless of the curricula chosen, language mastery depends in part on the ability of the learner to interact with others to practice new vocabulary and speech patterns. This is not an easy task for the incarcerated student. Procedural policies of many facilities do not provide for adequate interaction, slowing down the acquisition process. Funding issues in correctional facilities create another problem. Corrections education programs typically have limited educational funds for materials. Administrators are forced to prioritize their expenditures. As a result, materials purchased for use in correctional education programs are concentrated on English-proficient students. This leaves the LEP inmate without adequate resources to improve his or her language skills.

On average, it takes five to seven years for a nonnative speaker of English to become accomplished at most communication tasks. The minimum requirement for a person literate in his or her native language is 750 to 1,000 hours of skills development to satisfy basic needs and to have limited social interaction in English. Due to the nature of correctional facilities, many inmates are transferred or released before that time period has elapsed. As a result, it may be difficult for prisoners to complete their ESL education in a correctional facility. However, even if basic language skills are not fully developed, one of the goals of the ESL educator is to help the individual acquire language skills necessary for survival in the prison society. This can be accomplished in a relatively short period of time.

CURRENT PROGRAMS AND ISSUES IN ESL TRAINING

Many different ESL programs are used in correctional facilities. Several states provide ESL training as part of their adult basic education programming. Since correctional education literacy programs vary from facility to facility, it is difficult to discover what services are provided to inmates. Each state,

and in some cases each facility, feels different pressures to develop and administer ESL and LEP programs. Varying levels of integration with other correctional education programs can also lead to problems with information sharing that could lead to increased standardization of delivery.

Since funding for ESL programs does not typically fall into state-mandated education budgets, ESL-specific programs must compete with state funds allocated to general education within the corrections departments. As a result, many facilities rely on outside volunteers or contractors to provide ESL instruction. Community volunteers and school agencies, such as community colleges, offer the majority of ESL programs to the general population. In addition, Laubach International and Literacy Volunteers of America has historically offered special training for low-language-proficiency learners and currently offer materials and guidelines for instruction in corrections-based ESL services.

Most ESL students are grouped with English-proficient students in general classrooms. Many of these students drop out of correctional education for the same reasons they do so in general public facilities' education. Common reasons include problems related to grasping the vocabulary, understanding the subculture expressed through language, and learning the conversational patterns used in normal speaking. Since speech patterns vary among ethnic groups, and these vary from standard English speech patterns, students are likely to make several mistakes speaking English as a second language. In addition to the inherent difficulty of learning a new language, pedagogical approaches by educators may diminish their effectiveness as teachers to non-English speakers. Many of these problems can be addressed through the development of ESL-specific programs or by encouraging educators to work to participate in opportunities for ESL training.

CONCLUSION

Data indicate that corrections education is an effective tool in the effort to reduce recidivism. Less evidence is available regarding a link between ESL programs and crime reduction. We know that correctional institutions function better when prisoners are encouraged to live together and follow the rules. As with other forms of corrections education, ESL and LEP programs provide opportunities for prisoners to learn to "do their time" in a productive way.

Many benefits of ESL instruction are difficult to assess. For example, it is hard to measure large-scale improvement in the ability to effectively function within correctional facilities. Corrections education is consistently shown to be very effective in efforts to reduce recidivism and improve employability after prison. Although the relationship of ESL instruction and crime control has not been clearly demonstrated, there is no reason to believe that ESL instruction does not have the same potential. In many cases, the incarcerated individual will not be able to fully participate in corrections education without first learning to speak English. As such, the benefits of education are denied to those with limited English skills.

The corrections industry, like the justice system as a whole, relies on established procedures, policies, and laws. The incarcerated individual and the institutions in which individuals are incarcerated each benefits from efforts to ensure that policies and procedures are effectively communicated. These policies and practices are often intended to protect the rights of those who interact with the system. Those who do not speak the dominant language of this system are at a distinct disadvantage. Although general impacts are difficult to assess, ESL instruction has the potential to reduce this disadvantage and minimize the loss of rights that may occur when an individual is unable to actively participate in processes that have serious implications.

—Molly Wilkinson
and Kenneth Mentor

See also Asian American Prisoners; Education; Foreign Nationals; General Educational Development (GED) Exam and General Equivalency Diploma; Hispanic/Latino(a) Prisoners; Immigrants and Undocumented Aliens; Literacy

Further Reading

Bureau of Justice Statistics. (2003). *Key crime and justice facts at a glance.* U.S. Department of Justice. Retrieved from http://www.ojp.usdoj.gov/bjs/glance.htm

Burt, M., & Keenan, F. (1995). *Adult ESL learner assessment: Purposes and tools*. Washington, DC: National Center for ESL Literacy Education. (ERIC Digest No. EDO-LE-95–08)

Fillmore, L. W., & Snow, C. E. (2000). *What teachers need to know about language*. Washington, DC: U.S. Department of Education, Educational Research and Improvement. (ERIC Digest No. ED-99-CO-0008)

Haigler, K. O., Harlow, C., O'Connor, P., & Campbell, A. (1994). *Literacy behind prison walls.* Washington, DC: National Center for Education Statistics.

Heilman, K., & Lawson, K. M. (2000, December). Facilitating communication with limited- and non-English-speaking offenders. *Corrections Today*.

National Center for Education Statistics. (1992). *National Adult Literacy Survey*. Washington, DC: U.S. Department of Education, National Center for Education Statistics.

Office of Science and Technology of the National Institute of Justice. (2000, December). Do you speak English? *Corrections Today*.

Richiusa, G. (1997, November/December). Language barriers: Teaching ESL in the corrections system. *American Language Review, 1*(5).

ESCAPES

Each year a small number of men and women escape from their prison or jail. However, the popular perception of the violent and dramatic prison escape as portrayed in television and film is not generally true. Most escapes involve low-security inmates, or walk aways, who receive scant media attention and remain a low priority for understaffed police departments.

ESCAPE RATES

Prison escapes have decreased dramatically since 1994 when a total of 7,598 inmates (all security levels) escaped. In 2001, the total number of escapes (all security levels) was 5,487. When these figures are broken down into security levels, the number of higher-security escapes has decreased by 78% from 1994 to 2001, while the number of low-security or walk-aways has only decreased about 6%. In 1994, of the total number of escapes, 30% were classified as medium to high security, while in 2001, only 9% were classified as such. Such decrease is even more notable in light of the simultaneously growth in the prison population. During this period, the total number of inmates has increased 86% from approximately 1 million to 1.9 million.

WALK AWAYS

Those who seek to escape their prison sentence usually do it merely by walking away. That is to say, they either do not return to prison or simply disappear from work release, transitional supervision centers, halfway houses, furloughs, medical appointments, and so on. From 1994 through 2001, the number of walk aways fell slightly from 5,311 to 4,995. In the same period, the percentage of these escapees who were returned fell from 49% in 1994 to 46% in 2001. Less attention is paid to these kinds of escapes since the people involved usually are thought to pose little threat to the community.

HIGH-SECURITY ESCAPES

The total number of higher-security escapes from federal and state facilities decreased from 2,287 in 1994 to only 492 in 2001. Most high-security escapees are eventually caught and returned to the institution with additional time added to their original sentence. The rate at which escapees are caught and returned to confinement improved from 87% in 1994 to 91% in 2001.

The drop in number of high-profile and high-security escapes and the improved rate at which such individuals are found are attributed to a number of factors including an increased focus on correctional officer selection and education, more rigorous classification schemes, and better perimeter security. Various technological developments have also reduced prisoners' ability to run away from prison such as the installation of motion detectors, metal detectors, and nonlethal stun fencing. In some institutions, visits are now placed under video surveillance to reduce the possibility of contraband or weapons being smuggled into the prison that could be used in an escape attempt.

There have also been many changes and innovations in prison construction over the past decade

that have made high-security institutions much harder to escape from. Increases in perimeter fence lighting and the use of razor ribbon around the perimeter of the facility, for example, both act as physical barriers to those wishing to flee. Furthermore, the introduction of the supermax prison, such as Pelican Bay in California, has also affected the escape rate. Inmates in these kinds of institution are isolated from others and have little contact even with staff. They remain in lockdown at all times, in small cells that have only the tiniest of windows with unbreakable glass. Such institutions are nearly impossible to get out of other than by officially sanctioned means of release.

RISK ASSESSMENT AND ESCAPE BEHAVIOR

Reflecting the relative infrequency with which it occurs, there is not much current research being done about escape. To understand those factors that make escapes happen, therefore, we must, for the most part, turn to earlier studies. From this considerable body of work, it seems that there are three separate factors that determine whether inmates will try to escape: (1) static, (2) situational, and (3) psychological.

Static factors include such things as demographic characteristics such as age, race, and gender and well as the criminal's career and time behind bars. Thus, for example, Holt (1974) and Morgan (1967) found that escapees tend to be less than 30 years of age, and Morgan also established that many of the escapees had been incarcerated less than one year prior to their escape attempt.

Not only are certain types of offenses associated with an increased likelihood of escape, but the number of times someone has been incarcerated appears to be relevant. According to Holt (1974), therefore, inmates with property convictions were more likely to escape than those convicted of a crime against a person. These people were also more likely to have had prior escape attempts. More recently, the National Institute of Justice in 1987 stated that the prior escape record of the inmate was indicative of future behavior and could be effectively applied during the security classification process. Similarly, a 1997 study done by the Correctional Service of Canada indicated that the female inmates with more violent criminal convictions were more likely to attempt escape.

Situational factors associated with escape attempts include substance abuse, family issues, parole problems, and institutional problems. Hilbrand (1969) indicated that the more unstable a person's home life and familial situation, the more likely it is that he or she would try to escape. Family issues in particular are common causes of walk-aways, as inmates sometimes feel as though they need to resolve some family conflict and so cannot return to their place of confinement.

An additional situational factor, the threat of institutional violence and assault, also seems to be a factor in people's decision to escape (Loving, Stockwell, & Dobbins, 1959). Not surprisingly, those who feel at risk while incarcerated often try to flee. Other factors that are associated with an increased likelihood of escape include the number of times a person has been involved in incidents of misconduct and related disciplinary actions (Hilbrand, 1969) and whether they participate in institutional programming (Duncan & Ellis, 1973). Such research suggests that subjective factors, such as how content or invested in an institution someone is, will affect the decision to try to leave. Finally, researchers have even examined seasonal factors (Hilbrand, 1969). Not surprisingly, people are more likely to try to leave in the warmer months.

Although a number of scholars have attempted to identify those psychological factors that lead people to escape, there has been no conclusive evidence indicating that any specific characteristics indicate a higher probability of escape (Loving et al., 1959; Shaffer, Bluoin, & Pettigrew, 1985). Some radical psychologists and criminologists see escape attempts as a healthy form of resistance. For these authors, prisoners do not actually have to leave the prison confines to escape. Many other more everyday mechanisms can be used to create some distance between inmates and their surroundings. These strategies run the gamut from legitimate forms of self-expression such as writing and artwork to

illicit means of muting the senses like drug use. Firsthand accounts by inmates, as well as critical studies of inmate culture, portray such techniques as attempts to resist the power of the prison and its staff.

CONCLUSION

It is not easy to predict which prisoners will seek to escape and which will not. The complex interconnections between institutional, static, and situational factors as well as a person's history of escape attempts and psychological makeup make any such predictions unreliable. All that can be safely said is that despite various developments in technology, security, classification, and prison management, some inmates will always try to flee from their confinement. Incarceration is very rarely a desirable state and so people will try to escape.

—Sara Conte

See also Alcatraz; Classification; Control Unit; Correctional Officers; Furlough; Maximum Security; Medium Security; Minimum Security; Resistance; Staff Training; Supermax Prisons; Work-Release Programs

Further Reading

Anson, R. H., & Harnett, C. M. (1983). Correlates of escape: A preliminary assessment of Georgia prisons. *Criminal Justice Review, 8*(1), 38–42.

Cohen, S., & Taylor, L. (1978). *Escape attempts: The theory and practice of resistance to everyday life.* Harmondsworth, UK: Penguin.

Duncan, D. F., & Ellis, T. R. (1973, May–June). Situational variables associated with prison escapes. *American Journal of Corrections,* 29–30.

Hilbrand, R. J. (1969). The anatomy of escape. *Federal Probation, 33*(1), 58–66.

Holt, N. (1974, May). *Escape from custody* (California Department of Corrections Research Report No 52). Sacramento: California Department of Corrections.

Loving, W., Stockwell, F. E., & Dobbins, D. A. (1959). Factors associated with escape behavior in prison inmates. *Federal Probation, 23*, 3DD, 49–51.

Morgan, D. (1967, March–April). Individual and situational factors related to prison escape. *American Journal of Correction,* 30–31.

Riots, disturbances, violence, assaults and escapes. (2002). *Corrections Compendium, 27*(5), 6–19.

Shaffer, C. E., Bluoin, D., & Pettigrew, C. G. (1985). Assessment of prison escape risk. *Journal of Police and Criminal Psychology, 1*(1), 42–48.

ESTELLE v. GAMBLE

The U.S. Supreme Court case *Estelle, Corrections Director et al. v. Gamble,* 429 U.S. 97 (1976) underpins inmate rights to medical treatment in all correctional facilities. This case, generally referred to as *Estelle v. Gamble,* established for the first time that prison and jail inmates have a constitutional right to medical treatment under the Eighth Amendment. Its decision was made applicable to states by the 14th Amendment.

THE CASE

J. W. Gamble, an inmate at the Texas Department of Corrections, was injured while performing job-related duties after a bale of cotton fell on top of him while he was loading a truck on November 9, 1973. Gamble continued to work the rest of the day despite complaining of pain and tenderness in his back. He was diagnosed with lower back strain and prescribed pain medication along with "cell-pass, cell-feed" status for two days, which was later extended into a few weeks. Three weeks later, Gamble complained once again of severe lower back pain, which he claimed was as bad as when the incident first occurred. At this point, he refused to return to work. In response, he was sent to "administrative segregation" on December 3 and taken before the disciplinary committee. Once the disciplinary committee heard of Gamble's intense lower back pain and complaints of high blood pressure, the committee directed him to a doctor, who prescribed him medication. Gamble remained in administrative segregation for the entire month of December.

In January 1974, Gamble was reprimanded for not returning to his assigned job-related duties on the prison farm. Once again, he refused to work because of his back pain. Once again he was remanded to administrative segregation and brought before the disciplinary committee. This time, when he complained of pain and high blood pressure,

however, the medical staff testified that he was in "first rate" health and able to return to work. The disciplinary committee then refused Gamble's request for additional medical examination and sentenced him to solitary confinement until he agreed to return to work on the farm. At this point, Gamble filed the said petition.

The complaint first went before the U.S. District Court for the Southern District of Texas where it was dismissed "for failure to state a claim upon which relief could be granted." Later, the U.S. Court of Appeals for the Fifth Circuit reversed and remanded the compliant back to the District Court with explicit instructions to reinstate it. The complaint was then heard by the U.S. Supreme Court on certiorari.

THE ISSUE

Gamble filed civil suit against the warden of his Texas correctional facility and the assisting doctor to that prison under 42 USCS 1983. He argued that his constitutional rights against "cruel and unusual punishment" under the Eighth Amendment had been violated because the prison staff had refused to provide proper medical care when he injured himself while fulfilling work-related duties.

THE HOLDING

Gamble won his case. The Court found that the medical care provided to Gamble was insufficient and that prison staff acted with "deliberate indifference" to his medical problems. The Court held that deliberate indifference to an inmate's acute medical requirements violated the Eighth Amendment's prohibition on cruel and unusual punishment, and was, therefore, actionable as a civil right's grievance under Section 1983. Justice Thurgood Marshall delivered the majority opinion of the Supreme Court.

Justice John Paul Stevens dissented by arguing that the "pro se complaint against the prison's chief medical officer should not have been ordered dismissed." He further argued that "in any event, by its references to "deliberate indifference" and the "intentional" denial of adequate medical care, "the [Court] improperly attached significance to the subjective motivation of [Gamble] as a criterion for determining whether cruel and unusual punishment had been inflicted, whereas such determination should instead turn on the character of the punishment rather than the motivation of the individual who inflicted it" (429 at 104–105). According to him, the "intent" of the defendant is not necessary as long as the resulting condition results from the lack of proper medical treatment to the inmate. Justice Stevens argued that this ruling would give correctional facilities greater latitude in proving their provision of medical treatment, while placing greater burden on the petitioner, or recipient of the mediocre treatment. He concluded by adding that certiorari should have never been granted in this case and that the decision by the Court of Appeals should have been affirmed.

CONCLUSION

Estelle v. Gamble was the first case in which the Supreme Court considered prisoners' rights to medical treatment with respect to the Eighth Amendment clause banning the use of cruel and unusual punishment. In this case, the Court termed a new standard, which is known as the "deliberate indifference" burden. In employing the deliberate indifference burden, the Court paved the way for inmates to seek resolve for medical malpractice via tort law.

In 1996, Congress passed the Prison Litigation Reform Act (PLRA) to discourage inmates from filing "frivolous" lawsuits and to limit the power of federal courts in conditions litigation. The act also restricted inmates' use of attorneys in tort-related cases. This made it difficult for those seeking awards under the deliberate indifference standard set forth in *Estelle v. Gamble.* As a result, inmates are now faced with great obstacles in filing claims of neglect and substandard conditions. This affects a range of prisoner complaints, including how pregnant women are received in correctional facilities. If an inmate mother loses her child due to the inadequate services by staff, her chances of seeking civil justice are now limited. While the *Estelle* decision was a historical one in assessing inadequate health care, its standard set forth by the Court was

quite narrow in establishing deliberate indifference and was furthered restricted with the PLRA.

—Kristi M. McKinnon

See also Control Unit; Disciplinary Segregation; Doctors; Eighth Amendment; Health Care; Jailhouse Lawyers; Mothers in Prison; Prison Litigation Reform Act 1996; Prisoner Litigation; Resistance; Solitary Confinement

Further Reading

Palmer, J. W., & Palmer, S. E. (1999). *Constitutional rights of prisoners* (6th ed.). Cincinnati, OH: Anderson.

Thomas, J. (1988). *Prisoner litigation: The paradox of the jailhouse lawyer.* Totowa, NJ: Rowman & Littlefield.

Legal Cases

Cooper v. Pate, 378 U.S. 546 (1964).

Estelle, Corrections Director et al. v. Gamble, 429 U.S. 97 (1976).

Gregg v. Georgia, 428 U.S. 153 (1976).

Haines v. Kerner, 404 U.S. 519 (1972).

Robinson v. California, 370 U.S. 660 (1962).

U.S. Code, 42 USCS 1983.

U.S. Code, 18 USCS 3626.

F

FAITH-BASED INITIATIVES

Faith-based initiatives refer to a widespread effort among governmental and religious nonprofit agencies to incorporate religious activism into various social welfare programs, including the correctional system. Most programs currently in place in the United States are centered around the Christian or Muslim faiths. Faith-based initiatives encompass everything from programs designed to help religious organizations obtain federal funding for outreach activities to the actual implementation of prison ministries.

The faith-based movement has recently been reenergized in the United States by President George W. Bush's strong commitment to it. Following his inauguration, President Bush announced the establishment of the White House Office of Faith-Based and Community Initiatives (OFBCI). During subsequent months, the Bush administration created legislative proposals focusing on the delivery of federally funded social services through faith-based organizations, becoming commonly known as the "faith-based initiative." The principle behind this initiative is that faith-based charities should have an equal opportunity to compete for federal funds to provide public services.

Included among the proposed legislation was HR 7, the Community Solutions Act of 2001. The bill sought to provide tax incentives for charitable contributions by individuals and businesses and expand the "charitable choice" provision of the 1996 welfare reform legislation. The charitable choice provisions prohibit public officials from discriminating against religious social service providers seeking to compete for government positions. By expanding the charitable choice provision, President Bush created a specific and highly controversial way in which government and religious institutions may collaborate to provide social services. As a result, the issue has stirred tremendous debate over the separation between church and state.

RELIGION IN PRISON

Research has indicated that religious activity (e.g., attendance at religious services) in prison reduces adult criminality. Previous studies have also shown that inmates most active in Bible study activities who attend 10 or more studies in a year were significantly less likely to be rearrested during a one-year follow-up period compared to inmates less involved or entirely uninvolved in Bible study activities. Such findings are often used to support

faith-based initiatives, even though other research exists that is somewhat more equivocal about the long-term effects of religion on reoffending rates.

Faith-based programs fall under two general headings: those that are federally funded by the government and others that are privately funded institutional programs. Federally funded programs are prohibited from promoting inherently religious activities such as prayer, Bible study, and proselytizing. Programs using federal funds are directed to further the crime reduction objectives established by the U.S. Congress. Privately funded programs are not restricted to the separation of church and state as are federally funded program.

Most faith-based initiatives are offender oriented, attempting to create a prison environment that fosters respect for both a higher power and for others while teaching the moral principles of a specific religion. The goal of these programs is to reduce reoffending through the power of religion. These outreach programs typically include components of Bible study, mentoring, educational classes, and transitional programming for ex-offenders.

Prison Fellowship Ministries, founded by Charles Colson (a former Watergate convicted felon), is an international volunteer Christian ministry that opened the world's first faith-based prison near Houston, Texas, in 1997. This faith-based initiative, the InnerChange Freedom Initiative, has subsequently opened three additional faith-based prisons in Iowa, Kansas, and Minnesota. Among the initiative, the state pays for the cells, guards, and uniforms, while Prison Fellowship finances the religious programs and activities through private funds.

In 2003, the University of Pennsylvania's Center for Research on Religion and Urban Civil Society evaluated the InnerChange Freedom Initiative and reported that graduates from the program have had significantly lower recidivism rates than a matched control group. The news was received with much excitement and celebration by Colson and President Bush. The program was deemed a success.

However, critics of the study are quick to raise concerns regarding the manner in which results were reported. InnerChange began with 177 volunteer prisoners but only 75 of them "graduated." Rather than report on both the successful prisoners ($n = 75$) and those who were kicked or dropped out ($n = 102$), the report highlighted only the successful graduates, something researchers call a "selection bias."

Overall, the 177 participants actually did somewhat worse than the matched control group. They were slightly more likely to be rearrested and noticeably more likely to be reincarcerated (i.e., 24% vs. 20%). Although the University of Pennsylvania study is not guilty of concealing information, it does seem to highlight the graduate-only results before reporting on all the facts.

John J. DiIulio, Jr., a serious advocate of faith-based initiatives who was the first director of the OFBCI and founder of the University of Pennsylvania research center, acknowledges that the study results were not exactly what he had hoped to find. However, he points out that one study is never enough to provide conclusive evidence either way. More research on InnerChange and other similar faith-based initiatives is necessary before answers can become unequivocal.

FUTURE DIRECTIONS

Faith-based initiatives face several future challenges. First, there is the legal issue of employment rules. Being exempt from Title VII of the Civil Rights Act of 1964 allows faith-based organizations to discriminate based on religious orientation. Faith-based initiatives are also restricted when it comes to proselytizing. President Bush's Executive Order states that government funds cannot be used for "inherently religious activity." The U.S. Supreme Court has yet to define the financial parameters for inherently religious activity. These and other legal challenges are sure to come into play as more religious organizations seek federal funding.

The criminal justice field has additional considerations for the future of faith-based initiatives. First, faith-based organizations are encouraged to provide assistance to victims in addition to offenders. Second, the relationship between religious figures and criminal justice administrators should be developed. Religious figures can provide

training about the important role criminal justice officials can play in assisting both victims and offenders.

CONCLUSION

Faith-based initiatives are a growing trend in both general social welfare programs and the correctional system. They often use federal funding to assist both victims of crime and offenders in an institutional setting. They tend to incorporate Bible study, educational classes, and mentoring to reduce recidivism among offenders.

The interest in faith-based initiatives continues to grow, particularly because it was one of President Bush's top priorities in the White House. And although the September 11, 2001, terrorist attacks on the United States forced the president to alter his political agenda, with faith-based initiatives taking a back seat to fighting worldwide terrorism, there is still a political movement attempting to pass legislation allowing religious nonprofit agencies to incorporate spiritual beliefs into various social programs using public funds.

Criticism surrounding the issue is likely to continue by many who feel the agenda violates the doctrine of separation between church and state. Additional research investigating the ability of these programs to reduce recidivism is necessary to fully inform the debate over their utility.

—Emily J. Salisbury and Jennifer S. Trager

See also Chaplains; Contract Facilities; Contract Ministers; John J. DiIulio, Jr.; History of Prisons; History of Religion in Prison; Quakers; Recidivism; Rehabilitation Theory; Religion in Prison

Further Reading

Colson, C. W. (2001). *Justice that restores.* Wheaton, IL: Tyndale House.

Johnson, B. R. (1997). Religious programs, institutional adjustment, and recidivism among former inmates in Prison Fellowship programs. *Justice Quarterly, 14,* 145–166.

U.S. Department of Justice. (1998). *New directions from the field: Victims' rights and services for the 21st century.* Washington, DC: Author.

FAMILIES AGAINST MANDATORY MINIMUMS

Families Against Mandatory Minimums (FAMM) is a national nonprofit organization that challenges the inflexible and excessive penalties required by mandatory sentencing laws. It is the only advocacy group devoted entirely to sentencing reform.

MANDATORY SENTENCES

Congress enacted mandatory sentencing laws in 1986 because lawmakers believed that rigid, severe drug laws would catch drug kingpins and deter others from entering the drug trade. The laws established drug weight and type as the only factors that judges can consider in determining drug sentences and prescribed fixed and predetermined sentences for these crimes. In 1988, Congress created new mandatory sentences for drug conspiracy (under which drug weight had only to be alleged) and the presence of a firearm during a felony offense, as well as a five-year mandatory sentence for mere possession of five grams of crack cocaine. Most states also enacted mandatory minimum sentences for drug offenses in the 1980s.

As a result of these mandatory laws, judges can no longer consider the severity of the offense, an offender's role in the crime, or the offender's potential for rehabilitation when determining the sentence. This rigidity has led to thousands of low-level offenders and addicts now serving sentences designed for kingpins. In addition, the laws disproportionately affect minorities. African Americans account for 12% to 13% of America's general population, yet they comprise 30% of those receiving federal mandatory drug sentences. Hispanics constitute 12% of the general population but receive 43% of mandatory drug sentences. Mandatory sentences also affect an increasing number of women. In 1997, nearly 72% of federal female prisoners were serving drug sentences. Taking a message for a boyfriend involved in a drug deal or driving him to the bank can lead to conspiracy charges and the woman can be charged for the entire amount of drugs sold.

THE ESTABLISHMENT OF FAMM

Julie Stewart founded FAMM in 1991 when her brother was arrested for growing marijuana and sentenced to five years in prison under mandatory sentencing laws established by Congress in 1986. From this small beginning, FAMM has grown to an organization of more than 28,000 members, including individuals, organizations, prisoners, and their families. Its national office is located in Washington, D.C., while state coordinators maintain chapters in many states. FAMM lobbies for the repeal of mandatory drug sentences and the return to limited judicial discretion, as established in the U.S. sentencing guidelines, which govern all other federal criminal cases. Under sentencing guidelines, judges base decisions on all the facts of the case and select from a range of sentences based on those facts.

CURRENT PROJECTS OF FAMM

FAMM concentrates its efforts in five areas. The Legislative Outreach Project lobbies Congress and the U.S. Sentencing Commission to reform severe federal mandatory sentences and federal sentencing guidelines. State projects advocate sentencing reform in states with particularly harsh sentencing laws and work to prevent adoption of additional mandatory sentences.

The FAMM Litigation project was organized in 1995 to provide litigation assistance of pro bono counsel for cases that involve important or evolving sentencing issues before the U.S. Supreme Court, the lower federal courts, and the state courts. To bring public attention to harsh and disproportionate mandatory sentences on low-level, nonviolent offenders, the litigation project also accepts a handful of cases involving grave injustice, regardless of the legal issue presented. The project is guided by in-house counsel and an advisory board of prominent criminal defense attorneys and law professors, and it is aided by prestigious law firms with pro bono programs.

The FAMM Community Action Network trains and coordinates a national network of members to educate policy makers about sentencing reform. Through postcards, letters, phone calls, and visits to federal and state lawmakers, members actively influence sentencing policy. The FAMM Communication Project works with all forms of media to educate the public about the excessively punitive nature of mandatory sentencing policies. FAMM's extensive case files of people serving mandatory drug sentences help provide individual examples of injustice.

FAMM's efforts have brought about major improvements to federal and state sentencing systems and generated hundreds of articles in major newspapers and magazines and features on national and local television each year. These help alert citizens about the problems of mandatory minimum sentencing. Up-to-date information can be found on the FAMM Web site, www.famm.org, which provides updated information on mandatory sentencing, puts a face on sentencing laws with its extensive file of prisoners serving lengthy mandatory sentences, and provides a vehicle for citizen action.

CONCLUSION

Each year, one out of four federal drug offenders are sentenced under the more flexible sentencing guidelines rather than mandatory minimum laws, thanks to FAMM's efforts to establish a "safety valve" for first-time, nonviolent offenders who meet specific criteria. FAMM's work to establish more realistic weight measurements of marijuana and LSD offenses produced fairer sentences for nearly 1,000 prisoners and continues to affect hundreds of new cases annually. FAMM's participation in nearly 20 Supreme Court cases and numerous federal appeal cases has led to fairer sentences for hundreds of defendants. FAMM helped file clemency petitions for 21 members who were low-level, nonviolent drug offenders serving lengthy mandatory sentences. In 2000, President Bill Clinton commuted the sentences for 17 of them. FAMM also led a successful effort to amend Michigan's notorious "650 Lifer Law," which required life in prison without parole for anyone convicted of delivery or conspiring to deliver 650 grams of cocaine or heroin—even first-time offenders. In 2002, FAMM completed the job of reforming Michigan's draconian sentences by spearheading

a campaign that resulted in a bipartisan majority of Michigan's legislature voting to eliminate most of the mandatory minimums for drug offenses. The reforms allow judges to impose sentences based on a range of factors, replace lifetime probation for the lowest-level offenders with a five-year probationary period, and permit earlier parole for some prisoners.

—Monica Pratt

See also Activism; Citizens United for Rehabilitation of Errants; Critical Resistance; Determinate Sentencing; Deterrence Theory; Incapacitation Theory; Just Deserts Theory; November Coalition; Sentencing Reform Act 1984; Three-Strikes Legislation; Truth in Sentencing; War on Drugs

Further Reading

Families Against Mandatory Minimums. (2002). *Primer on mandatory sentences.* Washington, DC: Author. Retrieved from http://www.famm.org/rs_publications.htm

Leadership Conference on Civil Rights and Leadership Conference Education Fund. (2000). *Justice on trial: Racial disparities in the American criminal justice system.* Retrieved from http://www.civilrights.org/publications/cj

RAND Drug Policy Research Center. (1997). *Are mandatory minimum drug sentences cost-effective?* Retrieved from http://www.rand.org/publications/RB/RB6003/

U.S. Sentencing Commission. (1991). *Special report to the Congress: Mandatory minimum penalties in the federal criminal justice system*. Retrieved from http://www.ussc.gov/r_congress/MANMIN.PDF

FATHERS IN PRISON

Historically, much more attention has been paid to incarcerated mothers than to fathers. This is partly caused by concern about pregnant women in prison and also because of widespread beliefs that the mother-child bond is stronger than that between the father and child. In recent years, however, cultural norms have increasingly emphasized the importance of fatherhood. This, combined with concerns about the welfare of the children of male inmates, has led researchers to collect some of the first large-scale data regarding the fatherhood status of prisoners. Nonprofit groups and prison staff have also increased their efforts to provide services to incarcerated fathers.

The most comprehensive national information concerning fathers in prison comes from surveys conducted by the Bureau of Justice Statistics. Unless otherwise noted, all statistics cited here are taken from its report.

STATISTICS ABOUT FATHERS IN PRISON

About 55% of male inmates in state facilities have children under the age of 18—a percentage that has not changed appreciably over the past 10 years. Out of the incarcerated fathers, approximately 30% have more than one child. Comparable statistics for federal inmates are 63% and 40%, respectively. As a result, at least 1,372,700 minor children in the United States have a father in prison. During the past decade, a rise in the incarceration rate has resulted in an increase in the number of incarcerated fathers with minor children. Because data are not kept on the number of inmate fathers with children age 18 and over, we do not know the total number of incarcerated men with adult children.

Fathers in state facilities are serving an average sentence of 94 months, and those in federal prisons an average of 124 months. The most common offenses committed by those in state prisons are violent in nature, while, in the federal system, they are more likely to have to have been convicted of drug trafficking. In terms of race/ethnicity, approximately half of the fathers in state custody are African American, a quarter are white, and some 19% are Hispanic. At the federal level, 44% are black, 30% are Hispanic, and 22% are white.

While we do not have reliable data on the number of fathers in juvenile detention nationwide, estimates suggest that between 20% and 25% of them have children. This percentage is notable given that nationwide only about 5% of men under the age of 20 are fathers. These men are disproportionately represented in juvenile prison because incarceration and young fathering are concentrated in the same impoverished communities. In addition, regardless of their backgrounds, fathers appear more likely than those without children to engage in delinquent behaviors and to go to prison. National data are not kept on the number of juvenile fathers in county and local custody.

Fathering

In prison you get to think about a lot of things, and one of the most important is how to be a father to children who feel that you have abandoned them. Fathering from prison is one of the most difficult things I believe a man can do in his entire life. How do you explain anything to a child who believes that you don't or didn't ever care for them? They have the right to feel this way because after all, you left them. Your children don't care about what happened to put you here. They think about the fact that you're not there when they need to be held, when they need to feel the love that only a father could give.

I believe that children need both of their parents in order to feel secure in this short life we live in. Children growing up without fathers are missing something important that is a necessity in their lives. Raising your children is something you can never do over again. I've learned to be truthful with my five children. They all have different personalities but that doesn't stop all of them from hurting because I'm not there. I write them every month and try to do what I can to help them. I teach them what they need to know to become productive members of society.

Some fathers never get the chance to see their children because they are imprisoned far away from home. This makes it difficult for children to come to visit. Phoning is also not always an option since it is expensive and, in any case, a phone call from prison only lasts 15 minutes. All of these barriers make it difficult maintain family ties.

Jesse McKinley Carter, Jr.
FCI Fairton, Fairton, New Jersey

FATHER-CHILD CONTACT

Fathers in prison are generally allowed three kinds of contact with their children: mail, phone, and visits. About 40% of inmates report that they have at least one type of contact with their children each week. Most commonly they do this through the mail, with 27% of fathers reporting at least weekly contact. Phone calls are similar, with 25% of father inmates reporting that they talk to their children on a weekly basis. However, it must be noted that a full 43% report no phone contact and 32% do not write letters. One of the reasons for limited phone contact may be the cost. Most states have made arrangements with phone companies to include a surcharge on calls made from prison, raising the rates for already expensive collect calls. Children's caretakers are often on a limited budget and may not be able to afford such calls. Recent lawsuits have improved this situation, but the telephone remains an expensive means of communication. Prison rules that limit the amount of time each inmate is allowed for calls may also affect phone contact rates in some states.

In terms of visits, rules and policies vary by state and by institution. About 21% of incarcerated fathers nationally see their children at least once a month. State inmates are less likely than federal inmates to see children, with about 57% of them reporting that they never see their children. The equivalent percentage at the federal level is 44%. Visiting policy in jails tends to be more stringent than in prisons, with some forbidding visits altogether and others allowing only noncontact ones. At the juvenile level, these policies vary widely. While some institutions allow children to visit, others do not allow them to come into the facility except under special circumstances.

PROGRAMS FOR FATHERS IN PRISON

The recent interest in incarcerated fathers has prompted the creation of programs to provide support services for men and their children. Most states provide parenting classes in at least one of their adult facilities and several states also provide them at the juvenile level. These parent education courses focus on a wide range of topics including self-identity/self-esteem, parenting skills, child development, co-parenting, and legal issues regarding incarcerated fatherhood. In addition to parenting classes, some prisons offer other types of support services. For example, fathers in some prisons are provided with tape recorders to record stories and messages for their children. In others, special areas are set aside for father-child visits.

In addition to these initiatives in prison, there are a range of nonprofit groups that provide services, including parenting classes, to incarcerated fathers and their families. For example, the Osbourne Association in New York provides counseling and parenting classes to incarcerated men. It also staffs children's visiting areas in three prisons and provides information and referrals to the families of prisoners. Men who participate in the program are eligible to receive employment counseling and other social services upon their release. Other nonprofit groups focus on providing transportation for children to visit their fathers. As described below, these services are particularly important because many men are placed in prisons located far from their children.

EFFECTS OF FATHERS IN PRISON

We know less about the effect of incarcerating fathers on their children than we do about the effect of locking up mothers. The research that has been done suggests that the children exhibit symptoms such as nightmares, depression, and poor achievement. Reports from mothers point to negative behavioral changes in children after the father goes to prison. Imprisonment usually strains the relationship between a father and his children, and between a father and the mother of these children. Men miss years of their children's lives, and often become estranged from them. Children grow and change rapidly, and it is extremely difficult to maintain a close relationship from a distance. Imprisoned men also miss years of their wives' and girlfriends' lives, and they can provide them with only limited emotional support. As a result, there are high rates of divorce between inmates and the mothers of their children. Divorce, and the subsequent introduction of new men into the mothers' lives, may put further stress on the children.

Some research suggests that children with imprisoned fathers are more likely to engage in criminal behavior and do poorly in school, but such findings should be interpreted carefully. It is not clear if these outcomes are a direct result of the fathers' imprisonment or whether other factors are involved. For example, it is possible that the increased poverty that results from the loss of an incarcerated father's income could negatively affect the children. It is also possible that problems originating prior to the father's confinement are responsible.

CHALLENGES FACED BY INCARCERATED FATHERS

The structure of the prison system makes it difficult for fathers interested in maintaining a relationship with their children. Men are often placed in facilities far from where their children live. The Bureau of Justice Statistics reports, for example, that 60% of parents in state prisons are placed 100 miles or more from their children. Because the prison system disproportionately draws from poor communities, children's caretakers frequently cannot afford the costs of transporting children to see their fathers. Other disincentives to visiting come from the men themselves. Many are unwilling to expose their children to the prison environment, and some feel shame at being incarcerated.

Other challenges preventing incarcerated men from participating in their children's lives involve the children's caretakers. Caretakers act as gatekeepers, controlling the amount of contact incarcerated men have with their children. Problems or tensions between a man and the child's caretaker may limit his access. Relationship difficulties are sometimes a direct result of men's incarceration—caretakers may be angry about the loss of the man's income and his absence from their lives. Other times, however, problems exist well before the man's confinement. For example, only about 40% of the fathers in state custody and 55% of those in federal custody lived with their children before their incarceration. This suggests that relationships with mothers were already strained. Such tensions may be, at least in part, a result of drug use and other criminal behaviors the men engaged in before their arrest.

As noted above, a significant percentage of men in prison do maintain some type of contact with their children. Visiting is the most direct type of

contact and also presents some of the greatest challenges. Most men do not see the children on a regular basis and may be unsure how to act around them. Increasing this awkwardness, children may also be uncomfortable, angry, or tense. While some prisons provide toys or activities, most do not. This means that children, including toddlers, must sit still for long periods of time with nothing to do. Prison security measures mean that children watch as their fathers are counted or ask permission to go the bathroom. This can be embarrassing for both fathers and children. As a result of these factors, visiting hours sometimes turn out to be a disappointment for all involved.

IMPORTANCE OF FATHER-CHILD RELATIONSHIPS

Research suggests that enabling fathers to stay in contact with their children is beneficial. Not only does such contact allow men and their children to develop more realistic expectations of each other, it also helps children to work through feelings of grief and abandonment due to their father's absence.

Most men are eventually released from prison and will try to resume some sort of contact with their children. Denying fathers contact with their children while they are in prison makes the transition to home very difficult, both for them and for their children. Furthermore, there is evidence to suggest that parents who maintain close contact with their children during their incarceration are less prone to recidivism.

REENTRY OF FATHERS INTO THE COMMUNITY

Returning fathers face many challenges when they attempt to reintegrate themselves into their children's lives. They may have been replaced by a new boyfriend or husband. Some children, unused to their father's presence, refuse to accept his authority. Fathers who return expecting to reassume their role as head-of-household may experience resistance from both children and the children's caretakers. For example, many mothers become more independent during a man's incarceration and may resist his attempt to resume a decision-making role in the family.

In our culture, one of the primary roles fathers are expected to fill is provider of financial support. This is a particularly difficult role for newly released men because their prison records disqualify them from some jobs and discourage employers from hiring them for others. For men who want to provide support for their children, the inability to find a job can be deeply disappointing. In addition, some states continue a man's child support obligations while he is incarcerated. This means a father may leave prison with a large child support debt.

CONCLUSION

Each year, an increasing number of fathers spend time in our nation's correctional facilities. A failure to address the impact of prison on these men's children, families, and communities may have serious social consequences. The incarceration of a father can lead to an estrangement from his children, financial and psychological problems for those children and for their caretakers, and a lack of male role models in this man's community. While the issues of fatherhood and incarceration are attracting more attention and research, there is still a great deal to be learned. Increasing our knowledge of imprisonment's impact can help us to formulate appropriate policy responses to this pressing social problem.

—Anne M. Nurse

See also Children; Children's Visits; Conjugal Visits; Foster Care; Mothers in Prison; Parenting Programs; Prisoner Reentry; Recidivism; Rehabilitation Theory; Termination of Parental Rights

Further Reading

Hairston, C. F. (1991). Family ties during imprisonment: Important to whom and for what? *Journal of Sociology and Social Welfare, 18*(1), 87–104.

Johnston, D., & Gable, K. (1995). *Children of incarcerated parents.* Lexington, MA: Lexington Books.

Lanier, C. S., Jr. (1991). Dimensions of father-child interaction in a New York state prison population. *Journal of Offender Rehabilitation, 16*(3/4), 27–42.

Mumola, C. (2000). *Incarcerated parents and their children.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Nurse, A. M. (2002). *Fatherhood arrested: Parenting from within the juvenile justice system.* Nashville, TN: Vanderbilt University Press.

Shaw, R. (Ed.). (1992). *Prisoners' children: What are the issues?* London: Routledge.

FEDERAL PRISON INDUSTRIES

See UNICOR

FEDERAL PRISON SYSTEM

The federal prison system holds offenders who have been convicted of federal crimes. It is currently one of the biggest prison systems in the country, with more than 175,000 inmates. Most of these women and men are housed in a nationwide system of some 104 establishments. Others are held in community corrections centers, in state and local prisons, or under house arrest.

HISTORY

The U.S. Congress formally established the Federal Bureau of Prisons in 1930. By then, a fairly considerable federal corrections system already existed. Courts had been created in 1789, and seven prisons had been gradually established from the last decade of the 19th century. Individuals found guilty of federal offenses could be fined, given corporal punishment, or held in state, local, or federal facilities. The federal correctional system, although predominantly a 20th-century creation, has its roots, in other words, in the 18th and 19th centuries.

The so-called Three Prison Act, which was passed in 1891, began the process of creating the federal prison system by identifying three sites around the country for its first penitentiaries. Development, however, was slow, and six years passed before ground breaking began on the first of the penitentiaries, USP Leavenworth. All told, it took inmates 25 years to complete Leavenworth Penitentiary.

Leavenworth was followed by Atlanta in 1902 and then, in 1909, by McNeil Island in Washington State, which had originally been founded as a territorial jail in 1875. These three institutions made up the entire system for many years until new laws, such as the Volstead Act in 1918, which introduced Prohibition, caused the federal population to grow exponentially.

The first women's prison in the federal system, FPC Alderson, opened in 1928 almost 40 years after the Three Prison Act. Prior to this time, women convicted of federal offenses were held in state and local penal facilities. Unlike the earlier penitentiaries that had grouped men in single large buildings, Alderson housed women in low-level, freestanding houses set within a rural setting.

Alcatraz, commonly viewed as a precursor to today's supermaximum secure facilities, opened in 1934. Designed to be an impenetrable and inescapable facility, Alcatraz was the destination for the most notorious criminals of the time. Al Capone, George "Machine Gun" Kelly, and Robert Stroud, the so-called Birdman of Alcatraz, all spent time there. When Alcatraz finally closed in 1963, its prisoners were transferred to the modern facility at Marion, Illinois.

Originally, Marion was a Level 5 prison, the highest security rating of the time. A series of violent and lethal attacks by inmates on staff and other prisoners throughout the 1970s and early 1980s culminated in the killing of two staff members on the same day in October 1983. After this event, the prison was re-rated at the previously unheard of security level of 6 and placed on continual lockdown. In 1994, ADX Florence replaced Marion as the destination "of last resort" for those inmates who were labeled dangerous and troublesome in the federal system.

The supermaximum secure prison at ADX Florence has the highest security level in the federal prison system. It holds "inmates who have been officially designated as exhibiting violent or serious and disruptive behavior while incarcerated" (National Institute of Corrections [NIC], 1997, p. 1). Prisoners are housed in solitary confinement and are rarely allowed out of their cells. Very few inmates are sent directly to ADX Florence from the courts. They are

Arriving in Prison

My public defender said, "Take nothing, have what you need sent after you settle." I called the BOP to confirm this, and they said they provide everything, including postage. The three-hour drive was filled with fear and anxiety. Once I arrived, I said goodbye to my friends, we hugged, and I turned and walked away. I couldn't look back, I tried not to cry. This couldn't be real; it had to be a bad dream.

It took three hours to process me, and it was all so surreal. I had to wait for R&D, wait for medical, wait for a female officer. Another prisoner, my mentor, came and took me where I would spend the next 53 months of my life. Leaving R&D, I saw gray concrete buildings and a dirt yard, and this stark and barren landscape mirrored how I felt inside. My mentor was talking, but I was in a fog.

At first sight, the housing unit looked like Costco with brick cubicles. The women inside were kind and generous with words and supplies. Even though I weighed 265 pounds I was assigned to a top bunk. During that first night, I laid in my bunk and quietly cried.

Seven months have passed, and the fog has lifted. Some things are better than I envisioned, others are not. Medical treatment is inadequate and the administration and most staff seem to thrive on dehumanizing and exerting their power and authority. The BOP didn't provide everything, they barely covered the necessities. Family and friends can only send money. We live in constant turmoil. However, most of the women in here make it tolerable. Although this place has changed me, I have faith that eventually my life will go on.

Letha Kennedy
Federal Prison Camp–Victorville, Adelanto, California

usually transferred there from other high-security state or federal facilities during their sentence. Wardens wishing to commit prisoners to ADX Florence must make a special request to the North Central Regional Director and provide evidence that the individual "can be controlled only by separation, restricted movement, and limited direct access to staff and other inmates" (NIC, 1997, p. 1). According to the Federal Bureau of Prisons (2000b), "Inmates with severe or chronic behavior patterns that cannot be addressed in any other Bureau institution should be referred to ADX Florence general population, and those who are somewhat less problematic should be referred to USP Marion" (p. 12). If the inmate is designated a "failure" within Marion he may be sent on to ADX Florence.

Within 10 years of the creation of the Bureau of Prisons, the federal prison population and the number of facilities had almost doubled. The inmate population then remained more or less stable until the 1980s. During the second part of the 1980s, various laws, such as the Sentencing Reform Act, were passed that ended parole, established determinate sentencing, and created mandatory minimum sentences. As a result of these legal changes, the inmate population grew dramatically, more than doubling between 1980 and 1989, from more than 24,000 to almost 58,000. In response, 20 new prisons opened between 1987 and 1992 alone. The system continued expanding during the 1990s, with the population reaching 175,000 in early 2004 (www.bop.gov).

FEDERAL PRISONS TODAY

According to the most recent weekly population figures, the Federal Bureau of Prisons currently houses just over 175,000 inmates. Approximately 150,000 of these inmates are confined in bureau-operated correctional institutions or detention centers; the rest are held in state, local, and private institutions. Despite a continuing reliance on state and other facilities, the federal prison system remains heavily overcrowded, incarcerating 33% more people at year end of 2002 than it was built to contain (Harrison & Beck, 2003, p. 1).

Overall, the majority (56.5%) of prisoners in federal institutions are white, 40.3% are black, 1.6% are Asian, and 1.6% are Native American. About one-third (32.1%) are known to be of Hispanic ethnic origin. Almost 30% of all prisoners are foreign nationals, with more than 16% from Mexico alone. Since the 1980s, all are adults or juveniles who have

been charged as adults. There are no juvenile facilities in the federal system. Women now make up 6.8% of the total population, which is greater than their proportion in state prisons. This figure reflects an increase of 182% in the number of female inmates since 1988. In comparison, the number of male inmates grew by 158% during the same period (Federal Bureau of Prisons, 1998; www.bop.gov).

More so than in most state systems, a disproportionate number of individuals in the federal prison population are serving time for drug offenses. Currently, they constitute 54.7% of the total population. Other crimes include immigration (10.5%), robbery (6.5%), and burglary (4.5%). The most frequent sentence being served by federal inmates is 5 to 10 years (29.5%), with the next common period being 10 to 15 years (17.4%). Very few (2.0%) serve less than 1 year, and not many serve life either (3.2%). At the time of writing, 26 people are on death row. As these figures suggest, the majority of federal inmates are assigned low (38.8%) or medium (25.0%) security levels, and the rest are labeled as minimum (19.4%) or high (10.7%) security; 6.1% of inmates have not been assigned a security level (www.bop.gov).

STAFF

Around 35,000 people work in the Federal Bureau of Prisons. The vast majority of them (71.8%) are men. Likewise, most prison employees are white (64.4%). African Americans make up 21.0% of the total number of staff, while only 11.0% of officers are Hispanic, 2.0% are Asian, and 1.5% are Native American.

The federal system was one of the first to establish a training program for correctional officers in 1930. Even so, a formal, centralized system was not fully implemented until 1982, when the Bureau of Prisons established a residential program at Glynco, Georgia, where, to this day, all staff members receive the same basic training (Keve, 1991, p. 237). All prison workers, from the medical personnel to those running the prison factory, must be coached as correctional officers. They must know how to use firearms and restraining techniques. The only exceptions to this rule are the staff in private facilities, who are trained separately. They should, however, have equivalent skills to those in the public prisons.

Despite the bureau's early move to attempt to professionalize its employees, the pay and education levels of many staff members remain low. Just over one-third of all staff (34.6%) have only a high school diploma, while fewer than one in five of them (19.2%) have a bachelor's degree (Federal Bureau of Prisons, 2000c, p. 55). Salaries for correctional officers are similar to other areas of law enforcement. According to the Web site of the Bureau of Labor Statistics, for example, federal correctional officer salaries started at $27,000 in 2001. The previous year, the median salary was around $35,000. Like the police, correctional officers may retire after 20 years service for full benefits.

TYPES OF FACILITIES

The Bureau of Prisons operates many different kinds of facilities from penitentiaries to prison camps. Other than the sole supermaximum secure facility at ADX Florence, the highest-security prisons in the federal system are the U.S. penitentiaries (USPs). They have walls, or reinforced fences, and close staff supervision. Prisoners are held in both single-occupant and cell housing. These facilities, which include USP Marion, Leavenworth, and Lewisburg, among others, are designed to hold high-security male offenders. There is no penitentiary for women.

Federal correctional institutions (FCIs) are the most common type of penal institution. These facilities are usually low security with double-fenced perimeters, although there are some medium-security establishments as well. In correctional institutions, prisoners are typically housed in cubicles in dormitory style units with a medium staff-inmate ratio.

Federal prison camps (FPCs) and the three intensive confinement centers (ICCs) in Lewisburg, Lompoc, and Bryan have the lowest security rating of all the federal institutions other than the community corrections centers (CCCs), which are also known as "halfway houses." Because they are

classified as minimum security, most of them have no fences, and there is a low staff-inmate ratio. Individuals may be either sent to the camps directly from the court or transferred from other higher-security facilities. They are usually housed in open dormitories. Security is much more relaxed at these institutions than anywhere else. However, they generally offer fewer opportunities for education and recreation because they are primarily work-oriented institutions. This is particularly the case for those prison camps located next to higher-security facilities in the federal correctional centers (FCCs), which the bureau has built since the 1980s. In these institutions, camps are merely part of a series of other institutions, including correctional institutions and penitentiaries.

Administrative prisons make up the final and most varied category of federal institutions. These are designed to hold inmates of all security classifications with special needs or characteristics. They include the federal transfer center (FTC) at Oklahoma City, federal medical centers (FMCs), federal detention centers (FDCs), metropolitan detention centers (MDCs), metropolitan correctional centers (MCCs), the medical center for federal prisoners (MCFP) at Springfield, and the supermaximum secure section of USP Florence, which is known as ADX Florence.

The federal transfer center at Oklahoma City is the first stop for most prisoners as they enter the federal system for the first time. Because this institution holds some high-security prisoners, its conditions are much more restricted than some may expect. Though most inmates spend only a few days at this institution, some are assigned longer periods of time in the work cadre to provide necessary labor. Most visits here, however, will be brief, ranging from a few weeks to a few months.

FMCs are essentially prison hospitals. There are seven of them across the national system, six catering to men only and one (FMC Carswell) to women. Though all prisons offer medical care, if the individual has a chronic or serious illness he or she will usually be placed in an FMC. In addition to holding ill female prisoners, FMC Carswell has a special administrative unit for women deemed to be particularly high-security risks.

FDCs and MDCs hold people awaiting trial, as well as those who have been convicted but who are awaiting sentence. They will also house a small work cadre, like the transfer center, to provide labor for the main institution. They are, in effect, jails and thus have a rapid turnover of population, as most prisoners are held there awaiting transfer. Many detention centers have been contracted out to private companies.

There are three MCCs in the United States, in San Diego, New York City, and Chicago. These high-rise buildings opened within a year of each other, from December 1974 to August 1975, and represented the first shift within the Bureau of Prisons to "new generation" prison building. MCCs cater to a large and varied population. They hold both female and male sentenced offenders and those awaiting trial or sentencing. Inmates serving short-term sentences provide the necessary work details in each facility.

Finally, offenders may be sent to a community-based facility if they have been sentenced to six months or less. Very minor offenders may be held under house arrest. CCCs are essentially halfway houses and are contracted by the Bureau of Prisons to private companies. Only those people who are deemed no risk at all to the community may be sent there without prior time spent in a higher-security institution.

Individuals incarcerated by the Federal Bureau of Prisons will be assigned to a prison's mainline population in any one of the foregoing types of institutions. A certain number will, however, be segregated from the general population in special sections of these institutions such as control units, administrative segregation, disciplinary segregation, or death row. A rare few men (around 0.5%) will spend time in one of the system's highest-security facilities, the Control Unit of USP Marion or ADX Florence.

Each institution is imbued with a different ethos, depending on its security level and population type. Some, such as FMCs, provide specialized treatment for inmates with HIV/AIDS or other physical and mental health issues. Many women's facilities offer specific opportunities to enhance family ties. More than half of all the institutions now have residential substance abuse treatment programs as mandated

by the Violent Crime Control and Law Enforcement Act of 1994.

WOMEN IN PRISON

Women make up approximately 7% of the federal prison population. Of the total number of women incarcerated in the system, 58% are white, 39% are black, 2% are Asian, and 1% are Native American. Hispanics account for nearly one out of three female prisoners in federal custody (Federal Bureau of Prisons, 1998, p. 4; Greenfeld & Snell, 1999, p. 7).

More than two-thirds of women (68%) are imprisoned for drug offenses. The next most common category of crime, accounting for only 11% of those incarcerated, is extortion and fraud. Overall, women tend to commit less serious and less violent offenses than men and, in general, have lower security classifications. The majority of them are held either in minimum-security prison camps or in pretrial facilities. There is no medium-security facility for women in the federal system and only one high-security institution (Federal Bureau of Prisons, 1998, pp. 4–5). There are now 20 different prisons that hold female offenders, including prison camps, correctional institutions, FMC Carswell, and various MCCs.

Most women in prison (80%) are primary caretakers of children. More than half (59%) of women in federal prisons have children under the age of 18. Half of those women had lived with their children before entering prison (Greenfeld & Snell, 1999, p. 8). Many female inmates have experienced domestic or other forms of violence, in most cases including sexual assault. Nearly three-quarters (73%) of women in federal prison have completed high school, and 30% to 40% of those high school graduates have attended some college or more. Despite these relatively high rates of education, however, like male prisoners, most women were unemployed before their incarceration (Greenfeld & Snell, 1999, p. 7).

Women in prison abide by the same rules as men except in the areas of health and beauty treatments, pat searches, and transportation. Women generally are allowed more items under health and beauty than are men, and, in light of concerns about sexual harassment, their pat searches are more strictly regulated. Male guards are not permitted to take part in, or be present during, a search of a female prisoner. Women who are transported while pregnant should be held with fewer physical restraints than other prisoners, although a number of reports from human rights organizations suggest that this policy is not always closely followed.

DRUG TREATMENT PROGRAMS

More than half of the total population is doing time for drug offenses, and others are there for drug-related crimes. It is estimated that 80% of state and federal inmates either committed drug offenses, were under the influence of drugs or alcohol at the time of their crime, committed their crime to support their drug use, or had histories of substance use**.** Under the new sentencing laws, many of these individuals are serving long terms of imprisonment, often for their first offense.

According to a 1999 report to Congress, the Federal Bureau of Prisons "addresses inmate drug abuse by attempting to identify, confront, and alter the attitudes, values, and thinking patterns that lead to criminal and drug-using behavior" (Federal Bureau of Prisons, 1999, p. 1). The Bureau of Prisons differentiates between prisoners who are incarcerated for manufacturing or selling drugs and those who are incarcerated for crimes that were a direct result of their drug use and recognizes that each group requires different counseling and treatment. As a result, the federal system offers three different forms of drug programs through Psychology Services, each of which attempts "to identify, confront and alter the attitudes, values and thinking patterns that led to criminal behavior and drug or alcohol abuse" (Pelissier et al., 2000, p. 5). Currently, drug treatment options include a 500-hour residential drug treatment program, a 40-hour drug education program, and a more loosely organized set of counseling and self-help classes known collectively under the title of "nonresidential" drug treatment.

The residential drug abuse program (RDAP) is the most intensive of the bureau's drug treatment options. First, the inmate participates in a unit based program that generally has a capacity for around

100 people. During this time, he or she spends half of each day learning about drug use and the other half of it in ordinary activities such as work and education with the general population. Prisoners are screened and assessed at the beginning of the RDAP to work out their treatment orientation. To complete the program, they take a variety of classes, including "Criminal Lifestyle Confrontation," "Cognitive Skills Building," "Relapse Prevention," "Interpersonal Skill Building," and "Wellness," before being returned to the general prison population. Afterwards, they must also participate in 12 months of treatment, meeting with "drug abuse program staff at least once a month for a group activity consisting of relapse prevention planning and a review of treatment techniques learned during the intensive phase of the residential drug abuse program" (Pelissier et al., 2000, p. 4). The residential program even reaches beyond prison. Once an inmate is been transferred to a CCC, he or she will meet with privately contracted counselors to reaffirm the lessons of the drug treatment program. These sessions may also include other family members.

RDAPs are the most celebrated and, apparently, successful part of the bureau's current drug policy. According to a recent evaluation, these programs, which last from 9 to 12 months, reduce men's reoffending after three years in the community by 16% and women's by 18%. Thirty-six months after their release, men who have successfully completed an RDAP course also are 15% less likely to use drugs on release, and women are 18% less likely to do so.

Because of these findings, the Bureau of Prisons has introduced a series of incentives to encourage prisoners to participate in RDAPs. Some examples of the opportunities available include a small monetary award for successful completion of program; consideration for placement in a six-month halfway house; and what are referred to as "tangible benefits," such as shirts, caps, and pens with program logos. The most influential incentive, however, was brought in by the Violent Crime and Law Enforcement Act of 1994, which allows up to a one-year reduction in sentence from an inmate's statutory release date. This incentive has obvious attractions, and many prisoners are in favor of it. Others, however, are more critical of this reward. They point out that sentence reductions lead to inconsistent sentencing, in which participants do less time for the same crimes. Specifically, critics suggest that this policy may unintentionally reward inmates with drug problems (Pelissier et al., 2000, p. 6).

The 40-hour drug education program is somewhat less intensive than the residential program. It incorporates lectures, movies, written assignments, and group discussion. Participants usually meet twice a week for approximately 10 weeks, covering the reasons for their drug use and abuse, theories of addiction, physical and psychological addiction, defenses, effects of drug abuse on the family, and different types of drugs and their effect on an individual.

Nonresidential drug treatment can include meetings with Alcoholics Anonymous and Narcotics Anonymous as well as individual and group counseling offered by the Psychology Services. Finally, as part of their more general approach to curbing substance abuse, all federal prisons conduct regular random drug tests of all prisoners. Those with outside assignments are tested most frequently. The bureau's policy appears to have worked. The 2000 *Judicial Resource Guide* (Federal Bureau of Prisons, 2000a) states that "the number of positive test results for the random tests continues to be very low for the last few years—1.3% FY95; 0.9% FY96; 1.0% FY97; and 0.9% FY98" (p. 31).

EDUCATION AND VOCATIONAL TRAINING PROGRAMS

The main thrust of education in the federal system has always been literacy skills and vocational training. Inmates in the first federal prisons were taught the basics of reading and writing by prison staff and, if possible, an employable skill that might keep them away from criminal activity upon release. The first mandatory literacy program in the Bureau of Prisons was established in 1982. All inmates were required to enroll unless they could demonstrate a

sixth-grade level of reading and writing. In 1986, the standard was increased to an eighth-grade level, and in 1991 the current requirements of a high school equivalency (general equivalency diploma, GED) were established.

These days, the bureau's commitment to basic literacy has been taken a further step: All promotions in institution jobs above entry level require a GED. Although seemingly a commendable idea, tying education to prison labor so closely places those with little educational experience or those from a foreign or non-English-speaking background in a vulnerable position, rendering them ineligible for many prison jobs.

In addition to creating an employable workforce in prison, reduced reoffending rates have always been another important justification for prison education classes. For that reason, vocational courses and apprenticeships are two of the main strategies that education departments pursue to help prisoners prepare for successful release. Like most aspects of imprisonment, the quality and availability of these courses vary enormously. Some facilities offer a variety of choices from carpentry to cooking. Others, particularly high-security institutions, are much more restricted. In any case, certificates or diplomas will not specify that they were earned in a correctional facility.

WORK

Unlike other correctional systems, work of some sort is mandatory in federal prisons. Upon arrival, prisoners are offered jobs in various aspects of site maintenance, usually in food services. Following a certain amount of time (usually 90 days), they may shift to another area of prison labor, such as grounds maintenance, the prison farm, or work as an orderly. They may also apply for employment in the federal prison industries known as UNICOR. If they do not wish to work, they must enroll in some education or training program. The vast majority work at jobs that contribute to the maintenance of the prison such as grounds, and cooking. Around 25% are employed by the higher-paying prison industries.

CONCLUSION

Since the 1980s, the prison population in the United States has increased dramatically. The U.S. federal prison system currently holds more prisoners than ever before and far more than it can comfortably house. The majority of these women and men are serving time for drug offenses. Disproportionate numbers of them belong to minority communities, and few have significant levels of education or much legitimate work experience. Sentences have become longer, and consequently the average age of the inmate community is growing. All of these factors mean that there are a number of challenges facing the administrators of the federal system. How they respond to them will determine whether federal prisons will break down into disturbances as they have in the past, or whether they will remain relatively peaceful as they are at present.

—Mary Bosworth

See also Alcatraz; Alcoholics Anonymous; Alderson, Federal Prison Camp; Campus Style; College Courses in Prison; Community Corrections Centers; Correctional Officers; Cottage System; Drug Offenders; Drug Treatment Programs; General Educational Development (GED) Exam and General Equivalency Diploma; Group Therapy; History of Prisons; Individual Therapy; INS Detention Facilities; Leavenworth, U.S. Penitentiary; Maximum Security; Medium Security; Minimum Security; Prison Camps; Professionalization of Staff; Psychological Services; Race, Class, and Gender of Prisoners; Racism; Staff Training; Supermax Prisons; Therapeutic Communities; Three Prisons Act 1891; UNICOR; Violent Crime Control and Law Enforcement Act 1994; Volstead Act 1918; War on Drugs; Women in Prison

Further Reading

Amnesty International. (1999). *Not part of my sentence: Violations of the human rights of women in custody*. New York: Author.

Bosworth, M. (2002). *The U.S. federal prison system.* Thousand Oaks, CA: Sage.

Federal Bureau of Prisons. (1998). *A profile of female offenders.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Prisons. (1999). *Substance abuse treatment programs in the Federal Bureau of Prisons: Report to Congress, as required by the Violent Crime Control and*

Law Enforcement Act of 1994. Washington, DC: U.S. Department of Justice.

Federal Bureau of Prisons. (2000a). *Judicial resource guide to the Federal Bureau of Prisons.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Prisons. (2000b). *Security designation and custody classification manual.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Prisons. (2000c). *State of the bureau 1999: Accomplishments and goals.* Washington, DC: U.S. Department of Justice.

Greenfeld, L., & Snell, T. (1999). *Bureau of Justice special report: Women offenders*. Washington, DC: U.S. Department of Justice.

Harrison, P., & Beck, A. (2003). *Prisoners in 2002.* Washington, DC: Bureau of Justice Statistics.

Heffernan, E. (1994). Banners, brothels, and a "ladies seminary": Women and federal corrections. In J. Roberts (Ed.), *Escaping prison myths: Selected topics in the history of federal corrections*. Washington, DC: American University Press.

Keve, P. (1991). *Prisons and the American conscience: A history of U.S. federal corrections*. Carbondale: Southern Illinois University Press.

National Institute of Corrections. (1997). *Supermax housing: A survey of current practice*. Longmont, CO: U.S. Department of Justice.

Pelissier, B., Rhodes, W., Saylor, W., Gaes, G., Camp, S. D., Vanyur, S. D., & Wallace, S. (2000). *TRIAD Drug Treatment Evaluation Project: Final year report of three year outcome, executive summary.* Washington, DC: Bureau of Prisons.

Roberts, J. W. (1996). Work, education and public safety: A brief history of Federal Prison Industries. In Federal Prison Industries, Inc. (Ed.), *Factories with fences: The history of Federal Prison Industries.* Sandstone, MN: Federal Prison Industries.

Witke, L. (Ed.). (1999). *Planning and design guide for secure adult and juvenile facilities.* Lanham, MD: American Correctional Association.

FELON DISENFRANCHISEMENT

Felon disenfranchisement refers to the practice of banning individuals with a felony conviction from voting. These laws are determined at the state level. States have the option of banning a felon from voting while in prison, while on parole, probation, or permanently barring them from voting.

The United States is one of few nations across the world that bans people from voting while they are imprisoned. Countries such as Spain, Greece, Ireland, Switzerland, France, Israel, Japan, and the Czech Republic all allow incarcerated felons to vote. Furthermore, other countries such as Germany and South Africa require prison officials to encourage inmates to exercise the vote. In Puerto Rico, the right to vote is one of the few rights citizens retain during incarceration.

HISTORY

Disenfranchisement provisions have existed since the founding of the United States. Throughout earlier periods in American history, the right to vote was seen as a privilege that only some people deserved. It was not extended to groups such as women, Catholics, the illiterate, and the poor. Supporters of limited suffrage argued that class and social standing should be important determinants of political status. Others asserted that individuals who broke the social contract did not deserve to enjoy the full rights of citizenship, for example, voting. Therefore, legislators viewed criminal disenfranchisement laws as a means of both protecting the ballot box and promoting the community's interests.

Between 1776 and 1821, 11 states adopted provisions that denied the vote to convicted felons: Virginia (1776), Kentucky (1799), Ohio (1802), New Jersey (1807), Louisiana (1812), Indiana (1816), Mississippi (1817), Connecticut (1818), Alabama (1819), Missouri (1820), and New York (1821). The original justifications for these statutes were based on the dual concepts of deterrence and retribution. However, the end of the 19th century marked an important era for the expansion and strict enforcement of criminal disenfranchisement laws. After several constitutional amendments increased blacks' access to the political process, Southern white opposition soared. In response, most states tailored their statutes during the post-Reconstruction era to enhance their impact on African Americans. These news plans penalized blacks without any explicit reference to blacks as a racial group. As a result of this subtlety, states were protected from legal challenges. In particular, they were able to uphold the 15th Amendment's ban on

overtly racial policies while still promoting their interests.

Mississippi's plan set the standard for states interested in altering their disenfranchisement provisions. The state's 1869 constitution required disenfranchisement of citizens convicted of *any* crime. However, its 1890 constitution imposed disenfranchisement for a very narrow list of crimes such as bigamy, theft, and burglary. In particular, the disenfranchising crimes were based on those crimes that blacks were believed to commit more frequently, and excluded crimes that whites were believed to commit more frequently.

Realizing the effectiveness of Mississippi's plan, from 1891 to 1910 eleven other states—Louisiana (1898), Virginia (1902), Alabama (1901), North Carolina (1900), Georgia (1908), South Carolina (1895), Tennessee (1891), Florida (1889), Texas (1902), Arkansas (1893), and Oklahoma—adopted similar criminal disenfranchisement policies. The impact of these new statutes, in conjunction with the long-standing tools of poll taxes, literacy tests, violence, and intimidation, significantly reduced the eligible black electorate. For example, in 1897 Louisiana had more than 130,000 African Americans registered to vote, representing nearly 44% of the electorate. After the adoption of disenfranchisement provisions at the 1898 constitutional convention, the number of African Americans registered to vote plummeted to 5,320. In 1904, that number fell to 1,342.

Although the number of whites registered to vote during this time also decreased, the change was not nearly as dramatic. For example, 125,437 whites were registered to vote in Louisiana in 1897. In 1904, the number of white citizens who were registered was 91,716. Overall, the black electorate in Louisiana was reduced by nearly 96%, while the white electorate was reduced by 23%.

As the dual process of migration and urbanization pulled African Americans out of the South and into northern centers, the adoption of criminal disenfranchisement statutes spread across the country. Randall Kennedy documented the disproportionate number of African American men who were arrested in northern cities on what many believed to be false charges. These charges often included things such as burglary, assault, and inciting or participating in riots. Taken together, the evolution of felon disenfranchisement laws slowly eroded the legal enfranchisement that blacks had acquired.

CURRENT PRACTICE

These days, convicted felons constitute the largest single group of American citizens who are permanently prohibited from voting in elections. Currently, 48 states and the District of Columbia ban inmates from voting. In 32 states, individuals on parole or probation cannot vote. In 13 states, a felony conviction can lead to a lifetime loss of voting rights. As a result of these laws, there are more than 4 million American citizens who have permanently lost the right to vote.

Whether a convicted felon can vote depends on the state he or she resides in, not the state he or she was convicted in. Therefore, a felon convicted in the state of New Hampshire would be able to vote in elections while residing in New Hampshire. However, if that individual moved to the state of Virginia, he or she would lose that right.

Individuals with a felony conviction are not banned from holding public office. Therefore, many citizens would be able to hold elected office but would not be eligible to cast a vote in that election. For example, Lyndon LaRouche was able to run for president in 1992 and Jim Traficant was able to run for U.S. Congress in 2001.

RACE AND FELON DISENFRANCHISEMENT

Although the civil rights movement and the prison reform movement were important for making the American polity more inclusive, most states continue to be governed by disenfranchisement laws that were created during an era saturated with racial hostility. Indeed, African Americans and Latino/as account for nearly half of those (ex-) felons permanently banned from voting, with African Americans in particular, representing more than 36% of permanently banned citizens. The rate of black

disenfranchisement is nearly seven times the national average, and if current rates of incarceration persist, 3 in 10 of the next generation of black men in this country can expect to lose the right to vote at some point in their lifetime.

As it was historically, the disproportionate impact of these laws is particularly pronounced in a number of southern states. According to a U.S. Census report, the 10 states with the largest black populations combine to account for 58% of the total U.S. black population but account for less than 49% of the total U.S. population. All but one of these states has a lifetime ban on felon voting. In Alabama and Florida, one-third of black men are permanently barred from voting. In Mississippi, Virginia, Texas, and Iowa, one in four black men are permanently disenfranchised.

For most states with lifetime bans on felon voting, ex-felons can usually go through some type of review process to have their rights restored. This process varies significantly across the states. For example, in Alabama an ex-offender must submit a DNA sample to the state's department of forensic science. In Mississippi, an ex-offender must either secure an executive order from the governor or convince a state legislator to introduce a bill on his or her behalf. Therefore, although these options exist in theory they seldom result in the restoration of voting rights. This failure can be attributed to a number of factors including (1) limited knowledge of the process necessary to regain the right to vote; (2) an emphasis on more immediate needs, for example, finding housing, jobs; and (3) the lack of political and financial resources necessary to successfully navigate the restoration process.

CONCLUSION: THE IMPACT OF FELON DISENFRANCHISEMENT

The effect of criminal disenfranchisement laws was seen in the controversial presidential election of 2000. In Florida alone—where the result of the election was determined—there were more than 300,000 ex-felons who were barred from voting. In fact, 31% of all voting-age black men in Florida were disenfranchised. Given that the majority of the black population traditionally votes Democrat, had these men been able to vote, the result of the election could have been very different.

Thus far, the most successful tool for challenging the felony disenfranchisement laws has been litigation. A number of cases including *Hunter v. Underwood* and *Richardson v. Ramirez* have all successfully challenged the constitutionality of felon disenfranchisement restrictions. Although the laws still exist, these cases have narrowed their scope while also challenging legislators to adopt more uniform standards.

Many attribute the racial and gendered disparities in disenfranchisement rates to the national war on drugs movement ushered in during the 1980s. Thus, repealing the drug laws may reduce the number of people of color who are banned from voting. Given that the prison population continues to soar, unless changes are made in some arena, the United States can expect to see more and more people denied the right to vote in the near future.

—Khalilah L. Brown-Dean

See also Abolition; Activism; African American Prisoners; Hispanic/Latino(a) Prisoners; Racism

Further Reading

Manza, J., & Uggen, C. (2002). Democratic contraction? The political consequences of felon disenfranchisement in the United States. *American Sociological Review, 67*, 777–803.

Mauer, M., & Fellner, J. (1998). *Losing the vote: The impact of felony disenfranchisement laws in the United States*. Washington, DC: Sentencing Project.

Legal Cases

Hunter v. Underwood, 471 U.S. 222 (1985).
Richardson v. Ramirez, 418 U.S. 24 (1974).

FINE

A fine is a monetary sum ordered by the court to be paid to the state by a convicted offender for the purpose of retribution and deterrence. While the use of fines is a common form of criminal sanction in

both the United States and many European countries, the use of fines and their relative successes varies greatly by jurisdiction.

HISTORY

The practice of imposing fines for malfeasance dates back to the Dark Ages (500–1000 A.D.). Both German and Anglo-Saxon societies practiced a system of *wergild,* which required offenders to compensate victims for their damages. One of the earliest records of such practices can be found in the sixth-century legal code of Salic Franks (a tribe in what is now known as France). Under this system, a punishment of 24,000 denars (currency) was assigned for the killing of a woman of childbearing years and the sum of 8,000 denars for a woman past childbearing years.

After the Norman conquest of England in 1066 A.D., the system of wergild was transformed so that the sum paid by the offender (the *bot*) was divided between the king (*wer*) and the victim (*wite*). The amount of compensation was somewhat graded, in that greater compensation was provided for more serious offenses. The practice of wergild is the historical precursor to the modern criminal fine in the United States.

CURRENT PRACTICE IN THE UNITED STATES AND EUROPE

In the United States, fines are generally assigned as the sole sentence for only the most minor offenses, such as traffic violations and infractions. More commonly, fines are used in conjunction with another form of intermediate sanctions, such as community service and probation in misdemeanor cases, or in conjunction with incarceration in more serious cases. For example, a misdemeanor conviction might result in a sentence that includes a fine, community service, and probation, while a felony conviction might result in a sentence that includes a fine as well as a term of confinement in jail or prison. Currently, fines are assigned in 86% of lower court and 42% of superior court sentences. Although research indicates that less than half of all fines are in fact paid in the United States, more than $1 billion in fines are collected annually.

Currently, the use of fines in the United States is somewhat more limited than in European nations, in part due to the difficulty of enforcing this sanction and in collecting fines from offenders. In addition, there is some concern that the use of flat fines commonly practiced in the United States is unfair to the poor, for whom a predetermined fine may be unduly harsh, and too lenient for the very rich, for whom a predetermined fine may be a minor inconvenience.

Many European nations have solved the equity dilemma through the use of day fines, which have been commonly used since the early 20th century. In Europe, more than 80% of convicted offenders receive a sentence of a fine with no other sanctions. However, the mechanism for calculating day fines varies by country. In Germany, for example, a day fine is calculated by assigning a unit value for the offense. This unit value takes into consideration both the seriousness of the offense and the culpability of the offender. This value is then multiplied by the net daily income of the offender. In the German example, the day fine is roughly the cost for a number of day(s) of freedom. One of the benefits of the use of day fines is that it applies an equivalent multiple (based on the offense) to the income of a given offender; as such, it represents equivalent financial hardship to each offender. It also saves valuable prison resources for more serious offenders. Since this process was introduced, the use of day fines has grown while the use of short-term incarceration has diminished.

A number of states have experimented with day fines in the United States, with mixed results. Some studies have demonstrated that 70% of fines are collected under the day fine model, a substantial increase from the overall national collection rate of only 50%. In other studies, day fines seem to increase collection from the poorest offenders but have resulted in lower total collections overall, which, in practice, may deter some jurisdictions from applying this model. Other studies indicate that the use of day fines seems to have no impact on recidivism, so there appears little incentive to move toward the day fine in the United States.

CONCLUSION

The use of fines in the United States appears to be limited to use as the sole sanction in only the most minor cases or in conjunction with additional sanctions in the majority of cases. While initial evaluations of day fines in the United States demonstrate somewhat mixed results, the use of day fines have had promising results in Europe, namely, greater equity for offenders with varying incomes, a decline in short-term incarceration, and increased revenues.

—Connie Stivers Ireland

See also Corporal Punishment; Deterrence Theory; England and Wales; History of Prisons; Incapacitation Theory; Intermediate Sanctions; Increase in Prison Population

Further Reading

Clear, T. R., & Cole, G. F. (2003). Intermediate sanctions and community corrections. In T. Clear & G. F. Cole, *American corrections* (6th ed.). Belmont, CA: Wadsworth/Thompson.

Cole, G. F., & Smith, C. E. (2001). Corrections. In G. F. Cole & C. E. Smith, *The American system of criminal justice* (9th ed.). Belmont, CA: Wadsworth/Thompson.

Composition, in ancient and medieval law. (2002). In *Columbia encyclopedia* (6th ed.). New York: Columbia University Press. Retrieved December 29, 2002, from www.bartleby.com/65/

Cromwell, P. F., Del Carmen, R. V., & Alarid, L. F. (2002). Nonresidential intermediate sanctions. In P. F. Cromwell, R. V. Del Carmen, & L. F. Alarid, *Community-based corrections* (5th ed.). Belmont, CA: Wadsworth/Thompson.

McDonald, D. C., Greene, J., & Worzella, C. (1992). *Day fines in American courts: The Staten Island and Milwaukee experiments.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

Turner, S., & Petersilia, J. (1996). *Day fines in four jurisdictions.* Santa Monica, CA: RAND.

FIRST AMENDMENT

> *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*
>
> —U.S. Constitution, Amendment 1 (ratified 1791).

The First Amendment guarantees a certain level of freedom of speech, religion, association, and access to government throughout the United States. Although it technically applies only to the federal government, it is made applicable to all the state governments (and any subunits of the states) through the due process clause of the 14th Amendment. Like all constitutional rights, however, First Amendment rights are not absolute. For example, freedom of speech does not give anyone the right to yell "Fire!" in a crowded theater, unless there is indeed a blaze. People in prison are subject to additional limitations since the mere fact they are incarcerated means that their rights of association are restricted.

Many states have language in their state constitutions that is similar to the First Amendment. Those states may interpret their own constitutional language to be more protective than the federal standard. Thus, the federal First Amendment sets a floor, not a ceiling, for the rights it mentions. Finally, prison administrations are always free to be more protective of the rights mentioned than either the federal Constitution or the state constitutions.

GENERAL TEST APPLIED BY THE COURTS

The general rule for prison limitations on First Amendment rights is found in the case of *Turner v. Safley* (1987). A rule is acceptable under the U.S. Constitution as long as it bears a "rational relation to a legitimate penological interest." This standard is usually an easy one for a prison system to meet. Safety and the orderly running of a prison are two common examples of widely accepted legitimate penological interests and provide a basis for many of the regulations inside a prison system.

Once a legitimate penological interest for a rule is established, the prison system only has to show that the promulgated regulation is rationally related to that interest. "Rationally related" means that the rule or regulation does not have to be the least restrictive means of dealing with the prison's interest; the rule or regulation does not need to be the most respectful of the First Amendment interest that it possibly could be. Rather, it simply has to be one

way of dealing with the legitimate penological interest the prison system has asserted.

Many concerns that prisoners have are related to the freedoms guaranteed by the First Amendment, from religious freedom to freedom of expression. Some issues are litigated regularly in the courts. Although always analyzed within the general *Turner* framework, these areas have their own specific tests. General rules have been developed by the courts. Some of the more common questions that prisoners and prison administrators face will be described below.

RELIGION

The First Amendment prohibits the government both from establishing a mandatory religion and from prohibiting the practice of any particular creed. Generally, these two rights are referred to as the right to freedom of religion. However, as for people outside of prison, inmates do not have absolute freedom to practice their religious beliefs.

In 1972, the U.S. Supreme Court held that a prisoner must be given a reasonable opportunity to practice his or her religion (see *Cruz v. Beto,* 1972). Since then, *Turner* has been decided, so the test the courts must apply is now more detailed. However, an examination of the earlier case is instructive. In the 1972 case, a Buddhist prisoner was prohibited from using the chapel for his religious observance. The Court held that he must be allowed to use the chapel but emphasized that the prison did not have to provide the same services for a minority of one that it provided the larger religious groups.

Post-*Turner* religious freedom cases have borne out that the *Turner* test does in fact provide great latitude for prison officials. *O'Lone v. Estate of Shabazz* (1987) was one such case. In *O'Lone,* Muslim inmates sued because they were being denied the opportunity to participate in Jumu'ah prayers, a requirement of their religion. The prison at which they were housed required work outside of the facility during the day and would not transport them back during the workday. Thus, Muslim prisoners could not go to Jumu'ah prayers, which are held on Friday afternoons. The Supreme Court ruled that the failure of the prison to allow Muslims to participate in Jumu'ah prayers was acceptable under the First Amendment. The Court reasoned that the work requirement was rationally related to relieving overcrowding and tension and the refusal to transport Muslim prisoners back was rationally related to efficient prison operations.

Within the general framework of religious freedom, religious names and religious food become very important to prisoners who have limited ability to control almost any other area of their life. These areas also cause concern for prison administrators, as name changes and special diets tax their resources. Because these two issues arise so frequently, cause such conflict, and have such importance to prisoners, they are discussed below.

Name Changes

Some people who are in prison change their names to reflect their religious beliefs. Again, courts have applied the test laid out in *Turner* to reach the following set of rules regarding name changes. People in prison have a First Amendment interest in using their religious name in conjunction with the name under which they were committed to the prison. However, people in prison cannot force the prison administration to reorder its filing system. If a state allows people to change their names legally, the prison can require that an inmate pass through that process before it recognizes his or her new name. For more explanation of these types of cases, see *Malik v. Brown* (1995) and *Hakim v. Hicks* (2000).

Religious Meals

Access to religious meals is also analyzed under the *Turner* scheme. A prisoner's request must be based on a belief that is sincerely held and religious in nature (see *DeHart v. Horn,* 2000). While the courts are not permitted to determine if the prisoner is interpreting his or her faith correctly, they can determine if the prisoner actually has a religious belief that compels a special meal. Efficient administration and prevention of jealousy among other prisoners are considered legitimate penological needs. Generally, it is very difficult for prisoners to compel a prison to give them special religious meals by

citing the First Amendment; see *DeHart v. Horn,* (2000) (finding that a Buddhist inmate had other means of expressing his Buddhism and holding he was not entitled to vegetarian meals), *Levitan v. Ashcroft* (2002) (remanding for further fact finding and *Turner* analysis the question of whether Catholic inmates could have access to wine for communion), and *Sutton v. Rasheed* (2003) (holding that Nation of Islam texts are religious books and inmates were entitled to have them in the Special Housing Unit).

In short, as these examples demonstrate, religious freedom cases are very hard to win if the only grounds relied on are First Amendment guarantees. As long as prison can point to a penological need and show that the infringement on religious freedom is rationally related to that need, the institution's view will be upheld.

ACCESS TO THE COURTS

The First Amendment also protects the right to petition the government for redress of grievances. In simple terms, all people have the right to complain to government, subject to minimal limitations. Inside the prison context, access to the court's claims is also analyzed under the *Turner* test: whether the limitation is rationally related to a legitimate penological interest.

As a starting point, prisoners retain the right to submit cases to court challenging their sentences or conditions of confinement (see *Lewis v. Casey,* 1996). As the specific examples show below, however, they do not have unlimited rights to access all the possible ways there are to complain to the government.

Grievance Systems

All prisons and jails have a system of filing internal grievances. Usually, this process has several steps and levels of appeal. Filing a grievance inside the prison system is protected under the First Amendment for two reasons. First, a prison grievance is in and of itself an attempt to seek redress from the government, in this case the prison system. It is also protected by the First Amendment because it is a prerequisite for filing a federal court case under the Prison Litigation Reform Act (see *Shabazz v. Cole,* 1999, and *Graham v. Henderson,* 1995). Thus, prison rules or customs that block prisoners from filing grievances violate the First Amendment. Again, however, any rule will be analyzed under the *Turner* test to see whether a rule or custom bears a rational relationship to a legitimate penological interest.

Law Libraries

Prisoners also do not have an unlimited right to a law library. Rather, they have the right to information that will help them litigate cases related to their confinement (see *Thaddeus-x v. Blatter,* 1999). To prevail in a lawsuit, a prisoner will have to show not only that he or she was denied access to legal material but also that he or she has been harmed by the denial (see *Lewis v. Casey,* 1996). Thus, a prisoner has to show that he or she would have won the case or been granted the relief otherwise denied if only he or she had access to the law library. Again, this is a high burden. It is again important to note that laws or regulations may require more access to the law library. However, those requirements are not mandated by the First Amendment.

RIGHT TO ASSOCIATION WITH THE OUTSIDE WORLD

The right to associate is protected by the First Amendment. This is derived from the literal right of the people to assemble, which is contained directly in the First Amendment. For those in prison, however, these rights are subject to the *Turner* analysis. This means the prison system can limit a prisoner's contact with the outside world as long as the limits are rationally related to a legitimate penological interest.

In the recently decided case of *Bazzetta v. Overton* (2003), the Supreme Court ruled that a prison system may place severe limitations of visits, even noncontact visits. Essentially, the Court found that orderly running of visitation, preventing the passing of contraband, and protecting children were legitimate penological goals and that these severe regulations did in fact bear a rational relation to those goals. It remains to be seen how this decision will be interpreted by lower courts.

Mail

Letters and publications are a common way for prisoners to communicate with the outside world. While prisoners can receive and send out mail, their right to do so is subject to limitations. Arbitrary censorship of outgoing mail will violate the First Amendment (see *Procunier v. Martinez,* 1974). However, prison authorities can review outgoing letters to make sure that the letters do not contain threats, criminal plans, escape plans, and other threats to the orderly and safe running of the prison.

Arbitrary censorship of incoming mail will also violate the First Amendment, although prison officials can be stricter about incoming mail (see *Thornburgh v. Abbot,* 1989). The reasoning behind this distinction is that only a limited number of categories of outgoing information will affect the orderly running of a prison, but the list of categories of incoming information that could cause a disruption is much longer and harder to quantify.

Press

Prisoners have the right to communicate with the press, but this right is not absolute. Representatives of the press are treated under the First Amendment like any other visitors (see *Pell v. Procunier*, 1974). Prisoners are not entitled to special meetings with or communication with members of the press. Again, the reader is cautioned there are laws and regulations that protect communications with the press more stringently than does the First Amendment.

CONCLUSION

The First Amendment covers many issues that arise in the prison context. While it does prevent prison officials from arbitrarily limiting the freedoms it guarantees, many restrictions remain on freedom of religion, association, and access to the courts. As long as a prison rule or regulation is rationally related to a legitimate penological interest, the rule or regulation is constitutionally sound.

—Deborah M. Golden

See also Fourth Amendment; Fourteenth Amendment; Islam in Prison; Jailhouse Lawyers; Judaism in Prison; Nation of Islam; Native American Spirituality; Prison Litigation Reform Act 1996; Prisoner Litigation; Religion in Prison; Section 1983 of the Civil Rights Act; USA Patriot Act, 2001

Further Reading

Barron, J. A., & Dienes, C. T. (2000). *First Amendment law in a nutshell.* St. Paul, MN: West Group.

Boston, J., & Manville, D. E. (1995). *Prisoners' self-help litigation manual* (3rd ed.). New York: Oceana.

Columbia Human Rights Law Review. (2000). *A jailhouse lawyer's manual* (5th ed.). New York: Author.

Columbia Human Rights Law Review. (2002). *A jailhouse lawyer's manual* (5th ed., 2002 supplement). New York: Author.

Developments in the law of prisons: IV. In the belly of the whale—Religious practice in prison. (2002). [Special issue]. *Harvard Law Review, 115*, 1891.

Garvey, J., & Schauer, F. (1996). *The First Amendment: A reader.* St. Paul, MN: West Group.

Mushlin, M. (2002). *The rights of prisoners* (3rd ed.). St. Paul, MN: West Group.

Legal Cases

Bazzetta v. Overton, 123 S. Ct. 2162 (2003).

Cruz v. Beto, 405 U.S. 319, 92 S. Ct. 1079, 31 L. Ed. 2d 263 (1972).

DeHart v. Horn, 227 F.3d 47 (3rd Cir. 2000).

Graham v. Henderson, 89 F.3d 75 (2nd Cir. 1995).

Hakim v. Hicks, 223 F.3d 1244 (11th Cir. 2000).

Levitan v. Ashcroft, 281 F.3d 1313 (DC Cir. 2002).

Lewis v. Casey, 518 U.S. 343; 116 S. Ct. 2174; 135 L. Ed. 2d 606 (1996).

Malik v. Brown, 71 F.3d 724 (9th Cir. 1995).

O'Lone v. Estate of Shabazz, 482 U.S. 342; 107 S. Ct. 2400; 96 L. Ed. 2d 282 (1987).

Pell v. Procunier, 417 U.S. 817, 94 S. Ct. 2800; 41 L. Ed. 2d 495 (1974).

Procunier v. Martinez, 416 U.S. 396, 94 S. Ct. 1800, 40 L. Ed. 2d 224 (1974).

Shabazz v. Cole, 69 F. Supp. 2d 117 (D. Mass 1999).

Sutton v. Rasheed, 323 F.3d 236 (3rd Cir. 2003).

Thaddeus-x v. Blatter, 175 F.3d 378 (6th Cir. 1999).

Thornburgh v. Abbot, 490 U.S. 401, 109 S. Ct. 1874, 104 L. Ed. 2d 459 (1989).

Turner v. Safley, 482 U.S. 78, 96 L. Ed. 2d 64, 107 S. Ct. 2254 (1987).

FLOGGING

While flogging has long been outlawed as a method of punishment in the criminal justice system of the

United States, it is still used in other countries and has gained increasing support among several American penologists in recent years. Historically used instead of capital punishment or imprisonment, it has not proven effective as a deterrent to further aberrant behavior. Still, some contend that it helps maintain social order.

HISTORY

The practice of flogging or whipping for those convicted of wrongdoing has a long history. The Law of Moses, as outlined in the Old Testament Book of Deuteronomy (Chapter 25, verses 2 & 3) reads, "If the wicked man be worthy to be beaten, that the judge shall cause him to lie down, and to be beaten before him . . . forty stripes he may give him, and shall not exceed . . . ." Likewise, in England in the 1500s, the Whipping Act ordered delinquents to be tied to the end of a cart, naked, and beaten with whips through a market town till the body be bloodied.

In colonial America, flogging and other corporal punishments occurred both within the prison as well as in public view. The pillory, stocks, dunking stool, and public whipping post were commonly used. Whipping was not always reserved for those who committed a crime. Mothers of illegitimate children (and the fathers if known) were sometimes publicly flogged, as were blasphemers and drunkards. Upon arrival in America, members of certain religious groups, most notably Quakers, were often tied to a cart and whipped before being forced back on the ship that brought them. The systematic punishment of slaves by flogging and branding is well documented.

Benjamin Rush was one of the first vocal opponents to the public flogging of prisoners. A prominent Philadelphia physician and signer of the Declaration of Independence, Rush founded the Philadelphia Society for Alleviating the Miseries of Public Prisons. In an important pamphlet at the time, Dr. Rush wrote that the reformation of the criminal offenders can never be achieved through public punishment: "Experience proves, that public punishments have increased propensities to crimes. A man, who has lost his self-respect at a whipping post, has nothing valuable to lose in society. Pain has begotten insensibility to the whip; and shame to infamy" (Teeters, 1937, p. 25).

Later, as the American penitentiary evolved, corporal punishment remained a mainstay of prison discipline and inmate control. In some institutions, the cat-o'-nine-tails with wire-tipped leather straps was used, sometimes with a saltwater sponge bath to increase the pain. In San Quentin, inmates were strapped to a ladder, naked, without any protection for their neck and kidneys, and whipped with the "cat." In the late 1800s, the cat-o'-nine-tails was replaced in most prisons by other types of flogging devices, such as the baton and the hose. Sharp-edged paddles were used in the Ohio State Penitentiary.

By the 1940s, flogging as corporal punishment had essentially been abolished in Americans prisons, but it was not until 1968 that the federal courts officially condemned the practice. It has been argued that the framers of the Bill of Rights did not expressly forbid corporal punishment as a violation of the "cruel and unusual punishment" prohibition of the Eighth Amendment. But in 1968 in *Jackson v. Bishop* (404 F. 2d, 571; 579–80), the Eighth Circuit Court of Appeals held that whipping prisoners in the Arkansas prisons with a strap "offends the contemporary concepts of decency" and did not contribute to rehabilitation but instead frustrates the rehabilitative process while creating other correctional problems. "It generates hate toward the keepers who punish and toward the system, which permits it. It is degrading to the punisher and to the punished alike." Although this ruling was limited to the issue of whipping inmates as a disciplinary measure, it has been interpreted by many legal scholars to forbid it entirely. In 1972, Delaware became the last state to abolish public whipping as a criminal punishment.

CONTEMPORARY PRACTICES

Flogging as punishment is still used extensively in many other countries. In Iran, for example, public whipping for relatively minor offenses (e.g., drinking alcohol, disturbing public order) have increased in recent years. In Saudi Arabia, flogging is a punishment handed down by courts on an almost

daily basis. Amnesty International reports that in Nigeria, public whippings have been meted out for offenses that have included smoking marijuana, gambling, and carrying women on the back of motorcycle taxis.

Contemporary supporters of corporal punishment argue that lashing an offender is an effective deterrent because of the acute and immediate pain involved. Corporal punishment is seen as a viable response to prisoners who violate prison rules. Since they are already incarcerated and their date of release may seem distant (or nonexistent), some suggest that there is little else with which to maintain order. It is swift and visible to other inmates, as well as a proportionate punishment for certain crimes.

Criminologist Graeme Newman (1995) argued that "corporal punishment should be introduced to fill the gap between the severe punishment of prison and the non-punishment of probation. For the majority of property crimes, the preferred corporal punishment is that of electric shock because it can be scientifically controlled and calibrated, and is less violent in its application when compared with other corporal punishments such as whipping" (p. 54). He suggests that for violent crimes, in which the victim was subjected to pain and suffering, and for which there is no public wish to incarcerate, harsh punishment should be considered, such as whipping; humiliation of the offender is seen as justifiably deserved.

CONCLUSION

Opponents of flogging contend that punishing with pain is barbaric. There are always alternative punishments that can be used in prison, such as solitary confinement and the removal of privileges. Mistreatment of prisoners may encourage abuse from prison supervisors who seek to maintain order through a climate of fear. Finally, it does not deter; when the United States allowed flogging and similar punishments in the past, crime still increased.

—Kelly R. Webb

See also Capital Punishment; Corporal Punishment; Deterrence Theory; Michel Foucault; Elizabeth Fry; John Howard; Prison Monitoring Agencies; Philadelphia Society for Alleviating the Miseries of Public Prisons; Quakers; Benjamin Rush

Further Reading

Amnesty International. (2000). *AI [Amnesty International] Index.* London: Author.

Foucault, M. (1995). *Discipline and punish: The birth of the prison.* New York: Vintage.

Morris, N., & Rothman, D. J. (1995). *The Oxford history of the prison: The practice of punishment in Western society*. New York: Oxford University Press.

Newman, G. (1978). *The punishment response.* Philadelphia: J. B. Lippincott.

Newman, G. (1995). *Just and painful: A case for the corporal punishment of criminals.* Albany, NY: Harrow and Heston.

Teeters, N. K. (1937). *They were in prison: A history of the Pennsylvania Prison Society, 1787–1937.* Chicago: John C. Winston.

Van den Haag, E. (1975). *Punishing criminals: Concerning a very old and painful question.* New York: Basic Books.

FLYNN, ELIZABETH GURLEY (1890–1964)

Elizabeth Gurley Flynn, the daughter of working-class socialists, was born August 7, 1890, in Concord, New Hampshire. A founding member of the American Civil Liberties Union (ACLU) and a prominent Communist Party member, she was incarcerated under the McCarthy era in the federal prison for women at Alderson. Her account of her imprisonment that she published in the book *The Alderson Story: My Life as a Political Prisoner* sheds light on an important period of U.S. penal history.

BIOGRAPHICAL DETAILS

Flynn joined the Industrial Workers of the World (IWW) in 1906 and at the age of 16, and gave her first speech at the Harlem Socialist Club, *What Socialism Will Do for Women.* Subsequent to this speech and due to her political activism, Flynn was expelled from high school. One year later, in 1907, Flynn became a full-time organizer for the IWW. In this capacity, she traveled and took part in the IWW's "free speech" campaigns in several cities as far west as Missoula, Montana, and Spokane, Washington.

Photo 1 *Elizabeth Gurley Flynn*

Back east, Flynn helped organize campaigns for a wide variety of industrial workers in several different cities: garment workers in Pennsylvania; the textile strike of 1912 in Lawrence, Massachusetts; the strike of 1913 that involved silk weavers in Paterson, New Jersey; restaurant workers in New York; and finally, the iron miners' strike of 1916 in Mesabi, Minnesota. During these years of traveling and organizing campaigns, speaking out, and raising relief and legal defense funds on behalf of industrial workers, Flynn was arrested 10 times but never convicted of any criminal activity.

In 1918, Flynn helped establish the Workers' Liberty Defense Union and served as secretary until 1922. In 1920, she was a founding member of the ACLU and in 1927 to 1930 she chaired the International Labor Defense. Flynn was particularly concerned with women's rights and was a supporter of birth control and women's suffrage. During this time, Flynn also focused her attention on legal defense issues of labor and was a political activist for aliens who were threatened with deportation for their political views and affiliations.

COMMUNISM

In 1936, Flynn joined the Communist Party and made her first speech in 1937 as a Communist in Madison Square Garden. She wrote a feminist biweekly column for the *Daily Worker* and was also active in the women's commission as chair for the next 10 years. In 1940, due to her Communist Party membership, Flynn was removed from the national committee of the ACLU. Two years later, she ran for Congress at large in New York City, and although she lost she nonetheless received 50,000 votes.

In July 1948, 12 leaders of the Communist Party were arrested and falsely accused of advocating the overthrow of the U.S. government by force and violence. Flynn initiated a campaign for their release, but found herself arrested in June 1951 in a second wave of arrests under the infamous anti-Communist witch-hunt. On January 24, 1952, after a nine-month trial, Flynn was found guilty and was incarcerated in the Federal Reformatory at Alderson in West Virginia. Flynn described her experiences in Alderson in *The Alderson Story: My Life as a Political Prisoner.*

ALDERSON

Flynn was escorted by train from New York City to the Federal Women's Reformatory located in West Virginia. She was incarcerated from January 1955 to May 1957 and during these 28 months, she documented her many experiences as a political prisoner. In her writings, Flynn describes the injustices and suffering that she and others endured during confinement.

Upon her arrival, Flynn was labeled prisoner number 11710 and subsequently was fingerprinted for the third time since her original arrest date and sent into quarantine for the next three days. Flynn's living quarters, a small lock-in room, consisted of a toilet, wash bowl, narrow bed, radiator, and small cast-iron chest.

Along with the other women prisoners, Flynn worked at prison labor until 5 P.M. each day. Most of her sentence, Flynn was employed at sewing and mending article of clothing and linens. Others were made to do manual labor jobs that involved a lot of heavy lifting and moving, no matter how young or old and frail. Some were assigned clerical jobs, but most were assigned to duties in the craft store.

Flynn was placed in a maximum-security quarter because they considered her crime of being a Communist as maximum threat. It was thought that if they could keep close supervision on her that she would be restrained from carrying out acts of communicating communism to others. Because of the nature of her crime, Flynn had no expectation of making parole. She was also not entitled to industrial or meritorious good time off, even if she earned it.

In addition to her depiction of anti-Communist sentiment, Flynn's memoir is notable for its depiction of the racial and ethnic prejudice in the daily operations of Alderson. She describes, for example, the segregation of the Negro women and Spanish-speaking women. Flynn was also attuned to the class and gender expectations that were apparent in Alderson's population and regime. As she writes, despite a rather diverse population, "No rich women were to be found in Alderson" (Flynn, 1963, p. 37). Likewise, regardless of age, all inmates were referred to as "girls" and were at times treated as adolescents by the working prison staff.

Flynn was not able to communicate with many people outside of the prison walls and even her visits were restricted. Initially, the FBI reviewed Flynn's list that consisted of personal friends that she wished to correspond with and rejected it. Her visits were limited to once a month and all her visitors had to be a family member or an authorized correspondent. Flynn's sister, Kathie, went to see her on a monthly basis and kept her apprised of the political events taking place on the outside world and filled her in on the latest convictions and releases of others who were found guilty under the Smith Act. Kathie would end their session with new gossip of family and friends, and events from the neighborhood.

Upon her release on May 25, 1957, her sister Kathie, Marian Bachrach, and John Abt and his sister greeted Flynn at the gates. She was to report to a parole officer on the upcoming Monday and would remain on conditional release until July 6, 1957. Flynn promised her comrades whom she met during her stay in Alderson that upon her release, she would write about their experiences in Alderson to speak out about the injustices of censorship, discrimination, segregation, lack of proper medical care and equipment, and neglect to personal health care needs that she and others experienced. Flynn documented and wrote about her experience in an attempt to educate and rally public support for prison reform.

CONCLUSION

In 1961, Flynn became the national chair of the Communist Party and held this post until her death. In January 1962, the State Department revoked her passport along with four other well-known Communists. At the time, Flynn who had just returned from the Communist Party of the Soviet Union's 22nd Congress.

As usual, Flynn did not take her treatment passively. Instead, she protested that the State Department was a violation of the United Nations Declaration of Human Rights adopted in 1948. In 1964, when this case reached the court, the justices agreed with Flynn and ruled Section 6 of the McCarran Act unconstitutional. Flynn returned to the Soviet Union in August 1964 to represent the Communist Party at an international Party Congress. During this visit, she was hospitalized for a stomach disorder and died on September 5, 1964. She was given a state funeral in Red Square. Her body lay in the Hall of Columns of the Soviet Trade Unions for eight hours while mourners filed past. Flynn's final wishes were carried out when her remains were flown to the United Sates for burial in Chicago's Waldheim Cemetery. She was laid to rest near the graves of Eugene Dennis, Big Bill Haywood, and the Haymarket Martyrs.

—Kimberly L. Freiberger

See also Activism; Alderson, Federal Prison Camp; Angela Y. Davis; Kate Richards O'Hare; Resistance; Women's Prisons

Further Reading

Baxandall, R. F. (1987). *Words on fire: The life and writings of Elizabeth Gurley Flynn.* Douglas Series on women's lives and the meaning of gender. New Brunswick, NJ: Rutgers University Press.

Camp. H. (1995). *Iron in her soul: Elizabeth Gurley Flynn and the American left*. Pullman: Washington State University Press.

Flynn, E. G. (1963). *The Alderson story: My life as a political prisoner.* New York: International Publishers.

Flynn, E. G. (1973). *Rebel girl: An autobiography, my first life.* New York: International Publishers.

Gorn, E. J. (2001). *Mother Jones: The most dangerous women in America.* New York: Hill and Wang.

Zinn, H. (1995). *A people's history of the United States: 1492–present* (updated and rev. ed.). New York: Harper Perennial Library.

FOOD

The U.S. Supreme Court has consistently ruled that prisoners have the right to an adequate and varied diet, including the right to tailor meals to religious prescriptions and medical needs. However, the provision of food in prison often remains a sore point for inmates. Problems include food and preparation quality, portion sizes, and the temperature at which it is served.

HISTORY

Traditionally, food was used in prisons as a means of reward and punishment. In the 19th century, for example, incoming prisoners were often served bread and water until they had earned the right for such luxuries as meat or cheese. In the Eastern State Penitentiary in Philadelphia, breakfast was sparse and monotonous, consisting of coffee, cocoa, or green tea, and a mix of bread and Indian mush. The primary meal at midday consisted of substantial portions of boiled pork or beef, soup, potatoes or rice, sauerkraut, and tea. Indian mush and tea constituted the evening meal.

Under the medical model of rehabilitation that emerged in the early 20th century, prison food became linked to scientific notions of nutrition. Prison diets were examined for the calorific content rather than used primarily as a means of control. Healthy prisoners, it was believed, would be productive workers and, ultimately, reformed citizens. Even so, some institutions, such as Alcatraz, deliberately offered a daily total of at least 5,000 calories, combined with minimal exercise, to make prisoners more lethargic and less likely to engage in violent behavior.

In recent decades, the science of nutrition has remained crucial to the provision of food in most prisons. Usually, diets are carefully planned and standardized. Some facilities post the weekly menu, including nutritional analyses of each meal listing caloric, fat, cholesterol, and sodium content of each prepared item. In addition, all federal prisons are meant to have a salad bar and offer a "heart healthy" version of the main meal. Fried and baked chicken, for example, or french fries and baked potatoes may be served at the same meal.

State prison systems, however, vary dramatically, in part because contracting food services out to the private sector is becoming increasingly common. As a result, many do not match the federal standards. However, because of both formal and informal pressures, such as prison reform efforts, prisoner litigation challenges conditions, and the nationwide influence of the American Correctional Association in providing minimal standards before individual prisons receive accreditation, prison food has improved dramatically.

SPECIAL MEALS

In most systems, prisoners with medical conditions, such as diabetes, HIV/AIDS, pregnancy, or heart problems, may request special meals. They may also be allowed special snacks, if examined and authorized by a dietician. Similarly, vegans, who eat no animal products, are increasingly becoming recognized as a legitimate group with special dietary needs.

Religious prisoners form another group who require and are usually entitled to special meals. While some prisons provide different meals for each faith group, others, such as the Federal Bureau of Prisons, offer one uniform option known as "common fare" that tries to satisfy the dietary requirements of all religions. In this system, the meat is kosher, pork and its derivatives are never used, and vegetarian options are meant always to be available. To avoid contamination with nonkosher or Halal food, common fare meals are

usually served with disposable plates and cutlery. Certain other religious-based food requirements are usually honored throughout the year. Muslims may eat breakfast before dawn and eat dinner after sunset during Ramadan. All Jewish prisoners who submit a request in writing to the chaplain are entitled to kosher food for Passover. Christians will be offered a meatless meal on the mainline menu during Ash Wednesday and on all Fridays of Lent.

Photo 2 *Kithen area of Alcatraz with daily menu posted, 1956*

FOOD AS PUNISHMENT

Other than restricting access to the commissary, food may not, by law, officially be used as punishment. There is no longer any such thing as a diet of bread and water. Inmates even when in disciplinary segregation are entitled to nutritionally adequate meal. Ordinarily, these are from the menu of the day for the institution. However, some supermaximum secure facilities serve what is known as a "food-loaf" or "meal-loaf" to recalcitrant inmates, especially those who continually throw feces or urine on staff. This product is made up of the ingredients of a regular meal, for example, hot dogs, potatoes, and beans, that have been mashed together, baked like a meat loaf, and served. Although nutritionally adequate, and thus not equivalent to a diet of bread and water, in serving, taste, and aesthetics it functions a form of punishment, even if defined as a "dietary adjustment."

COMMISSARY

Prison commissaries stock food and other goods for prisoners to buy. Items include shoes, radios, food, stamps, photocopy and phone credits, and, in some institutions, over-the-counter medication such as Tylenol, ibuprofen, and allergy medicine. Prison commissaries vary in pricing policies, variety, and accessibility. Prices are usually at least market rate, making prisoners dependent on funds from outside. Their prison salaries, often starting at $15 a month, are often insufficient to purchase other than the most basic hygiene items.

THE CULTURAL SIGNIFICANCE OF FOOD

In prison, food creates or ameliorates conflict, establishes social boundaries of power and status, and provides a significant element in prisoner culture. Prison meals establish a routine for prisoners and staff. Inmates are not required to go to meals, and some manage to avoid them all together by living off commissary items and "gifts" from others. For most, however, meals provide a valued opportunity to interact with others.

The scarcity of desirable food in prison creates an illicit market for alternatives. As with other

Prison Food

Prison food sucks. Or at least it does in all the medium joints I've been in. This is because the dudes working in the kitchen don't care about the quality of the food. On most compounds the chow hall is considered the worst place to work, so naturally, they don't want to work in the kitchen. They're not trying to cook good food, but are trying to "hustle" by stealing food like green peppers and onions that they can sell back on the block for a dollar each. The dudes who work on the mainline are just slopping the food on your plate and you better hope you get enough so you won't go hungry later.

The meals consist of a lot of rice, pasta, sandwiches, and garbage meats. They try to mix up the menu selections but the only things they don't ruin are the hamburgers and french fries, and half the time the fries are cold. And forget about getting good fruits. The fruits they serve in here look like the slop they give to pigs on farms. You can't even get a decent apple or pear let alone any exotic fruits. Even if you are on common fare, which is a special religious diet, you are only getting cantaloupe and pears.

A lot of dudes in here live off the chow hall food and I don't see how they do it. If I have commissary food in my locker I don't ever go to the chow hall. I cannot remember the last time I had a nice juicy steak, which I'll never be getting in prison. But if you complain about the food the kitchen administrators will just tell you that you should of thought of that before you came to prison.

Seth Ferranti
FCI Fairton, Fairton, New Jersey

scarce resources, competition generates an underground acquisition and distribution system. Some food can be obtained from the prison commissary or kitchen by theft and cooked in the privacy of one's cell.

Those who can acquire quantities of high-quality food use it as status-enhancing currency by sharing it with friends or impressing outsiders. Those particularly adept at obtaining quality merchandise develop a reputation as a valued peer. Pilfered food can be returned to the cellblock and distributed or sold, sometimes in collusion with staff. For well-connected inmates, a cell can be turned into a mini-cafeteria where food is sold.

SOME PROBLEMS WITH PRISON FOOD

Concerns about food are often related to how and when meals are distributed. The serving line at meals is a constant reminder of the diners' vulnerability and their powerlessness over the daily routine. Sanitary prescriptions in kitchens and dining rooms may or may not be rigidly enforced, and on hot days in poorly ventilated sweltering areas, the servers' perspiration, mingled with steam from the trays, may drip into the food. The prevalent rumors that some inmates "sabotage" food with saliva, feces, or other matter perpetuates the image of uncleanliness. Although there are few documented cases of foreign substances such as feces or saliva added to the food during preparation, the rumors contribute to lack of confidence in prison sanitation, especially for prisoners isolated in segregation units to whom food is delivered. While usually delivered in a covered cart from the central kitchen, food served in this way may be vulnerable to hygiene problems. It also frequently arrives cold.

Another problem with meals in prison is the hour at which they are served and the amount of time available to eat. Most meals occur in prison far earlier than is normal in the free community. Prisoners must, therefore, become accustomed to an entirely new eating schedule that may commence as early as 6 A.M. and end by 4 P.M. Generally, no more than 14 hours may elapse between the evening and breakfast meals. Thus, religious inmates fasting during Ramadan or Passover must sign a waiver form, articulating that they have chosen to go hungry for more than the allowed time period. In total institutions, mealtime is short, usually about a half an hour from entry to exit. If the lines into the dining room or through the "chow line" are slow, the time for eating is reduced proportionately. Inmates are taken to the dining hall from their cellblocks or assignments in lines, with one line entering when the previous group exits. Although variations occur

within and across prison systems, dining generally follows a highly structured regimen.

Finally, prison food can be repetitive despite variation in menus. This occurs in part because of poor preparation resulting in meals in which soggy vegetables and overcooked meat, for example, are indistinguishable from one meal to the next. Some institutions attempt to overcome the problems associated with the provision of food by making cooking facilities available to inmates. Women and low-security prisoners may have access to hotplates, microwaves, and other appliances necessary to cook and serve food. Sometimes, sympathetic staff may allow inmates to prepare food in their cells using illicit "stingers" or other heating devices, or ignore contraband food that prisoners have managed to obtain. The bulk of the population, however, is dependent on what the institution kitchens produce for everything other than what they may buy at the prison commissary.

CONCLUSION

The ubiquity of food, its importance both as one of life's small luxuries and a survival need, its relative ease of accessibility compared to other illicit resources, and its seemingly benign nature—"who has ever been stabbed with a sandwich?"—disguise both its practical and symbolic dual character as a conveyor and ameliorator of punishment. The ability to control when and what one eats is a basic aspect of adulthood. It is, therefore, often a flash point for conflict. The restriction of something as mundane as food adds a significant layer of punishment to the prison experience. The consequences derive not simply from deprivation of a discrete resource, but from the disruption of normal eating rituals such as mealtimes. In addition to being a valuable amenity, food functions as a commodity of exchange for other resources. The deprivation of fundamental amenities constantly reinforces loss of individual control.

Prisons are, to a large extent, restricted in the freedom they can give to inmates in preparing their own food because of security fears. Food service staff must account for knives and other potentially threatening implements before ending duty. They must also lock away any products such as yeast, cloves, or other spices that could potentially be used in the production of homemade alcohol (hooch). The variety of ways by which inmates attempt to reassert control may be perceived as maladaptive by administrators and outsiders, but they may also be viewed as creative strategies to increase normalcy in an abnormal environment.

—Mary Bosworth and Jim Thomas

See also Alcatraz; Commissary; Contraband; Deprivation; Eastern State Penitentiary; Prison Monitoring Agencies; Prison Culture; Prison Farms; Religion in Prison; Resistance; Supermax Prisons

Further Reading

Beckford, J., & Gilliat, S. (1998). *Religion in prison: Equal rites in a multi-faith society.* Cambridge, UK: Cambridge University Press.

Burton-Rose, D., Pens, D., & Wright, P. (Eds.). (1998). *The celling of America: An inside look at the U.S. prison industry.* Monroe, ME: Common Courage.

Johnson, N. (with Finkel, K., & Cohen, J. A.). (1994). *Eastern State Penitentiary: Crucible of good intentions.* Philadelphia: Philadelphia Museum of Art.

Marquart, J. W., & Roebuck, J. B. (1987, January). Institutional control and the Christmas Festival in a maximum security penitentiary. *Urban Life, 3/4,* 449–473.

Pens, D. (2001). Food strike puts Washington DOC on spin control. *Prison Legal News, 12*(2), 9.

FOREIGN NATIONALS

It is difficult to determine the exact number of foreign nationals incarcerated in U.S. prisons and jails, since it is not always easy to differentiate legal and illegal immigrants from U.S. citizens. Also, many state records are not accurate enough to provide precise statistics. Even so, certain trends can be identified. First, citizens of Mexico, El Salvador, Honduras, Guatemala, the Dominican Republic, Canada, Cuba, Brazil, Colombia, Jamaica, Ecuador, Haiti, and the Republic of China represent the largest sources of foreign inmates in U.S. prisons. Second, most foreign nationals are imprisoned for drug offenses and immigration act violations.

Finally, since the 1980s, the number of incarcerated noncitizens has been steadily growing. In particular, the number of Arabs in U.S. penal facilities has dramatically increased since the September 11, 2001, terrorist attacks on the United States.

OVERVIEW OF LEGISLATION

Since the mid-1980s, a number of laws have been passed that have caused the numbers of foreign nationals in U.S. prisons to grow. The 1984 Sentencing Reform Act, the 1986 Anti-Drug Abuse Act, the 1991 U.S. federal sentencing guidelines, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, and the Antiterrorism and Effective Death Penalty Act of 1996 all increased the alien inmate population substantially. These laws and their revised versions have both expanded the definition of various crimes and lengthened the sentences with particular regards to non-U.S. citizens.

The 1984 Sentencing Reform Act requires defendants to serve out 85% of their sentences. This affects foreign nationals' prison sentence length disproportionately because the crimes they commit typically carry longer sentences. About 75% of foreign nationals are convicted of drug offenses, which under federal sentencing guidelines carry harsher statutory minimum terms of imprisonment than other offenses. Given the time-served requirements, noncitizens serve an average of 50 months in U.S. prisons.

Departures from the federal sentencing guidelines influence noncitizens' length of imprisonment mainly by decreasing offenders' sentence length. Annually, approximately 27% of foreign nationals receive departures that are either increases or decreases, from the established federal sentencing guidelines. Approximately 16% received a lesser sentence by offering substantial assistance to the government in prosecuting or investigating other individuals. Another 10% had their sentences reduced through plea-bargaining. On the other hand, another 1% received an upward departure, that is, longer sentences, due mainly to the large quantity of drugs involved or extensive criminal history.

The foreign inmate prison population has been growing at an annual rate of about 15% for the past 20 years. According to the Bureau of Justice Statistics, the overall prison population increased an average of only 10% during the same time period. Given the number of foreign nationals living in the United States, the differences in incarceration rates between U.S. citizens and noncitizens seem problematic. In 2000, the Bureau of Justice Statistics estimated that foreign nationals in federal prisons would continue to increase at a rate of 4% annually through 2005, because of the new deportation procedures incorporated in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act dictated increased law enforcement and also immediate deportation of illegal aliens by the U.S. Immigration and Naturalization Service (INS) after they have served their time. This has resulted in a threefold increase in immigration offenders housed in the federal system. (In 2003, the INS was merged into the Department of Homeland Security and renamed the U.S. Citizenship and Immigration Services, USCIS.)

NATURE OF VIOLATIONS

The majority of foreign nationals in U.S. prisons are sentenced for immigration and drug violations. Most are charged with unlawfully entering or reentering the country, alien smuggling, and misuse of visas. With the passing of the 1986 Anti-Drug Abuse Act, foreign nationals prosecuted for drug crimes increased substantially from 1,799 in 1985 to 7,803 in 2000. The act established mandatory minimum sentences of 5 or 10 years depending on the offense and the amount of controlled substances. Between 1984 and 1994, foreign nationals serving sentences for a drug offense increased by 20%.

Noncitizens convicted of federal drug offenses usually play a minor role compared to U.S. citizens. The majority was sentenced for having less than one kilogram of heroin and for having less than five kilograms of cocaine powder and other types of contraband. They are also less likely to have a known criminal record. Even so, the U.S. government usually prosecutes them more vigorously than

U.S. citizens. Hispanics and people from the Caribbean islands and from Canada are more likely to be serving time for drug offenses versus other racial/ethnic groups.

Between 1985 and 2000, foreign nationals prosecuted in federal courts increased from 4,539 to 23,477. In 1985, foreign nationals made up 14% of federal inmates. Ten years later, they accounted for 21,421, and by the year 2000 that number grew to 37,243. In 1996, foreign nationals who were serving time in federal prisons for immigration offenses totaled 4,411. By 2000, that number had more than tripled to 13,676. At year-end in 2001, there were 19,137 immigration violators detained. Of this number 10,784 had been convicted of criminal offenses and 1,589 had criminal cases pending. Men were more likely than women to be charged with an immigration offense, while Hispanics were the most common offenders, accounting for 87% of all violations. Whites accounted for 4% of all immigration violations followed by blacks, who made up 3% of the total numbers.

TREND IN FEDERAL AND STATE PRISONS

Though most foreign nationals in the federal prison system are there for immigration and drug offenses, they are usually incarcerated in the state prison system for violent crimes and drug offenses. Foreign-born inmates both legal and illegal accounted for 31,300 of the states' prison population in 1991; by 1995 the Bureau of Prisons estimated that approximately 71,294 foreign inmates occupied states prisons (Wunder, 1995). This estimate could be egregiously low as this figure is a very rough estimate. The states' departments of corrections rely on inmates to furnish citizenship information that they at times cannot verify.

About 1 in 23 inmates in state prisons is estimated to be foreign born, originating from approximately 49 countries. Mexican nationals account for the majority, 47%. Other countries that are heavily represented in the state prison system are Cuba, Dominican Republic, Colombia, Jamaica, El Salvador, Guatemala, Trinidad and Tobago, United Kingdom, and Vietnam. Nearly all foreign-born inmates are males, with 50% between the ages of 25 and 34 years old.

FOREIGN NATIONALS IN EUROPEAN PRISONS

The United States is not the only country that incarcerates disproportionate numbers of foreigners. Foreign nationals and second-generation immigrants are grossly overrepresented among the imprisoned population in countries such as England, France, Italy, Spain, the Netherlands, and Greece. In 1993, for example, 11% of all prisoners in English prisons originated from "West Indian, Guyanese and African ancestry." People of West Indian, Guyanese, and African ancestry between the ages of 18 and 39 make up about 2% of the English population, but they represent 11% of all prisoners in English prisons. The majority are imprisoned for drug offenses and burglaries.

Drug offenses and illegal immigration offenses account for the majority of foreign nationals' stay in European prisons. Three-quarters of foreigners in European prisons are serving some type of prison sentence for unlawful residence and unlawful entry. In Germany, Gypsies from Romania have incarceration rates 20 times those of German citizens. Moroccans' and Turks' incarceration rates are 8 times and 4 times, respectively, the rates of German natives. In the Netherlands, the prison population consists of almost 50% foreign nationals, while foreign nationals make up 29% of France's prison population. According to 1997 figures, German prisons have the most foreign prisoners (25,000), followed by France (14,200), Italy (10,900), Spain (7,700), England (4,800), Netherlands (3,700), Belgium (3,200), Greece (2,200), Austria (1,900), Portugal (1,600), Sweden (1,100), and Denmark (450).

CONCLUSION

A majority of foreign nationals in U.S. state and federal prisons are serving time for immigration and drug offenses. This trend is also evident in

European prisons. Although the exact number of noncitizens in U.S prisons is unknown, it is believed that this number continues to increase at an annual rate of about 15%. According to the Bureau of Justice Statistics, this number will decline to about 4% by 2005. The Bureau of Justice Statistics estimates that nationals from more than 75 countries were convicted in U.S. courts. Mexican nationals and nationals from South America and the Caribbean accounted for the majority of foreign-born inmates serving time in U.S. prisons.

—Denise Nation

See also Enemy Combatants; Immigrants/Undocumented Aliens; INS Detention Facilities; USA PATRIOT Act 2001

Further Reading

Beck, A. J., & Harrison, P. M. (2002). *Prisoners in 2001.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Scalia, J., & Litras, M. F. (1996). *Noncitizens in the federal criminal justice system, 1984–1994.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Scalia, J., & Litras, M. F. (2002). *Immigration offenders in the federal criminal justice system, 2000.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

U.S. Department of Justice. (1999). *Survey of inmates in state and federal correctional facilities, 1997.* Washington, DC: Bureau of Justice Statistics.

U.S. Department of Justice, Immigration and Naturalization Service. (2002). *Statistical yearbook of the Immigration and Naturalization Service, 2001.* Washington, DC: Author.

Wacquant, L. (1999). Suitable enemies: Foreigners and immigrants in the prisons of Europe. *Punishment and Society, 1*(2), 215–222.

Wunder, A. (1995). Foreign inmates in U.S. prisons: An unknown population. *Corrections Compendium, 20*(4), 4–18.

FOSTER CARE

Foster care is a complex and difficult system for children of incarcerated parents. As arrest and incarceration usually occur in a swift and confusing manner, parents often have little or no opportunity to plan for the care of their children. Consequently, unless family members are able and willing to care for their kin, these children become part of the foster care system.

Prison policy often makes it difficult for parents to obtain information regarding the placement of their children and the name of their caseworker. Limited contact between child welfare workers and parents challenge the ability of the caseworker to assess the feasibility of parental reunification. Caseworkers find themselves in a double bind. The Adoption and Safe Families Act (1997) requires that state child welfare systems move a child toward permanency within the shortest possible time frame. The law also requires that the child welfare workers meet the requirements of reasonable efforts in providing services that will strengthen families and allow children to return home. Yet, when correctional facilities dictate the amount and type of contact between parents and workers and do not provide needed services, the best casework efforts are thwarted. In the midst of this quandary is the child caught in the foster care system.

STATISTICS

Mandatory sentencing policies and "get tough" legislation has put greater numbers of mothers and fathers behind bars serving longer sentences with no regard for their children. Close to 1.5 million children in the United States have at least one parent serving time in a state or federal prison, while nearly 600,000 more have parents who are being held in county jails

Statistics show that approximately two-thirds of all women incarcerated in state prisons have minor children. Over 70% of those with young children lived with them prior to incarceration. At the same time, about 56% of men in state correctional facilities have minor children and approximately half lived with them prior to incarceration. About 50% of children with incarcerated mothers are cared for by grandparents with low incomes. A further 25% live with their father, and about 12% live with another relative. The remaining 13% reside in foster care. Close to 90% of children of incarcerated men live with their mother. Children of incarcerated

parents often move back and forth between foster care and kinship care.

ADJUSTMENT TO FOSTER CARE

While incarcerated parents have to adjust to prison policy and a prison routine, children living in foster care also have to make significant adjustments to their new environment. Foster children bear the burden of adapting to a new set of parents, siblings, and extended family members. Roles and responsibilities connected to age, gender, and birth order are likely to change in their new family setting. Children need to master a new set of rules that revolve around bedtime, meal times, watching television, and doing homework. They often have to adjust to unfamiliar foods and food odors. Foster parents may speak a language they are not familiar with.

For some children, their new neighborhood may look very different from their old neighborhood. Children from urban settings might find themselves in a rural community and children from a rural community may find themselves in a city environment. Such changes of setting may require adjustments to noise, traffic, and outdoor vs. indoor recreation. At school, the children must face a new set of teachers and peers while enduring the stigma often attached to being in the foster care system. The religious practices of their foster family may seem unusual and participation at church services may lead to feelings of guilt. Similarly, some children may be required to change their hairstyle, style of dress, and even their style of communication. These imposed changes may raise identity issues for children that may be further compounded by multiple moves that demand multiple transitions.

UNINTENDED VICTIMIZATION

Children are the unintended victims of parental incarceration. They are traumatized first by the events that precede incarceration and then by the effects of separation, loss, and out-of-home placement. Prior to arrests, many children lead lives characterized by poverty, family violence, and addiction. If they are left with caretakers overwhelmed with economic and emotional responsibilities, they will once again be vulnerable to abuse and neglect. The resulting emotional and behavioral difficulties that these children experience put them at high risk for learning difficulties, substance abuse, delinquent behavior, and teen pregnancy.

PARENTAL ROLES

Incarceration changes established parental roles and weakens the parent-child bond. When parents enter prison they can no longer nurture or care for their children. The daily role that they play in their children's lives drastically decreases. Incarceration removes them from the parental decision-making process, limits their ability for financial support and supervision, and restricts their access to information regarding their children's daily activities and well-being.

Although children of incarcerated mothers and fathers suffer the same general effects of separation and loss, they experience them in different ways. Mother and fathers play different gendered roles in the lives of their children. The nurturing relationship usually delegated to mothers is critical to healthy child development. Absence of this nurturing relationship puts both children and mothers at risk. Those who shared a close and nurturing relationship with an incarcerated mother suffer the long-term consequences of the disruption of a healthy emotional bond that is sometimes replaced with custodial instability.

Although children of incarcerated parents live with mothers at much higher rates, there remain a significant number of children who live with their fathers prior to incarceration. Contrary to popular myths, many incarcerated men have strong emotional ties to their children and are important in their lives. Although their role is different from that of mothers, nonetheless, their role is also critical. Fathers often discipline their children, set guidelines for their daily behavior, and provide structure in their daily lives. They play an important role in their children's development, and children suffer negative consequences from paternal separation.

PARENTAL CONTACT

Prisoners have little or no control over their daily schedules and have limited resources. As a result, their ability to maintain family relationships becomes dependent on prison rules. Visits, phone contacts, and writing letters allow parents to maintain their parental role, if even in a limited manner. Feeling connected to their children prepares them to resume their social roles after release. In recognition of the importance of the family bond, some correctional facilities offer programs that promote the maintenance of healthy parent-child relationships. For example, the MATCH (Mothers and Their Children) program, first established in California in 1978, calls for the strengthening of the mother-child bond through improved visiting conditions, by providing inmates with training in parenting and early childhood education, by improving prenatal care, and by providing referrals to outside social service agencies. PATCH (Pappas and Their Children) is modeled after the California MATCH program.

VISITS

Visits provide a key means for maintaining contact with children. However, prison visits are not always easy. Visiting procedures are often unclear, and corrections officials are not always receptive to time-consuming family visits. Likewise, prisons are not "family friendly." Limitations placed on the frequency of visits as well as geographic proximity to the prison reduces both the number and quality of contacts and adversely affect the parent-child bond.

Children in foster care must rely on their caretakers for transportation to visits, some of whom may be unable or unwilling to travel great distances to facilitate visits. They may fear that the prison atmosphere will upset the child or believe that the parent is a poor influence. When visits do occur, they generally take place in an environment that is not conducive to privacy and communication. Visiting areas may be uncomfortable and noisy and are generally policed. When parent-child visits are beneficial to a child, visitation can ameliorate the stress of separation and increase the likelihood of reunification after incarceration.

PHONE CALLS AND LETTER WRITING

When prison programs allow, incarcerated parents can continue to nurture their children from afar. Frequent letters, phone calls, and birthday cards give children a sense of continued involvement in their parent's lives. Giving advice over the phone and writing letters allow parents to maintain their role if even in a limited manner.

However, communication between family members is often hampered by collect-call telephone policies. Foster parents and kin on the other side of a call from prison often pay three times the amount as a collect call from a public pay phone or call not placed from prison. Letters and packages that are sent from prison are often stamped with a warning. The public stamp as well as the operator announcing a call from a correctional facility stigmatizes the child on the receiving end of the communication.

CONCLUSION

Incarceration threatens the parent-child bond and further fragments already troubled families. It is almost impossible for children in foster or kinship care to feel connected to their parents and for parents to feel adequate. Prison puts families in a situation where they can no longer identify, assess, and respond to each other's needs. Incarceration punishes children as well as their parents by an imposed separation and often jeopardizes their emotional and physical well-being.

Families disrupted by incarceration are a community problem that needs to be resolved by the collaboration of many systems. While some crimes preclude the efficacy of continued contact, we cannot assume that because parents are incarcerated that the parent-child bond must be severed and that parents can no longer play a positive role in their children's lives.

—Francine C. Raguso

See also Children; Children's Visits; Families Against Mandatory Minimums; Fathers in Prison; Mothers in Prison; Parenting Programs; Termination of Parental Rights

Further Reading

Beckerman, A. (1998, September/October). Charting a course: Meeting the challenge of permanency planning for children with incarcerated parents. *Child Welfare, 77*(5), 513–529.

Bilchik, S., Seymour, C., & Kreisher, K. (2001, December). Parents in prison. *Corrections Today, 63*(7), 108–111.

Block, K. J., & Potthast, M. (1998, September/October). Girl Scouts beyond bars: Facilitating parent-child contact in correctional settings. *Child Welfare, 77*(5), 561–578.

Girschick, L. (1999). *No safe haven: Stories of women in prison.* Boston: Northeastern University Press.

Hairston, C. F. (1998, September/October). The forgotten parent: Understanding the forces that influence incarcerated fathers relationships with their children. *Child Welfare, 77*(5), 617–639.

Johnson, T., Selber, K., et al. (1998, September/October). Developing quality services for offenders and families: An innovative partnership. *Child Welfare, 77*(5), 595–615.

Seymour, C. (1998, September/October). Children with parents in prison: Child welfare policy, program, and practice issues. *Child Welfare, 77*(5), 469–493.

Zaplin, R. (1998). *Female offenders.* Gaithersburg, MD: Aspen.

Zealand, E. (1998, Winter). Protecting the ties that bind from behind bars: A call for equal opportunities for incarcerated fathers and their children to maintain the parent-child relationship. *Columbia Journal of Law & Social Problems, 31,* 247.

FOUCAULT, MICHEL (1926–1984)

French philosopher Michel Foucault was one of the most influential social theorists of the last quarter of the 20th century. In his works, Foucault used the style and techniques of the historian, the sociologist, and the anthropologist to reveal how power operated in the wider society and in what he describes as "the system of penality." For Foucault, an imposed order affected every level of society, defining the character of general social institutions and organizations such as government, hospitals, asylums, and prisons. Power relations further permeate the individual self, the body, and the mind through which that self was expressed.

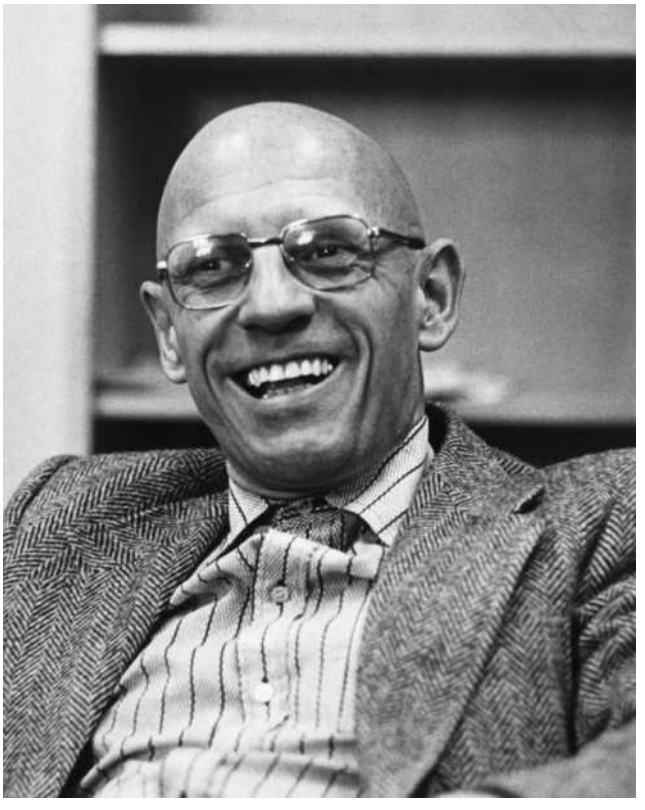

Photo 3 *Michel Foucault*

BIOGRAPHICAL INFORMATION

Born in Poitiers on October 15, 1926, Foucault moved to Paris to study at the prestigious lycée Henri-IV. In 1946, he was admitted to the Ecole Normale Supérièure where he studied philosophy with Maurice Merlau-Ponty. In 1948, Foucault received his degree in philosophy. He followed this in 1950 with a degree in psychology, and in 1952 was awarded a diploma in psychopathology.

Foucault published his first book, *Madness and Civilization,* in 1960. From this point until his death from an AIDS-related illness in 1984, he maintained an active publishing record, on a dizzying array of subjects. While all of his work has influenced the study of prisons in some form or another, his book *Discipline and Punish,* which analyzes the historical development of the prison, is most often cited. In addition to his academic work, Foucault influenced prison policy through his involvement with the Prison Information Group (GIP) that

sought to give inmates a voice in shaping penal practices in France.

FOUCAULT'S MAIN THEORETICAL IDEAS

Foucault sought the explanation of modern life in its historical origins. He believed that the social world of the past was an ordered place and that traces of that order could still be found. Searching for those traces in accounts from that epoch or period was an undertaking much like the work of archaeologists searching for relics and artifacts of ancient societies and cultures. Each specimen had a story to tell, and several of those stories could be combined to give an account of how the pharaohs of Egypt or the Aztecs of South America lived. Similarly, texts, records, accounts, and inventories could tell the story of a social organization such as a prison or correctional system in the same way that an artifact could offer up explanations of how food was prepared, how clothes were made, how animals were hunted and caught, or how battles were fought and won.

Foucault was not so much interested in extinct and ancient civilizations as in how archaeological features of recently passed social institutions and organizations could help explain how modern society came to be like it is. The social archaeology of the 15th or 16th centuries could offer sources and evidence of the origins of modern institutions such as the hospital, the school, or the prison. Knowledge was the key source to be sifted for archaeological discoveries.

In much the same way that an Egyptologist would dig in and around pyramids or burial sites looking for artifacts or cultural symbols such as paintings or ancient scriptures, the *discourse* (i.e., how knowledge was created, discovered, secreted and stored, displayed, replicated, and communicated) was the "site" where Foucault proposed to dig. How knowledge was ordered reflected how power was exercised in the society. Its consequences for individuals and for the society at large would describe for the archaeologist the world in which people had lived, which, in turn, described the origins of so much of modern living. Out of this discourse emerged the knowledge and ways of knowing that characterize later epochs. We see how the power of religion has given way to the power of science, and how the power of confession has given way to therapy. Interpreting acts of nature as acts of God has given way to scientific experimentation and discovery. Eventually, the sciences of the natural world extended to sciences of the social world such as psychology, sociology, criminology, and penology.

In a series of texts, Foucault examined how ideas about health, madness, discipline and punishment, and sexuality ensured the effective management and control of citizens. According to him, the simple process of recording births and associating that knowledge with the social status, literacy, residence, religion, and beliefs of the mother or both parents led inevitably to more efficient policing of society. Equally, anatomy and the search within organisms for the causes of diseases, which accompanied the growth and spread of clinics and hospitals before and after the French Revolution, delivered knowledge about the body and its functioning that was used to interpret individuals' bodies and their skills and capacities. This knowledge in Foucault's eyes was an essential prerequisite and accompaniment of early capitalism. The supply of fit and healthy workers to the factory system became the driving force for scientific, medical, and clinical advances throughout the 19th century.

If, for Foucault, discourse guides the institutions and organizations in knowing how to look and what to look for, the *Gaze* does the looking. Looking in this sense describes direct visibility of citizens and their actions as well as other forms of recording and accounting. Once again, Foucault asserts, the Gaze is historically contingent, as the amount of detail about individuals' lives recorded and stored has been continuously expanding since the end of the 18th century. These days, an almost unlimited amount of information is gathered from medical records of the state of our internal organs; records of our mental, social, and financial circumstances; and even daily instances of actions like going to work or making a telephone call.

Where to look is determined by another of Foucault's key concepts, *interiorization*. In a

different context, this might be understood as the reductionism of science, the constant seeking for causes and explanations by breaking down, looking within the object or process that science is seeking to understand. Contemporary examples include genetic engineering and the Human Genome Project that look within DNA chains to explain actions, behaviors, thoughts, moods, and many other social aspects of human life. Closed-caption television (CCTV), home video security, and satellite observations of smaller and smaller features of everyday life anywhere on earth are another example of how far the Gaze has extended. The Gaze also describes the origin of increasingly pervasive media such as paper-based bureaucracies; computer databases holding and exchanging vast amounts of personal information; and what he called technologies of the self such as social work, psychoanalysis, counseling, and family therapy where the Gaze could look inside relations between family members and at an individual's thoughts and feelings and record or report on them. Foucault argues that this progressive extension inward helps to manage societies as a whole and the communication, action, and thoughts of their citizens.

Discipline and Punish

Foucault applied many of his ideas to the prison in his book *Discipline and Punish: The Birth of the Prison*. Originally published in French in 1975, it was translated into English two years later. Since then it has remained extremely influential in the sociology of punishment and related fields.

The book begins with a graphic description of the 1757 execution of Damiens, who was hung, drawn, and quartered for killing a king before his remains were burned to ashes. Foucault's reason for starting his text with the details of this dismemberment was to show the lengths that the state went to eradicate not only the crime but also the body and soul of the criminal. To punish any crime it was thought necessary to mutilate or destroy the body of the criminal. For lesser criminals, such as thieves, the hand with which they offended was removed. Others were branded in a prominent place with a symbol or letter indicating their crime or sin for all to see. The "marked" man or woman could not go unnoticed and would be barred from contact with others, and moved on. Later, the punishment for lesser crimes was to remove the "body" entirely by banishment, exile, or transportation to the colonies or some other far-away place. For Foucault, the legal and penal process had an overriding purpose, to display, celebrate, and demonstrate the power of the sovereign in a ceremony where marks of vengeance were applied to the body of the condemned man.

In the next phase, the system of "penality" both engenders and is caused by the emergence of discipline. The exercise of power was to be achieved through the exercise of discipline, producing citizens who were obedient to absolute laws. Justice needed not only to be done, as in public executions, but must be seen to be done in elaborate judicial systems. Here was born the declaratory function of justice and punishment. The people must know the law and know that the law must be obeyed. Legal tests focused less on the "body that carried out the crime, and more on the "mind" and its intentions. The emphasis was not on removal or exclusion from the "body" politic but on the correction of the subject. The power of the state had to be seen to act directly on each individual subject. Foucault refers to a new "technology of power" and "political anatomy of the body." Biology, anatomy, and later, psychology and psychiatry, would see the body to be adjudged, convicted, punished, and disciplined in a different way.

In this way, according to Foucault, the prison was born. Punishment in the form of loss of liberty, or incarceration, leads to the carceral society. In this society, a public display or ceremony expunging the body-criminal from the body-politic was replaced by the definite knowledge that the criminal had been arrested, convicted, and sentenced and that the sentence would be carried out. There was no longer a need for the public witnessing of the punishment or of a ceremonial demonstration of the king's power. The punishment could be enacted behind closed doors, and for a measured and witnessable period of time corresponding with the length of the sentence of imprisonment. The reassurance that the punishment was being carried out and that the needs for

retribution, reform, and rehabilitation were being met rested in the architecture of the prison itself.

According to Foucault, prison design was influenced by Jeremy Bentham's model institution, the panopticon. In the panopticon, each object body/convicted offender was assigned a single cell. Cells were arranged in a semicircle on a number of levels. At the focal point of each semicircle was a guard observation post. The guards could see into every corner of each cell. Inmates were aware that they were in full view and being watched at all times. At the same time, the guard observation post was lit from behind the guards so that inmates could barely see the guards from their cells. A supervisory officer could be positioned behind the guards so that one supervisor could observe several guards, each observing several inmates.

This prison design reflected industrial societies' emerging needs for means of dealing with urban crime rates and other social problems. During the second half of the 19th century, this example of prison design became popular across the world. Bentham's panopticon formed the basis for Foucault's notion of the Gaze, the means by which modern societies observe not only their prison inmates but also their citizens in general.

CONCLUSION

Modern prisons retain many of the features and serve most of the functions that Foucault describes. Nonetheless, as society has moved on, so too has the system of discipline and punishment. Foucault depicted in later works, for example, the development of *technologies of the self,* where, to cope with increasingly broad and less absolute definition of crimes and deviance, the power of the state would become more diffuse and more intrusive in its effort to control. New forms of control evolve to see inside the family through child care and social work agencies, to see inside the minds and relations between parents and their children by the extension of compulsory education, to observe relations between parents and adults through attempts to regulate sexuality, abusive relationships, and forms of disempowerment. Foucault described and predicted how the Gaze and its associated discourse was and would continue to be a core feature of modern society.

—Russell Kelly

See also Auburn Correctional Facility; Auburn System; Cesare Beccaria; Jeremy Bentham; Bridewell; Capital Punishment; Corporeal Punishment; Deterrence Theory; Eastern State Penitentiary; Flogging; David Garland; History of Prisons; Incapacitation Theory; Alexander Maconochie; Medical Model; Panopticon; Pennsylvania System; Prison Psychologists; Quakers; Resistance; Walnut Street Jail

Further Reading

Armstrong, D. (1985). Review essay: The subject and the social in medicine—An appreciation of Michel Foucault. *Sociology of Health and Illness*, *1*, 111.

Foucault, M. (1967). *Madness and civilization*. London: Tavistock.

Foucault, M. (1970). *The order of things* [*Les Mots et les choses*] (Trans. unnamed). London: Tavistock.

Foucault, M. (1972). *The archaeology of knowledge*. London: Routledge.

Foucault, M. (1977). *Discipline and punish: The birth of the prison* [*Surveiller et punir: Naissance de la prison*] (A. Sheridan, Trans.). London: Allen Lane-Penguin.

Foucault, M. (1980a). *The history of sexuality: Vol. 1. An introduction.* New York: Random House.

Foucault, M. (1980b). *Power/knowledge: Selected interviews and other writings 1972–1977* (C. Gordon, Ed.). Hemel Hempstead, UK: Harvester-Wheatsheaf.

Foucault, M. (1991). Governmentality. In G. Burchell, C. Gordon, & P. Miller, *The Foucault effect: Studies in governmentality*. Chicago: University of Chicago Press.

Gutting, G. (1989). *Michel Foucault's archaeology of scientific reason*. Cambridge, UK: Cambridge University Press.

Jay, M. (1986). In the empire of the Gaze: Foucault and the denigration of vision in twentieth-century French thought. In D. Couzens Hoy (Ed.), *Foucault: A critical reader* (pp. 175–204). Oxford, UK: Basil Blackwell.

Martin, L. H., Gutman, H., & Hutton, P. H. (Eds.). (1988). *Technologies of the self: A seminar with Michel Foucault*. London: Tavistock.

McHoul, A., & Grace, W. (1995). *A Foucault primer: Discourse, power and the subject*. London: University College Press.

Rabinow, P. (Ed.). (1986). *The Foucault reader*. Harmondsworth, UK: Penguin.

FOURTEENTH AMENDMENT

Section One of the 14th Amendment (1868) to the U.S. Constitution guarantees all citizens equal

protection under the law and states that no citizen can be denied due process of the law. In other words, all citizens will be treated equally under state laws regardless of such factors as race, gender, and religious beliefs and the state has provided to the individual whatever legal process is due under the facts and circumstances of the case. Historically, the due process and equal protection clauses of the 14th Amendment did not relate to prisoners, since they were intended instead to protect the rights of former slaves after the Civil War. In 1871, for example, the Virginia Supreme Court in *Ruffin v. Commonwealth* stated that prisoners had forfeited their liberty as a consequence of their convictions and were, thus, "slaves of the state." The Virginia ruling and others like it prevented prisoners from filing lawsuits for violations of their constitutional rights. U.S. courts interfered little in prison and jail administration and practices until the 1960s.

DUE PROCESS CLAUSE

The due process clause in the 14th Amendment says no state should "deprive any person of life, liberty, or property, without due process of law." Court decisions have made clear that correctional personnel must provide due process provisions and procedural safeguards during inmate disciplinary procedures, but the procedures, as long as they are fair, do not have to mirror due process rights of a defendant on trail. Two significant U.S. Supreme Court cases on this subject are *Wolff v. McDonnell* (1974) and *Sandin v. Conner* (1995).

In *Wolff v. McDonnell,* the Supreme Court established minimum due process requirements for prison disciplinary hearings when the possible outcomes include the loss of "good time" credit or other privileges. According to the court, the inmate must be sent written notification of his or her alleged violation and be given a minimum of 24 hours to prepare for the hearing. The prisoner may call witnesses and submit documents as long as such actions do not cause a security risk. They may also ask for assistance in helping with the case. Inmates, however, do not have the right to a lawyer, nor may they cross-examine adverse witnesses during disciplinary hearings.

A series of subsequent Supreme Court cases have limited prisoner due process rights. In *Meachum v. Fano* (1976), the Supreme Court held that prisoners do not have any constitutionally protected rights to be assigned or transferred to a particular prison, even if the prison conditions are less desirable. In *Montanye v. Haymes* (1976), hearings are not required when transferring a prisoner to another correctional facility. More recently, in *Sandin v. Conner* (1995), the Supreme Court ruled that the 14th Amendment's due process clause does not apply to prisoners unless they are subject to "atypical and significant hardship" beyond what is ordinary in prison life. In the same case, the court ruled that disciplinary segregation of up to 30 days does not in itself constitute a significant hardship and, thus, does not require the due process procedures outlined in *Wolff v. McDonnell.*

An exception to the limitation of due process rights is the Supreme Court ruling of *Vitek v. Jones* (1980). Larry Jones was a prisoner who was involuntarily transferred to a mental institution without a hearing. The Supreme Court ruled that Jones was entitled to due process provisions and procedural safeguards, because of the increased risk of being stigmatized that he would experience in a mental facility and because he may be subjected to forced behavioral modification treatments. It should be noted, however, that the courts rarely limit the discretion of prison administrations in their classification schemes.

EQUAL PROTECTION CLAUSE

The 14th Amendment's equal protection clause prohibits racial, gender, and religious discrimination in correctional facilities. This has not always been the case. Traditionally, racial minorities were often segregated in facilities where conditions and programming did not meet the standards of their white male counterparts because prison administrators claimed that interracial violence would escalate without such segregation. Women, likewise, were often housed in poor conditions.

It was not until the 1960s that court decisions determined that the 14th Amendment's equal protection clause used in the 1950s to limit racial discrimination

in the school system could be applicable to correctional facilities. Though the courts have ruled that all prisoners do not have to be treated exactly alike in all circumstances, they have also deemed unconstitutional discrimination and classification schemes that are capricious and arbitrary.

In the case of *Lee v. Washington* (1968), the U.S. Supreme Court upheld a lower court ruling that found Alabama's state statutes mandating complete racial segregation within correctional facilities unconstitutional. The Supreme Court found that segregation violated the 14th Amendment, but, at the same time, also claimed that segregation was constitutional in certain circumstances, specifically the maintenance of security, discipline, and good order. More recent lower court decisions have stated that a generalized fear that racial desegregation will cause violence is not a valid reason to segregate facilities. All other possibilities such as proper supervision of inmates and decreasing the inmate population need to be tried first before segregating inmates.

Courts have also determined that unequal treatment of male and female prisoners is unconstitutional under the equal protection clause. In the first equal protection class action lawsuit filed on behalf of women prisoners in the United States, a federal district court found in *Glover v. Johnson* (1979) that Michigan provided substantially inferior educational and vocational opportunities for women prisoners compared to male prisoners. At that time, job training and college courses were offered in Michigan's male correctional facilities, while home economics classes were the only programs provided for Michigan's female inmates. The court stated that a small female prison population could not be used as an excuse to limit the educational, counseling, job training, and legal education programs for women inmates.

CONCLUSION

In sum, the constitutional rights of prisoners are still limited compared to the rights of U.S. citizens in free society. Nevertheless, since the 1960s, the courts have used the due process and equal protection clauses of the 14th Amendment to ensure that prisoners have access to the courts to address violations of their constitutional rights.

—Jeff Mellow

See also Discipline System; First Amendment; Fourth Amendment; Eighth Amendment; Jailhouse Lawyers; Prison Litigation Reform Act 1996; Prisoner Litigation; Thirteenth Amendment

Further Reading

Carlson, P., & Garret, J. (Eds.). (1999). *Prison and jail administration: Practice and theory.* Gaithersburg, MD: Aspen.

Early, B., Zimmerman, J., & Williams, D. (1999). Prisoners' right. *Georgetown Law Journal, 87*(5), 1903–1974.

Feeley, M., & Rubin, E. (1998). *Judicial policy making and the modern state: How the courts reformed America's prisons.* New York: Cambridge University Press.

Muraskin, R. (Ed.). (2000). *It's a crime: Women and justice.* Upper Saddle River, NJ: Prentice Hall.

Legal Cases

Glover v. Johnson, 478 F. Supp. 1075, 1078 (1979).
Lee v. Washington, 390 U.S. 333 (1968).
Meachum v. Fano, 427 U.S. 215 (1976).
Montanye v. Haymes, 427 U.S. 236 (1976).
Ruffin v. Commonwealth, 62 Va. 790 (1871).
Sandin v. Conner, 515 U.S. 472 (1995).
Vitek v. Jones, 445 U.S. 480 (1980).
Wolff v. McDonnell, 418 U.S. 539 (1974).

FOURTH AMENDMENT

The Fourth Amendment is designed to guard against unreasonable federal government searches and seizures of persons, papers, houses, and effects perpetrated against "the people" of the United States. The amendment was established because the colonists despised the general warrants used by the British to curb the illegal smuggling of molasses, which was a primary ingredient in the making of rum. These days, it is frequently invoked in relation to police search and seizure of narcotics or other restricted substances in the war on drugs.

The Fourth Amendment contains two clauses. The first ensures that no unreasonable searches and seizures will be constitutionally tolerated. The second clause, commonly referred to as the "warrant

clause," sets forth requirements that police must follow in order to obtain a warrant from a detached and neutral magistrate. The U.S. Supreme Court has interpreted these clauses independently. Thus, a warrant need not necessarily accompany a search or seizure (*Carroll v. United States*, 1925; *Terry v. Ohio*, 1968; *New York v. Burger*, 1987). A search or seizure must, however, be conducted in a reasonable manner, determined by balancing individual rights with those of the police who investigate crime (*Whren v. United States*, 1996). The use of balancing allows the Court to use a great deal of flexibility when addressing various Fourth Amendment claims.

"REASONABLE" SEARCHES

In 1967 (*Katz v. United States*), the Court devised a two-pronged test designed to establish a criteria of reasonableness in Fourth Amendment claims. As former Supreme Court Justice John Marshall Harlan described the *Katz* standard, "My understanding of the rule that has emerged from prior decisions is that there is a two-fold requirement, first that a person have exhibited an actual (subjective) expectation of privacy and second, that the expectation is one that society is prepared to recognize as 'reasonable.'" Thus, the reasonableness of a search, or its constitutionality, is largely a matter of "socially accepted" privacy concerns; anything a person does not try to keep private is not protected by the Fourth Amendment.

The vague nature of privacy has led to a range of legal interpretations of what constitutes a "reasonable" search. For instance, federal agents trespassing on a land-owner's "open field" may confiscate evidence later to be used at trial in a reasonable manner so long as they stay a good distance from his or her personal (family) quarters (*United States v. Dunn*, 1987). On the other hand, a person placing a call on a public phone may not have his conversation reasonably seized, without a warrant, by means of listening devices (*Katz v. United States*, 1967). While these determinations of reasonableness might seem odd if we consider property as a standard of reasonableness—the standard the Court used prior to 1967—they are consistent with the two-pronged privacy standard made explicit in *Katz.*

EXCLUSIONARY RULE

Although the Fourth Amendment clearly prohibits unreasonable search and seizure it does not provide a specific remedy to alleviate any such constitutional violation. What should happen to evidence that was found through a violation of Fourth Amendment rights? In particular, what should be done when the police break the law in order to catch lawbreakers? In 1914, the Supreme Court answered this question by ruling that "in a federal prosecution the Fourth Amendment barred the use of evidence secured through an illegal search and seizure" (*Weeks v. United States*, 1914). Thus, after 1914 a federal prosecutor could not use evidence deemed by a magistrate to have been collected via a violation of the Fourth Amendment. This standard of suppressing illegally gained evidence at a criminal trial would come to be known as the *exclusionary rule.* This rule was only expanded to include state prosecutions in 1961 (*Mapp v. Ohio*, 1961).

The rationale used by the Court to justify the exclusionary rule and its expansion to include state prosecutions is based on the principle of police deterrence. Presumably the hypothetical "rational" police officer desires to put criminals in prison. Evidence is the primary means to put criminals in prison. Therefore, it logically follows that if police believe their (unconstitutional) actions will result in the inadmissibility of evidence, they will determine that there is no benefit to be derived from engaging in violations of the Fourth Amendment. Of course, such a rationale is primarily dependent on a legal system to apply the exclusionary rule when needed.

STANDING TO ASSERT THE FOURTH AMENDMENT

During the past 20 years, the ability to protest a violation of the Fourth Amendment has become exceedingly difficult. The criminal defendant does not have an automatic right to challenge illegally obtained evidence. Instead, he or she must prove that there is a

reason the exclusionary rule should be applied toward criminal evidence. This is commonly referred to as standing to assert the Fourth Amendment.

Since 1980, a criminal defendant must demonstrate a "legitimate expectation of privacy" in the area searched, as a prerequisite of standing to challenge the legality of the search or seizure in question (*Rawlings v Kentucky*, 1980; *United States v. Salvucci*, 1980). By establishing that a criminal defendant must demonstrate a "legitimate expectation of privacy" in the area searched the Court has greatly restricted the circumstances in which the exclusionary rule may even be requested. For instance, passengers in a vehicle may not expect privacy (*Rakas v. Illinois*, 1978), nor may those visiting a house solely for commercial reasons (*Minnesota v. Carter*, 1998); likewise passengers in a taxicab do not have a "legitimate expectation of privacy" (*Rios v. United States*, 1960).

CONCLUSION

As an informed citizen contemplates his or her constitutional right to be free from *unreasonable* search and seizure at the hands of police who are constantly under pressure to search for the evidence of possessory offenses, a few things should be remembered. First, evidence that is effectively contested in a motion to suppress evidence is often, due to the *exclusionary rule,* deemed inadmissible at trial. Second, to appear before a judge at a suppression motion, standing to assert the Fourth Amendment must be established. Third, the ability to gain standing to assert the Fourth Amendment necessarily means that a criminal defendant demonstrate that a "legitimate expectation of privacy" existed in the area were the police searched for and seized the criminal evidence in question.

Violations of law by the police can almost always be challenged in civil court. However, a monetary reward is slight consolation if illegally gained evidence enters into a criminal trial resulting in the defendant's loss of liberty. For those who desire stronger police authority and less crime, this may be a positive restriction of Fourth Amendment rights. Nonetheless, the words of former Supreme Court Justice Louis Brandeis offer a compelling second opinion:

> Decency, security and liberty alike demand that governmental officials shall be subject to the same rules of conduct that are commands to the citizens. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy. (dissenting opinion *Olmstead v. United States*, 1928)

—Eric Roark

See also American Civil Liberties Union; Cell Search; First Amendment; Freedom of Information Act 1966; Increase in Prison Population; Race, Class, and Gender of Prisoners; War on Drugs

Further Reading

Mauer, M. (1999). *Race to incarcerate.* New York: New Press.
Taslitz, A. E., & Paris, M. L. (1997). *Constitutional criminal procedure.* New York: Foundation Press.
U.S. Bureau of Justice. (2004). U.S. Bureau of Justice statistics. Retrieved from www.ojp.usdoj.gov/bjs/

Legal Cases

Carroll v. United States, 267 U.S. 132 (1925).
Katz v. United States, 389 U.S. 347 (1967).
Mapp v. Ohio, 367 U.S. 643 (1961).
Minnesota v. Carter, 119 S. Ct. 469 (1998).
New York v. Berger, 482 U.S. 691 (1987).
Olmstead v. United States, 277 U.S. 438 (1928).
Rakas v. Illinois, 439 U.S. 148 (1978).
Rawlings v. Kentucky, 448 U.S. 98 (1980).
Terry v. Ohio, 392 U.S. 1 (1968).
United States v. Dunn, 480 U.S. 294 (1987).
United States v. Salvucci, 448 U.S. 83 (1980).
Weeks v. United States, 232 U.S. 383 (1914).
Whren v. United States, 116 S. Ct. 1769 (1996).

FRAMINGHAM, MCI (MASSACHUSETTS CORRECTIONAL INSTITUTION)

Massachusetts Correctional Institution– Framingham (MCI–Framingham), located 22 miles west of Boston in Framingham, Massachusetts, is the oldest women's prison in the United States. All women

sentenced to serve state time are processed at Framingham before being assigned to wherever they will serve out their sentence. The state's other facility for female inmates is South Middlesex Correctional Center, a minimum-security prison also located in the town of Framingham. The vast majority of female inmates (87%) are housed at Framingham.

Framingham has two units, each with a different level of security. A medium-security facility houses county and state inmates who have been sentenced to serve time in a state Department of Correction (DOC) facility. The maximum-security unit, known as the Awaiting Trial Unit (ATU), is used to hold women facing federal charges. In June 2002, the medium-security unit held approximately 500 women, while the ATU held just over 135 women.

INMATE CHARACTERISTICS

The state's female inmate population differs from the male population in several ways. As of January 1, 2002, the state DOC had 9,610 inmates under its jurisdiction. Six percent of these people were women (535) and 94% (9,075) were men. While approximately 78% of females in the state system are white and 21% are black, the male population is characterized as 66% white and 32% black. The age difference between the populations is reflected not only in the average age of the inmates, 35.7 years for the females and 36.8 years for the males, but also in the range of ages. Males ranged from 16 to 86 years, while females ranged from 18 to 71. Women, generally considered to engage in less violent crime than men, were convicted of more drug crimes (35%) than person offenses (32%). In contrast, nearly half of all male inmates (49%) were incarcerated for person offenses, followed by 20% for drug offenses and 19% for sex offenses.

CONDITIONS

For many years, all of Massachusetts' prisons operated above capacity. In response, the state mandated the DOC commissioner in 1985 to issue a quarterly report on the status of overcrowding in all state and county facilities. From these data, it can be seen that Framingham continues to suffer from serious crowding issues. For example, the ATU has operated at approximately 200% above capacity for more than two decades. The medium-security facility has remained steady at just over 125% capacity according to the state's data for the same time period.

Inmates live in two types of housing at Framingham: cells and dormitories; both are forced to accommodate more inmates than they were designed to hold. Overcrowded dorms are not only noisier and more stressful for inmates, they also place a greater demand on the security staff members whose responsibility is to watch all the inmates in the room. The size of Framingham's inmate population also requires that some women live double-celled, where two women live in a cell space originally built for one.

HEALTH CARE

Health care at Framingham has long been criticized. While a series of hearings and studies in the 1980s called for radical changes, criticism of its inmate care continued to grow. Recently, the University of Massachusetts Medical School was awarded the contract to provide both mental and physical health care services. It is hoped that this local teaching institution will have increased accountability and provide improved services.

The women at Framingham mirror the national profile of female inmates who have more medical problems than male inmates. About 15 inmates at Framingham are pregnant at any one time and approximately 20% of the inmates are HIV-positive, creating a great medical need. Pregnant women, like patients with HIV/AIDS, require regular, ongoing medical services including monitoring and testing. Therefore, poor health care is particularly damaging to these populations.

There has been a recent move to improve mental health services at Framingham, where at least six women have committed suicide since 1995. Compared to male inmates, female inmates have greater mental health care needs. Over 20% of the women at Framingham are actively receiving mental health care.

PROGRAMS

MCI-Framingham offers numerous educational, vocational, and therapeutic programs. Inmates can receive their general equivalency diploma (GED) while incarcerated and participate in college-level classes in a partnership with Boston University. The prison also offers a number of vocational trade programs, including computer technology and building trades. Women in the manicuring program receive the state-mandated 100 hours of instruction and are then eligible to take the state licensing exam. The state's correctional industry, MassCor, employs 18 women at its flag shop at Framingham. The facility has rehabilitative programs including Alcoholics Anonymous, Alanon, and Narcotics Anonymous; HIV/AIDS and sexual and domestic abuse survivor support groups have also been organized by the inmates. In the Choices youth outreach program for girls who are at risk for future offending, inmates share their criminal histories with the girls, hoping to have an impact on them with frank discussions of their own violent experiences.

In addition to helping children unknown to them, inmates can also participate in a number of parenting programs offered to help improve their relationships with their own children. Framingham sponsors a number of innovative therapeutic programs, including Catch the Hope. The project was started in 1991 to provide medical attention and social services to pregnant and postpartum inmates. In addition to substance abuse counseling and preparation for birth and infant custody planning, the program pairs inmates with professional birth attendants who guide them through their labor and delivery. The program also works with postrelease programs that will accept women with their children.

THE "FRAMINGHAM EIGHT"

In 1992, a group of women known as the "Framingham Eight" collectively petitioned the governor and the Massachusetts Advisory Board of Pardons for clemency. Each had been convicted of manslaughter or murder for killing her domestic partner. They argued that they had killed their batterers in self-defense (one woman was battered by her female partner). Boston College Law School Clemency Project organized the Framingham Eight Commutation Project, and the women received an outpouring of public support. Their case brought attention to the plight of battered women and is well known for its successful use of battered women's syndrome as a criminal defense (each of the eight women was eventually released by Governor William Weld). They also inspired a short film, *Defending Our Lives*, that won an Academy Award for Best Short Film—Documentary in 1993.

Just a few years later, another group of Framingham women successfully fought against injustice. In 1998, a group of inmates incarcerated at Framingham won a lawsuit against the DOC for brutality after an early-morning raid in September 1995 where masked correction officers dressed all in black forced more than 110 women from their beds and publicly strip-searched 16 of them in what the DOC called a training exercise. The DOC, while not admitting that it violated any laws, settled the suit by agreeing to discontinue the use of the training techniques and pay the women $80,000 in damages.

CONCLUSION

Framingham, like the larger DOC of which it is a part, has struggled during its history. In addition to the unique challenges female inmates present to prison officials, problems with overcrowding, inmate treatment, and health care services have marked the facility. Informed policy and program decisions are necessary to positively affect this population. Therefore, researchers must focus their efforts on the issues facing women in prison, such as the women living at Framingham.

—Gennifer Furst

See also Cottage System; History of Women's Prisons; HIV/AIDS; Massachusetts Reformatory; Mothers in Prison; Race, Class, and Gender of Prisoners; Status Offenders; Women's Health; Women's Prisons

Further Reading

Goldfarb, P. (1996, March). Describing without circumscribing: Questioning the construction of gender in the

discourse of intimate violence. *George Washington Law Review, 64,* 582.

Massachusetts Department of Correction. (2001, December 10). *Frequently asked questions*. Retrieved from http://www.state.ma.us/doc/faqs.htm

Massachusetts Department of Correction. (2003). *Quarterly report on the status of prison overcrowding, second quarter of 2002*. Retrieved from http://www.state.ma.us/doc

McGurrin, M. (1993). Pregnant inmates' right to health care. *New England Journal on Criminal & Civil Confinement, 20*, 163.

FREEDOM OF INFORMATION ACT 1966

The Freedom of Information Act (FOIA) was originally enacted in 1966. It established for the first time a statutory right of access by any person to federal agency records unless the information sought was specifically exempted. The act requires certain materials to be made available under the agency's own initiative by publication in the *Federal Register* or in public reading rooms. Disclosure, not secrecy, is the dominant objective of the act.

After President Lyndon B. Johnson threatened a veto, the exemptions were broadened. The act, which went into effect in 1967, is codified as Title 5 U.S.C. § 552 and has been amended five times. At first, agencies interpreted the exemptions broadly and employed a variety of means to discourage FOIA use, including high fees, long delays, and claims that they could not find the requested materials. More recently, however, courts have interpreted most exemptions narrowly and fashioned procedural remedies against agency intransigence.

ADMINISTRATIVE PROCESS

The act specifies certain administrative procedures for processing requests. The initial request may be made to agency headquarters or a regional office and must "reasonably describe" the information sought. A statement of need is not necessary under FOIA, but may prove relevant in convincing an agency official to release the sought after information. Search and copy fees may apply, although it is also possible to have these fees waived. Generally, there is a 20-working-day statutory time limit for the agency response, but some agencies (particularly the FBI and CIA) may take years to reply. Such delay may usually be construed as a denial, although administrative remedies may be available if this occurs.

Once the relevant federal agency has determined whether the FOIA request will be honored, the agency must provide the individual or group that has lodged the request with a statement of what will or will not be released. The agency must also issue a statement of any reasons it may have for withholding the request and instruct the person about his or her right to appeal the determination. Finally, if necessary, the agency will also explain why it is not in the public interest to waive a fee.

FEES AND FEE WAIVERS

A requestor may incur three types of fees: (1) the cost of the search, (2) the cost of review, and (3) duplication costs. Agencies are required to provide for free the first two hours of search time and the first 100 pages of copying to noncommercial requestors. Multiple requests will not bypass fees.

The act states that if disclosure of the information is in the public interest, so as to contribute significantly to the public understanding of how government works, it may qualify for a fee waiver. However, the burden is on the requestor to prove (a) genuine public interest, (b) value of the records to the public, (c) that the information is not already in the public domain, (d) "expertise" in one's ability and intention to disseminate information, and (e) no personal interest in disclosure. A court can review agency fee action *de novo* (anew).

ADMINISTRATIVE APPEALS

Generally, exhaustion of administrative remedies is required prior to requesting judicial relief (i.e., obey each agency rule relating to data request). The burden of producing evidence of a proper agency appeal is on the requestor**.** The following items can be appealed: (a) denial of a request in full or in part, (b) adequacy of the agency's search, (c) failure to

respond within the time limits, (d) excessive fees, or (e) denial of a request for waiver of or a fee reduction. An appeal usually results in the release of additional documents that were initially withheld.

WHAT IS AN AGENCY?

An agency includes most entities that receive federal funds and operate under federal control. The courts and Congress as well as units in the executive office of the president are excluded, although not necessarily other offices in the executive branch of the federal government. Each entity is examined anew. A subunit of an agency may be sufficiently independent so as to be treated as an agency as may an advisory group (e.g., the Federal Bureau of Prisons is a subagency of the Department of Justice).

WHAT IS AN AGENCY RECORD?

There is a two-pronged test to determine whether a record is an agency record: (1) The agency must either create or obtain the material, and (2) the agency must be in control of the material at the time the FOIA request is made. The government bears the burden of proving that a record remains under the control of an exempt entity. Business records and personal entries created (but mixed) solely for an individual's conveniences that may be disposed of at that person's discretion are not agency records under the FOIA. There is no distinction between records kept manually or in computer storage systems. The requestor need not seek access from the agency that originated the document.

EXEMPTIONS

There are nine exemptions that allow an agency to withhold access to information. The FOIA, in other words, does not apply to the following:

Exemption 1: National Security Information

Matters that are specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and properly classified as such (e.g., CIA documents).

Exemption 2: Internal Agency Rules

Matters that are related solely to the internal personnel rules and practices of an agency, including agency matters in which the public could not reasonably be expected to have an interest.

Exemption 3: Information Exempted by Other Statutes

Matters specifically exempted by other statutes that leave no discretion on the issue. The statute must require or authorize withholding that incorporates a congressional mandate of confidentiality.

Exemption 4: Business Information

Privileged or confidential trade secrets or commercial or financial information obtained from a person. Information generated by the government does not fall under Exemption 4. One who has submitted information to the government may sue to prevent disclosure of that information. This type suit is known as "reverse FOIA litigation."

Exemption 5: Inter- and Intra-agency Memoranda

Inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. These claims are generally waived if the documents have been disclosed to third parties or non-federal agencies. This exemption was intended to incorporate the government's common law privilege from discovery in litigation such (a) "executive" privilege, which protects advice, recommendations, and opinions that are part of the deliberative, consultative, decision-making processes of government; (b) "attorney work product" privilege, which protects documents prepared by an attorney that reveal the theory of the lawyer's case or his or her litigation strategy; (c) the "attorney-client" privilege, which protects confidential communications; and (d) a qualified privilege based on Rule 26(c)(7) FRCP for confidential commercial information generated by the government in the awarding of a contract.

Exemption 6: Personal Privacy

Matters that are personal, medical, or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy. This policy involves a balancing of interests between the protection of an individual's private affairs with the public's right to government information and the preservation of the basic purpose of the FOIA to open up agency action to the light of public scrutiny. "Similar files" is construed broadly. The identity of the requestor is irrelevant. A prior promise of confidentiality is not determinative. Prior public disclosure can defeat the exemption. The majority view is that this exemption shields lists of names and addresses (e.g., union memberships).

Exemption 7: Law Enforcement Records

Information compiled for law enforcement purposes if their production (a) could reasonably be expected to interfere with enforcement proceedings; (b) would deprive a person of a fair trial or impartial adjudication; (c) could reasonably be expected to constitute an unwarranted invasion of privacy; (d) could reasonably be expected to disclose the identity of a confidential source; (e) would disclose techniques, procedures, or guidelines for law enforcement investigations or prosecutions if disclosure could reasonably be expected to risk circumvention of the law; and (f) could reasonably be expected to endanger the life or physical safety of *any* individual. The threshold test is whether the records are compiled for law enforcement purposes—whether civil or criminal, judicial or administrative. The records are not exempt unless the agency can show potential harm from document release under one or more of the six protected law enforcement interests above (e.g., the release of an informant's name).

Exemption 8: Records of Financial Institutions

Matters related to records for the use of an agency responsible for regulation or supervision of financial institutions. This broadly interpreted exemption is designed to protect the integrity and security of financial institutions and safeguard the relationship between banks and their supervising agencies.

Exemption 9: Oil Well Data

Finally, matters related to geological and geophysical data (e.g., maps of wells). This exemption, the least invoked and litigated of all the exemptions, has been called the "Texas touch." It is often criticized as being redundant to Exemption 4 because it includes confidential business information.

SEGREGABILITY

Section 552(b) of the FOIA provides that any portion of a record that can be reasonably segregated from exempt portions shall be provided to the requestor. Claims by an agency otherwise must be made with the same degree of detail as required for claims of exemption. District courts have broad discretion to determine whether *in camera* inspection (secret judicial scrutiny) is necessary when the agency claims inability to segregate. When the requestor cites this issue in an administrative appeal, it often leads to additional release of information.

LITIGATION STRATEGY

The FOIA may be an attractive alternative or adjunct to civil or criminal discovery because a person need not be a party to a lawsuit nor make a showing of need or relevancy nor bear the government's litigation costs if unsuccessful. Theoretically, the FOIA is a faster way to obtain copies of agency records.

FOIA requestors must exhaust administrative remedies before filing suit to obtain agency records. Even if the FOIA time limits for disclosure have been violated, this does not guarantee a court-established strict deadline. Suits may be filed in federal district court (a) in the plaintiff's home district, (b) where the records are located, or (c) in the District of Columbia (most familiar with FOIA litigation). The statute of limitations is set by Title 28 U.S.C. § 2401(a) at six years. A federal agency must always be named as a party defendant in an FOIA lawsuit. The complaint should be brief and request expedition of the lawsuit (§ 552(a)(4)(D)).

CONCLUSION

The FOIA is meant to provide some kind of check and balance on government actions. Similar acts have been adopted in several countries. The complex laws surrounding such acts often make it difficult for regular citizens to use them successfully.

—Kenneth Linn

See also Activism; American Civil Liberties Union; Enemy Combatants; Habeas Corpus; Jailhouse Lawyers; Prisoner Litigation; Prison Litigation Reform Act 1996; Resistance

Further Reading

Clinger, W. (2001). *Citizen's guide on using the Freedom of Information Act and the Privacy Act of 1974 to request government records.* Collingwood, PA: Diane Publishing.

Foerstel, H. (1999). *Freedom of information and the right to know: The origins and applications of the Freedom of Information Act.* Westport, CT: Greenwood.

Kavass, I. (1997). *Justice Department guide to the Freedom of Information Act 1996.* Buffalo, NY: William. S. Hein.

Maida, P. (2001). *Freedom of Information Act guide and Privacy Act overview* (May 2000 ed.). Collingwood, PA: Diane Publishing.

FRY, ELIZABETH (1780–1845)

Elizabeth Fry was a prison reformer who advocated for the humane treatment and rehabilitation of inmates. She incorporated religion, education, and vocational practices into her ideology of reform. She was a strict Quaker who incorporated her religious beliefs into her educational work to inmates. Fry primarily advocated on behalf of women offenders.

BIOGRAPHICAL DETAILS

Elizabeth Gurney Fry was born at Earlham in Norwich, England, on May 21, 1780. She was the third daughter of John Gurney and Catherine Bell, and 1 of 11 children. Her mother died when she was 12 years of age, at which point, in her mother's place, her eldest sister became responsible for tending to the children.

Elizabeth Gurney married Joseph Fry in August 1800. Joseph too, was a devout Quaker, and he hailed from a wealthy family. The newlywed couple settled in London, where Fry found her calling of assisting female prisoners. Fry was acknowledged in 1811 as a Quaker minister. Following her first visit to Newgate Prison in 1813, she dedicated herself to prison reform. Elizabeth Fry died on October 12, 1845, at the age of 65 years. She was the mother to 11 children and left an indelible imprint on prison reform practices.

NEWGATE PRISON

At the time of Fry's first visit to Newgate Prison, all female prisoners were confined in what was later labeled as the "untried side" of the jail. The women's division was made up of two cells and two wards, in a zone of about 190 yards. More than 300 women were crowded into this area, mixing those on trial with those who had been convicted of both mild and the most violent crimes. Children were also confined in this area alongside their mothers.

In April 1817, Fry organized a committee, the Ladies Association for the Reformation of the Female Prisoners in Newgate, which was extended in 1821 into the British Ladies' Society for Promoting the Reformation of Female Prisoners. The committee consisted of nine Quaker women and one clergyman's wife. These 10 women served the female prison population at Newgate, by providing clothing, religious and educational instruction, and employment training and opportunities. They sought to instill the habits of sobriety and order in the women with the hope of rendering them docile and peaceful in prison and beyond.

THE IDEOLOGY OF REFORM

In 1818, under the reign of King George III, and one year after the establishment of her school within Newgate Prison, Elizabeth Fry was called to give evidence before the Committee of the House of Commons on the Prisons of the Metropolis. She was the first woman, other than a queen, to be called into the councils of government in an official manner to advise on matters of public concern. It was during this meeting that Fry set forth her main ideology of penal reform.

Fry suggested that there should be women warders taking care of women inmates. According to her, a single-sex environment would be more conducive to their reformation, as the warders would be positive role models for the women offenders. Second, Fry suggested that there be an entirely separate prison for female inmates. Rather than using a section within the male institution, she thought that women should be held separately in order to address their special needs more thoroughly. She also sought to have the prisoners paid at a fair rate by the government and to be allowed to spend a portion of their earnings upon reception. Fry believed that if the inmates were able to support themselves through legal means upon release, they would be less likely to engage in criminal activity.

Fry wanted inmates to be classified and separated. She argued that first-time and petty offenders should be separated from more chronic and violent inmates. First-time offenders would not have the opportunity to learn the criminogenic lifestyles of the more experienced inmates and would thus be more susceptible to penal reformation strategies. Fry also advocated for the segregation of prostitutes, since she saw them as a special population who were in need of specific moral and religious reformation. She argued that female inmates should be allowed to eat their meals and engage in recreation time as a group, but should remain segregated at night for their mental and physical well-being.

Unlike her prison reform predecessor John Howard, Fry advocated for the elimination of solitary confinement. She realized that prison officials would be unwilling to relinquish this practice completely and therefore made an exception stating that if this practice must continue, it be used only for very short periods of time and in the most horrific of cases. Fry believed that strict Quaker religion should be enforced in prison to help rebuild and restructure the morals of the inmates and to guide their behavior upon release. She also implemented educational and vocational training to better the social position of the women and to help ensure them a viable means of living upon release. Women were taught to cook, sew, clean, read and write, and properly care for their children. Finally, following her Quaker beliefs, Fry argued for the prohibition of alcohol within the prison since she believed alcohol consumption was related to criminal activity. As a result of Fry's tactics, Newgate Prison experienced a drop in the recidivism rate from 30%–40% to 4%.

WORK OUTSIDE OF NEWGATE

In addition to assisting prison inmates, Fry also helped those who were aboard convict ships. When the women were transferred from Newgate to the convict ships, they often engaged in riotous and destructive behavior. The women were moved in open wagons, which was both humiliating and tended to make them aggressive. Fry advocated that the women be moved in closed hackney coaches, and she volunteered to escort them. The convict ships lay in the harbor for five to six weeks, wherein Fry and the Ladies Association incorporated the caring practices they were bringing to Newgate. Eventually, moving women from their prison to the convict ships was made illegal.

CONCLUSION

Elizabeth Fry's system of governing female inmates was premised on the assumption that women were capable of redemption. This approach was in stark contrast to the strongly held belief at the time that women offenders were more evil than their male counterparts and thus "irreclaimable" (van Drenth & de Haan, 1999, p. 72). Fry influenced penal systems in Canada, the United States, Australia, France, Denmark, and Wales. She was a forerunner in prison reform practices. Her legacy is remembered in such organizations as the Canadian Association of Elizabeth Fry Societies (CAEFS), which assists and advocates on the behalf of women in conflict with the law. Echoes of Fry's interest in women prisoners may also be found in the extensive body of work that concentrates solely on women's experiences of imprisonment around the world.

—Jennifer M. Kilty

See also Abolition; Activism; Classification; History of Women's Prisons; John Howard; Fay Honey Knopp; Religion in Prison; Quakers; Women Prisoners; Women's Prisons

Further Reading

Canadian Association of Elizabeth Fry Societies. (2002a). *Goals of the Elizabeth Fry Societies.* Retrieved from http://www.elizabethfry.ca/

Canadian Association of Elizabeth Fry Societies. (2002b). *Origins of the Elizabeth Fry Societies.* Retrieved from http://www.elizabethfry.ca/

Canadian Association of Elizabeth Fry Societies. (2002c). *Principles of the Elizabeth Fry Societies.* Retrieved from http://www.elizabethfry.ca/

Hanks, G. (1981). *Friend of prisoners: The story of Elizabeth Fry.* Exeter, UK: Religious and Moral Education Press.

Pitman, E. R. (1969). *Elizabeth Fry.* New York: Greenwood.

van Drenthe, A., & de Haan, F. (1999). *The rise of caring power: Elizabeth Fry and Josephine Butler in Britain and the Netherlands.* Amsterdam: Amsterdam University Press.

Whitney, J. (1972). *Elizabeth Fry: Quaker heroine.* New York: Benjamin Blom.

FURLOUGH

The word *furlough* has Old English origins and, when used as a verb, basically means to grant a leave. The expanded contemporary use of the word furlough usually refers to a scheduled temporary and nonduty and nonpay status. This period of work may be voluntary. Furloughs in the civilian world may at times be mandatory and of a financial emergency nature such as the widespread furlough of flight attendants who were not needed due to significantly fewer scheduled flights after the September 11, 2001, terrorist attacks.

In a correctional setting, furlough also refers to a temporary and time-limited leave of absence. Typically, an inmate on a furlough will be entitled to an overnight or longer release from prison. Furloughs are used most often to address social and rehabilitative needs of the inmate. They may be granted so that an inmate may be present during a crisis, such as a funeral, in the immediate family (mother, father, stepparents, foster parents, sibling, spouse, and children). Prisoners may also be allowed to leave the confines of their prison temporarily to participate in the development of release plans, to reestablish family and community ties, and to participate in select educational, social, religious, and therapeutic activities that might facilitate their transition to the community.

Anytime that an inmate leaves or enters a facility, there are procedural and security concerns. To address these concerns, each institution typically has established guidelines outlining who might be eligible for furlough and procedures before leaving and upon the inmate's return. They also dictate what costs are expected to be paid by the inmate typically before the furlough is granted. Each of these issues shall be dealt with in turn below.

ELIGIBILITY

In the United States, furloughs are not very common and inmates are carefully screened for risk to the community before permission for a furlough is given. In many other countries, furloughs are more readily and routinely offered. In the United States, usually only minimum-security inmates who are in the last year of their sentence, meet the institution's eligibility criteria, and are approved by the warden are eligible for a leave of absence.

Since research has shown that inmates who maintain ties with their families generally have lower rates of recidivism, activities that may facilitate release transition and strengthen family ties may be deemed appropriate for the granting of a furlough. Some work skill programs may also be considered appropriate for the granting of a furlough. In addition, prisoners may be granted furloughs to participate in classes or treatment that are not available at their institution, such as a residential drug and alcohol rehabilitation program, or to obtain medical services not available at the prison.

Furloughs are considered a privilege. They are, therefore, not routinely given to an entire category of inmates but are instead awarded only to those individuals with a record of behavior making them worthy of the privilege. Women and prisoners in remote areas may be at a disadvantage if vocational or other services are not provided in the communities near the prison since travel time and the difficulty of making arrangements may be too great for the limited time allocated to furloughs. In any case, the warden or disciplinary committee of the institution may decide to revoke or withhold furlough privileges of any inmate.

PROCEDURES

Security procedures mandate that facts pertaining to the reason for a furlough such as the alleged death or terminal illness of a family member must be verified, for instance, by contacting the funeral home or doctor, and then documented on the appropriate institutional forms by designated institutional staff. Inmates will be informed of the conditions of their furlough. Conditions of furlough vary by institution but typically include keeping a copy of the furlough agreement on their person at all times, remaining within the appropriate county limits, avoiding alcohol and illegal drugs, not associating with suspected criminals, and obeying all laws and regulations.

Before anyone leaves a correctional facility to begin his or her furlough, all relevant victims/witnesses should be notified of the starting and ending dates of the furlough as well as specific location. The chief law enforcement officer (sheriff and/or chief of police) of the furlough destination should also be notified before the prisoner leaves. Usually, inmates must also make contact with the appropriate law enforcement official upon their arrival in the community and must later produce a document verifying this contact when they return to the institution.

Of course, there are risks involved in allowing prisoners to be out on furlough. The purpose of the leave of absence may not be accomplished if, for example, employment is not secured. Also, there is the possibility that someone on leave may commit another crime. Occasionally, those out on furlough may simply "walk away" and escape. While some factors such as type of crime for which the inmate was arrested and previous escape history can be used in attempting to predict risk, no prediction formula is completely foolproof.

If the conditions of the furlough agreement are not met or are violated, a range of consequences may result. Failure to accomplish the purpose of the furlough such as by missing a scheduled interview or a minor violation of rules, for example, returning from furlough 10 minutes late, may result in disciplinary action. An individual who commits a felony while on furlough will not be entitled to any further leaves during the remainder of his or her sentence. Anyone who has not contacted the institution with an appropriate explanation and who is more than three hours late in returning shall typically have an escape warrant issued.

Inmates usually have to pay for any nonemergency costs associated with a furlough such as transportation, lodging, and meals. Costs for conducting a urinalysis upon the inmate's return to the institution will also typically be withdrawn from the inmate's personal funds prior to his or her release. Such funds may make it difficult for indigent prisoners to take advantage of the furlough system.

CONCLUSION

Furlough programs are widely but selectively used by most correctional institutions. Such programs are thought to improve inmate morale while furthering the goals of rehabilitation and lessening recidivism. However, not all administrators support them, since furlough programs are labor intensive because all prisoners must be screened before being allowed off the premises. Furthermore, furlough programs are by nature controversial, and thus, potentially risky for prisons, because the public typically does not approve of prisoners being released into the community before their sentence is complete. Even though the low levels at which inmates commit serious crimes while on furlough suggest that such fears are ungrounded, concerns remain high enough that few inmates will be given the opportunity to participate in a furlough while they are confined.

—Wendelin M. Hume

See also Clemency; Community Corrections Centers; Compassionate Release; Parole; Prerelease Programs; Prisoner Reentry; Recidivism; Rehabilitation Theory; Work-Release Programs

Further Reading

Champion, D. J. (1990). *Corrections in the United States.* Englewood Cliffs, NJ: Prentice Hall.

McShane, M. D., & Williams, F. P., III. (Eds.). (1996). *Encyclopedia of American prisons.* New York: Garland.

Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry.* New York: Oxford University Press.

Travis, J., Solomon, A., & Waul, M. (2001). *From prison to home: The dimensions and consequences of prisoner reentry.* Washington, DC: Urban Institute.

FURMAN v. GEORGIA

Furman v. Georgia was the U.S. Supreme Court case that briefly suspended capital punishment in the United States, for four years, from 1972 to 1976. Although the death penalty was eventually reinstated, *Furman v. Georgia* changed the legal and political landscape surrounding capital punishment.

HISTORY

Prior to the 1960s, courts uniformly supported the constitutionality of the death penalty. However, during the civil rights movement, a number of cases brought by death row inmates successfully challenged many of the legal and social assumptions that underpinned capital punishment. One of the first shifts toward challenging the death penalty actually occurred in the unrelated case of *Trop v. Dulles* (1958) where it was successfully argued that the framers of the Eighth Amendment inserted an "evolving standard of decency that marked the progress of a maturing society."

This decision was applied 10 years later in the case of *United States v. Jackson* (1968) where the court held that the sole discretion given to juries to determine the death penalty was unconstitutional because it forced defendants to waive right to jury trial in order to escape the death penalty. It further appeared in *Witherspoon v. Illinois* (1968) where it was ruled unconstitutional to exclude a juror who had reservations about the death penalty but who could still reach a reasonable decision on a capital case.

In 1971, the cases of *Crampton v. Ohio* and *McGautha v. California* challenged the death penalty on the basis of the due process rights of the Fourteenth Amendment but the Supreme Court disagreed with their claims and gave the jury full discretion in the determination of the death penalty on the basis that it was "humanly impossible" to guide the sentencing discretion of the jury. The next year, *Furman v. Georgia* reopened this challenge by arguing that jury decisions were evidently arbitrary and capricious and therefore "cruel and unusual" contrary to the provisions of the Eighth Amendment. This time, the court agreed by 5–4 majority, thereby voiding the death penalty statutes in 39 states and those of the federal government, commuting 629 pending death sentences across the country and imposing a moratorium on further death sentences until there were adequate safeguards against arbitrary and capricious jury sentencing decisions. Four years later, new death penalty statutes were once again ruled constitutional by the U.S. Supreme Court following the challenge of *Gregg v. Georgia* in 1976.

BACKGROUND TO *FURMAN v. GEORGIA*

In many ways, Furman was a lucky man. This is not just because he saved his own life and those of 629 other death row inmates by appealing against the death penalty and winning but also because he was not the only one whose case was decided on the same day. Instead, he was the first of three appellants to file appeals with the U.S. Supreme Court in 1969 (as his case number indicates, No. 69–5003). As a result, it could have been the name of Jackson as in *Jackson v. Georgia* (No. 69–5030) or that of Branch as in *Branch v. Texas* (No. 69–5031) that would be remembered widely today. In fact, the other two cases should actually be more well known than Furman's because their rulings have endured longer. The cases of Branch and Jackson finally ended the use of death penalty for rape, for which African American men were overwhelmingly executed in America prior to 1972. Their victories were solidified in 1976 when the U.S. Supreme Court clearly prohibited states from punishing rape with death in the case of *Coker v. Georgia.*

These three African American men made history by challenging and defeating a form of punishment that the Supreme Court agreed was cruel and unusual and therefore unconstitutional. Furman and Jackson appealed their cases before the supreme court of Georgia, while Branch appealed before the court of criminal appeals of Texas. All three cases were decided on June 29, 1972.

Furman

Furman was 26 years old with a sixth-grade education. He was found guilty of murder when he entered a house and shot the owner dead through

a closed door. He claimed that the gun went off unintentionally when he tripped and fell and that he had no intention of killing anyone. His counsel entered an insanity plea on his behalf, and he was committed to Georgia Central State Hospital for psychiatric observation. The hospital staff unanimously reported that he suffered from mental deficiency with psychotic episodes associated with convulsive disorder. They recommended further psychiatric hospitalization and treatment. But later, the superintendent reported that Furman was not psychotic at the time, that he knew right from wrong, and that he was capable of cooperating with his court-appointed counsel.

Jackson

Jackson was 21 years old when he was convicted of raping a white woman. He was serving a three-year sentence at that time for auto theft and had escaped from a work gang in the area. He entered the house when the woman's husband left for work and threatened her with a pair of scissors that he held to her neck. In addition to raping her, he demanded money. A court-appointed psychiatrist testified that Jackson was not an imbecile or schizophrenic and that he was competent to stand trial because he was only suffering from environmental influences.

Branch

Branch had earlier been convicted of felony theft with borderline mental deficiency and below average IQ of Texas prison inmates. He was convicted of entering the house of a 65-year-old white widow while she slept and raping her, with his hand on her throat. After raping her, like Jackson, he demanded money. Branch then left and warned her not to tell anyone what happened or he would return and kill her.

THE SUPREME COURT

The Supreme Court was asked by the three men to answer the following question: "Does the imposition and carrying out of the death penalty in (these cases) constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments?" Five of the Supreme Court justices answered the question affirmatively (concurring), while four justices answered the question negatively (dissenting). Justices William Douglas, William Brennan, Potter Stewart, Byron White, and Thurgood Marshall filed separate opinions in support of the judgments, while Chief Justice Warren Burger and Justices Harry Blackmun, Lewis Powell, and William Rehnquist filed separate dissenting opinions. By this narrow 5–4 majority decision, the Supreme Court could have effectively abolished the death penalty in America forever. However, the question before the Court was limited to issues "in (these cases)." That was the loophole that later enabled their decision to be overturned.

CONCLUSION

On June 26, 1997, the Southern Center for Human Rights marked the 25th anniversary of *Furman v. Georgia* by issuing a report that concluded that the promise of reform that emanated from the 1972 judgment did not materialize because the death penalty remains discriminatory, arbitrary, and cruel especially with reference to race, poverty, innocence, mental retardation, mental illness, and children on death row. This report echoed the argument of *McCleskey v. Kemp* (1987) when the Supreme Court was asked to rule the death penalty unconstitutional on the basis of racial discrimination. The petition of McCleskey was rejected by a narrow margin of 5–4 majority, the same margin with which *Furman v. Georgia* was granted.

Only Justice Marshall and Justice Brennan found in the case of *Furman* that the death penalty was unconstitutional. The other three justices who found in favor of *Furman* held that it was only the existing death penalty statues that were unconstitutional. This majority opinion meant that states quickly started rewriting their death penalty cases to get rid of arbitrariness. Only five months after the landmark decision, 34 states proclaimed new death penalty statutes that supposedly conformed to the higher standard set by the Supreme Court in the case of *Furman.*

These new acts were challenged in 1976 by three more cases, *Gregg v. Georgia*, *Jurek v. Texas*, and

Proffitt v. Florida, that were collectively known as *Gregg v. Georgia.* This time, the Supreme Court decided by 5–4 majority that the new death penalty statutes were constitutional, thereby ending the suspension of the death penalty and paving the way for the imposition of new death penalties in America, although the 629 sentences commuted as a result of the *Furman* decision could not be reimposed.

—Biko Agozino

See also Capital Punishment; Death Row; Deathwatch; Eighth Amendment; Fourteenth Amendment

Further Reading

Agozino, B. (2003). How scientific is criminal justice? A methodological critique of research on *McCleskey v. Kemp* and other capital cases. *National Black Law Journal,* (Columbia ed.), *17*(1), 85–97.

Baldus, C. D., Woodworth, G. G., & Pulaski, C. A., Jr. (1989). *Equal justice and the death penalty.* Boston: Northeastern University Press.

Berger, V. (1991). "Black box decision" on life or death—If they're arbitrary, don't blame the jury: A reply to Judge Patrick Higginbotham. *Case Western Reserve Law Review, 41*(4), 1067–1093.

Davis, A. (1987). Rape, racism and the capitalist setting. *Black Scholar, 9*(7), 24–30.

Death Penalty Information Center. (2003). *The constitutionality of the death penalty in America.* Retrieved from http://www.deathpenaltyinfo.org/article.php?scid=15&did=410#SuspendingtheDeathPenalty

Higginbotham, P. E. (1991). Juries and the death penalty. *Case Western Reserve Law Review, 41*(4), 1047–1067.

U.S. Department of Justice. (1982). *Capital punishment, 1981* (NCJ-78600). Washington, DC: U.S. Department of Justice, National Prisoner Statistics.

Legal Cases

Crampton v. Ohio, 402 U.S. 183, 210-211 (1971).
Furman v. Georgia, 408 U.S. 238 (1972).
Gregg v. Georgia, 428 U.S. 153 (1976).
Jurek v. Texas, 428 U.S. 262 (1976).
McCleskey v. Kemp, 481 U.S. 279 (1987).
McGautha v. California, 402 U.S. 183 (1971).
Proffitt v. Florida, 428 U.S. 242 (1976).
Trop v. Dulles, 365 U.S. 86 (1958).
United States v. Jackson, 390 U.S. 570 (1968).
Witherspoon v. Illinois, 391 U.S. 510 (1968).

G

GANGS

As the number of gangs and gang members in the United States continued to escalate during the past two decades of the 20th century and the response by the criminal justice system became harsher, many gang members found themselves in the nation's prison system. A 1999 study of prison administrators in 47 states estimated that about one-fourth (24.7%) of all male prisoners and 7.5% of female prisoners were gang members. In comparison only 9.4% of men and 3.5% women were identified as such in 1991. This percentage change means that there were approximately 47,220 male gang members in the nation's prisons in 1999, up from 43,765 in 1993. Some states have even a greater proportion of gangs in their prison population. In Illinois, for example, about 60% are believed to belong to gangs.

According to the 1999 survey of prison administrators, the most frequently cited gangs overall around the country were the Crips (various factions), Black Gangster Disciples, Bloods/Piru factions, Vice Lords, Aryan Brotherhood, and Latin Kings. Most of these gangs have strong rivalries within the prison system, based almost solely on race. While incarceration may be a short-term solution to the problem of gang violence in the community, in the long run it has resulted in increased gang cohesion and membership recruitment. Many gang members report that prison strengthens their involvement in the group, which is exactly the opposite of the intended effect of incarcerating them, while others join a gang for the first time when they are imprisoned.

HISTORY

Prison gangs first emerged in the west in the state of Washington in 1950 and in California in 1957. Twelve years later, in 1969, they began to appear in Illinois. During the 1970s, states adjacent to California and bordering Mexico, as well as two states to the north of Illinois, had similar organizations develop inside their prison systems. In the 1980s, development continued in Missouri and Kentucky.

Early prison gangs spread either by transfers or rearrests of gang members in another jurisdiction. In these cases, the inmate in a new prison setting sometimes tried to reproduce the organization that gave him or her an identity prior to incarceration. In other cases, charismatic leaders imitated what they had heard about other gangs.

RELATIONSHIP BETWEEN STREET GANGS AND PRISON GANGS

Two major types of gangs exist within the prison system: street gangs imported into the prison and

groups that originate within the penal institution itself. There are many indigenous gangs in penal facilities. As a result, we need to be cautious about the common view that prison gangs are "mere extensions" of street organizations, for that is clearly not always the case.

Most indigenous prison gangs developed, at least in part, as a means of belonging and for protection during a term of confinement. Racketeering, black markets for illegal goods and services such as drugs, and racism have also been factors in the development of these organizations. Protection seems to be a key factor. When an individual enters a prison, he or she may be challenged to a fight. If this happens, typically the new prisoner will either join a gang or pay for protection or become a "servant" to other prisoners. It tends to happen more frequently in certain men's prisons than others and is more common in all men's prisons than in women's facilities. In Texas, gangs often recruit like fraternities and often specifically target prisoners who are serving short sentences. This way they can help the group when they leave. They adhere to a very strict code of silence and are committed to the gang for life, reflected in the common expression "blood in, blood out."

In contrast to the recruitment pressures experienced by the unaffiliated convict, the gang member from the street has little trouble in adjusting to the new environment. Besides physical security, the gang in the prison, as on the street, serves important material and psychological functions for its members. It functions both as a communication network and as a convenient distribution network for contraband goods. It also provides a source of identification and a feeling of belonging. Other members comprise one's family and are often referred to "my homes" or just "homes" (short for "homeboy"). Members live, and die, for the gang. The organizations, with their insignias, colors, salutes, titles, and legendary histories, often provide the only meaningful reference group for their members.

Many gang members in prison were leaders in the organization outside. They may still be looked to for guidance, and in many cases, they "call the shots" as far as gang businesses are concerned. For example, Larry Hoover of the Gangster Disciples reportedly ran his gang for years behind bars in the Illinois prison system (Curry & Decker, 1998, p. 134). It is for this reason that most penal facilities try to determine gang affiliation as people begin their sentence. Being a known gang member, or what is referred to by administrators as a "security control threat," usually draws with it restricted work, recreation, and housing. Most facilities also try to separate members of rival groups.

STRUCTURE AND ORGANIZATION

Most of the criminal organizations within any given urban area have their direct counterparts within the state prison system. In Stateville, Illinois, for example, the inmate system is organized in ways almost identical with the gangs on the streets of Chicago. Likewise, in a nationwide survey, Camp and Camp (1985) found that of 33 state prison officials who indicated they had gangs, a total of 21 said that these gangs had their counterparts in the cities of these states.

Prison gangs, not unlike many on the streets, adhere to a code of secrecy and emphasize power and prestige, both of which are measured in terms of the ability to control other inmates and specific activities within the institution. Money and drugs in particular represent tangible symbols of a gang's ability to control and dominate others, and of its ability to provide essential protection, goods, and services for its members. The gang's capacity to bring status and prestige for the members reinforces group commitment and solidarity.

One of the distinguishing characteristics of the prison gang, unlike most groups on the streets, is the virtual absence of any noncriminal, nondeviant activities. Members in prison usually become completely immersed in being a career prison gangster, leaving little time and less inclination for other than asocial behavior.

Prison gangs have several additional characteristics. They often have a well-defined hierarchical structure. They recruit based on "homeboy" preprison experiences. For many, the prison system is

only one of several institutions, along with welfare and the police, that their members may have experienced. Thus, there may be a sort of "anticipatory socialization" to prison. Indeed, ethnographer J. W. Moore (1978) notes that the prison system "is an omnipresent reality in barrio life, and contact with it is continuous and drastic, affecting nearly everybody in the barrio. . . . Prison adaptations are seen by convicts themselves as variants of adaptations to street life" (pp. 40, 98).

THE IMPORTANCE OF RACE

Since most urban gangs are made up of racial minorities, it should not be surprising that race is important among the gangs in prison. Such divisions often lead to inmate-on-inmate violence. Thus, in a 1999 survey of prison administrators, 87% said that gang disturbances were related to racial conflicts.

Virtually every study has found that the several different gangs that exist within the prison system are each made up of specific racial or ethnic groups. For example, one recent study found that in Florida there were six major gangs.

1. The Neta, which consists of Puerto Rican and Hispanic prisoners, was originally established in 1970 in the Rio Pedras Prison, Puerto Rico.
2. The Aryan Brotherhood (AB), for whites only, originated in San Quentin Prison (California) in 1967. Most of the members are white supremacists, with some displaying neo-Nazi characteristics and ideology.
3. The Black Guerrilla Family (BGF) was founded in San Quentin by George Jackson (former Black Panther Party member and author of *Soledad Brothers*) in 1966.
4. The Mexican Mafia consists of Mexican Americans and was formed in the late 1950s at a youth correctional center called Duel Vocational Center. They originally were an extension of a Los Angeles street gang.
5. La Nuestra Familia, a mostly Mexican American gang, originated in Soledad Prison in California in the mid-1960s.
6. The Texas Syndicate (TS), a Mexican American prison gang, was founded in Folsom Prison (California) in the early 1970s in direct response to other gangs, especially the Aryan Brotherhood and Mexican Mafia, who would prey on Texas prisoner (they have developed associations with two other smaller gangs, known as the Texas Mafia and the Dirty White Boys).

Many of the gang conflicts stem from these kinds of racial divisions.

In addition to racial conflict and intolerance, some of the conflicts between prison gangs arise from the many kinds of criminal activities in which they are involved. Most commonly, prison gangs offer the primary source of drugs in prison. They may also control sex, food, clothing, loan sharking, gambling, extortion, and protection.

THE RESPONSE TO PRISON GANGS

Gangs are the one of the most notorious aspects of life behind prison walls, at least within men's prisons. The unaffiliated convict enters the prison fearing that his or her life may be in danger from gangs. Even if he is not immediately concerned with survival, he will face the prospect of being "shaken down" for commissary items and/or sex. The guards can be of little help in protecting him, since in many institutions administrators tend to "look the other way" as rival gangs tend to maintain a certain level of social control and order. In one way or another, the convict must find a strategy for dealing with the gang situation.

Nonetheless, it is important to acknowledge that the gang problem varies from one type of institution to another. The 1999 prison gang survey found that as security levels increase, the gang problem also increases. Prison administrators report a greater number of gang disturbances in maximum-security prisons. Specifically, while about 10% of minimum-security prisons reported a gang disturbance in 1999, over half (59%) of the medium-security prisons had such disturbances, while almost two-thirds (64.7%) of the maximum-security prisons had gang disturbances (Knox, 1999).

Prison administrators have used a number of different techniques to control the gang problem within the prison system. According to the 1999 survey, among the most common recommendations include improving race relations, passing tougher legislation (no specifics given), eliminating weight lifting, monitoring telephones, monitoring mail, providing tuition support for staff to attend more training conferences, and using a full-time ombudsman for prisoners. As for the most common responses to the gang problem, these administrators used the following most often: transfers (used by 80%), the use of informers (54%), segregation (60%), isolating leaders (46%), and monitoring mail and telephone calls (61% and 51%, respectively). It appears that the prison gang problem has become worse over the years. The 1999 survey revealed that the vast majority of prison administrators believe the problem has worsened over the years. Specifically, while in 1992, of prison administrators surveyed, 27% believed the problem has increased, in 1999 almost two-thirds (63%) believed this. Most expected the problem of gang violence to increase in the next five years (Knox, 1999).

CONCLUSION

As inner-city social conditions worsen due to loss of jobs, low wages, poor schools, crumbling city infrastructures, and broken families, the attractiveness of gangs will continue to grow. The "get tough" policies toward gangs that began in the 1980s has had at least one negative result: Many of the gang members sent to prison have recently been released and placed right back into the very conditions that led to their gang affiliation in the first place. In Los Angeles, for example, a rise in gang-related homicides in South Central Los Angeles (255 in 2001, up from 161 in 1998) has been at least partly attributed to the release of these gang members, plus continued deterioration of their neighborhoods. As long as sentencing policies follow traditional conservative thinking, prison officials will continue to be confronted by gangs, as will the communities where these gang members grew up.

—Randall G. Shelden

See also Aryan Brotherhood; Aryan Nations; Bloods; Crips; Deprivation; Importation; Prison Culture; Racial Conflict Among Prisoners; Racism; Resistance; Security and Control; Young Lords

Further Reading

Camp, G., & Camp, C. (1985). *Prison gangs: Their extent, nature, and impact on prisons.* Washington, DC: U.S. Department of Justice.

Curry, G. D., & Decker, S. H. (1998). *Confronting gangs: Crime and community.* Los Angeles: Roxbury.

Danitz, T. (1998). *The gangs behind bars.* News World Communications, Inc. Retrieved from www.findarticles.com

Florida Department of Corrections. (n.d.). *Major prison gangs*. Retrieved from www.dc.state.fl.us/pub/gangs/prison

Hagedorn, J. (1990). Back in the field again: Gang research in the nineties. In C. R. Huff (Ed.), *Gangs in America.* Newbury Park, CA: Sage.

Hagedorn, J. (1998). *People and folks* (2nd ed.). Chicago: Lakeview.

Jankowski, M. S. (1990). *Islands in the street: Gangs and American urban society.* Berkeley: University of California Press.

Klein, M. (1995). *The American street gang.* New York: Oxford University Press.

Knox, G. W. (1999). *National assessment of gangs and security threat groups (STGs) in adult correctional institutions: Results of the 1999 Adult Corrections Surveys.* Chicago: National Gang Crime Research Center.

Moore, J. W. (1978) *Homeboys: Gangs, drugs, and prisons in the barrio of Los Angeles.* Philadelphia: Temple University Press.

Shelden, R. G., Tracy, S. T., & Brown, W. B. (2001). *Youth gangs in American society* (2nd ed.). Belmont, CA: Wadsworth.

GARLAND, DAVID (1955–)

David Garland is one of the foremost scholars of punishment in the United States. His oeuvre can be divided into two broad projects. First, he has successfully carved out a domain of study that can broadly be termed the sociology of punishment. Second, he has explored the history of criminology. Both fields of study have been enormously influential.

In his work on criminology, Garland (2002) set out "to trace its historical conditions of emergence,

identify the intellectual resources and traditions upon which it drew, and give some account of the process of its formation and development" (p. 14). His work has an obviously historical bent, yet he does not search for inherent causes or unique events**.** Rather, Garland's approach is historical only so far as he recognizes the contingency of modern phenomena and problematizes their taken-for-granted existence. The point, he says, "is not to think historically about the past but rather to use that history to rethink the present" (Garland, 2001, p. 2) Thus, instead of starting from a preconception that criminology's development would inevitably mirror the course set out by the natural sciences, Garland traces the conditions that made its emergence and expansion possible without attributing cause and effect to these events.

SOCIOLOGY OF PUNISHMENT

Despite Garland's absorbing and significant contributions to the history of criminology, he is best known for his pioneering efforts on the sociology of punishment. In 1999, he became the founding editor of the journal *Punishment and Society,* which brings together interdisciplinary scholarship on this subject. His own work in this area has influenced a generation of scholars and has expanded the scope of understanding, inquiry, and theoretical interpretation of punishment. According to Garland (1990), the sociology of punishment, "broadly conceived, [is] that body of thought which explores the relations between punishment and society, its purpose being to understand punishment as a social phenomenon and thus trace its role in social life" (p. 14).

Garland (1991) encourages scholars to see punishment as a complex institution and evaluate it by "recognizing the range of its penal and social functions and the nature of its social support" (p. 160). His understanding of an expanded sociology of punishment is most clearly revealed in his 1990 book, *Punishment and Modern Society*, which has become a core text for graduate and senior-level undergraduate students. In this work, Garland offers a broad sociological description of punishment in contemporary society using the interpretive tools of Karl Marx, Émile Durkheim, Michel Foucault, and Norbert Elias along with several other social theorists. The result is an intricate investigation of punishment in late modern society that attends to the complexity of its development through what Garland calls a multidimensional interpretive approach. This book attempted to "extend and synthesize the range of interpretive material that currently forms the sociology of punishment, and to build up a more complete picture of how punishment might be understood in modern society" (Garland, 1990, p. 16).

Garland does not view "punishment" as a singular entity. Rather, he conceives of it as composed of a complex set of institutions, discourses, societal forces, and interrelated processes. Moreover, he suggests that punishment does not have a single purpose or serve a particular end. It is precisely because of its "stored up" historical meaning and diverse rationales that a multidimensional approach to understanding punishment's meaning, function, and rationale is paramount. To comprehend penality's nature and character at any given time requires one to "explore its many dynamics and forces and build up a complex picture of the circuits of meaning and action within which it . . . functions" (Garland, 1990, p. 17). Underlying this multifarious approach lies a commitment to discerning "punishment" in a way that exposes its complexity.

In his latest book, *The Culture of Control,* Garland extends his examination of penality to the burgeoning neoliberal crime control complex. He once again employs a multidimensional history of the present that examines the complexity of modern forms of punishment. In this work, Garland (2001) attempts to understand how the contemporary responses to crime and deviance took their present form, "with all their novel and contradictory aspects" (p. 2). Furthermore, his task was to "unravel the tangle of transformative forces that has, for decades now, been reconstituting those responses in surprising and unexpected ways and to understand the practices and policies that has emerged out of these developments" (p. 2). What distinguishes the contemporary forms of penality

from those that existed for most of the 20th century? Included among the "contradictory" and "novel" policies and practices that concern Garland in this work are the declining importance of rehabilitation as a sentencing option, a return to punitive sanctions, shifts in the emotional tone of crime policy, the return of the victim, an overriding concern to protect the public, crime as an issue in elections, transformations in criminological thought, privatization, and a perpetual sense of crisis leading to rapid legislative, organizational, and policy reform.

Perhaps the most surprising feature of contemporary penality, Garland points out, is the return and reinvention of the prison. Although prisons now seem firmly entrenched in the criminal justice landscape, this situation is of recent origin. Post–World War II penologists and commissions of inquiry saw prisons as counterintuitive institutions that were ultimately criminogenic. During the 1960s and early 1970s, considerable resources were "expended on the task of creating alternatives to incarceration and encouraging sentencers to use them" (Garland, 2001, p. 14). Unfortunately, the emergence of punitive politics, neoconservative rhetoric, and mass media preoccupation with crime largely reversed this trend such that Western nations are now locking up offenders at a record rate.

Clearly, the contemporary crime control landscape is an amalgam of policy and practice that has defied the most astute expert prediction. In *The Culture of Control,* Garland stops short of forecasting future developments, but instead offers a manner of coming to terms with the ever-changing criminal justice landscape. To understand the emergence and entrenchment of contemporary practice, Garland (2001) suggests that we look beyond rising crime rates and systemwide loss of faith in the welfare sanction, although these forces did play a limited role. Instead, he argues:

> It was created by a series of adaptive responses to the cultural and criminological conditions of late modernity—conditions which included new problems of crime and insecurity, and new attitudes towards the welfare. But these responses did not occur outside of the political process or in a political and cultural vacuum. On the contrary. They were deeply marked by the cultural formation . . . ; by the reactionary politics that have dominated Britain and America during the last twenty years; and by the new social relations that have grown up around the changing structures of work, welfare and market exchange in these two late modern societies. (p. 193)

It is this type of intricate genealogical analysis that sets Garland's analysis of current crime control policy apart.

CRITICISM

Despite the many important contributions he has made to the study of punishment and criminology, Garland is not without his critics. In the face of gross overrepresentations of the politically powerless and minorities of all kinds in carceral institutions in countries such as the United States, Canada, Australia, and New Zealand, Garland seems relatively unconcerned with this element of late-modern penality. Given his concern to push the limits in studies of punishment, this neglect is troubling. Garland's concern to untangle the forces that underlie contemporary crime control policy leads him to focus on practices and structures of penality at the expense of those subjected to them.

Although we cannot expect Garland to investigate and include every possible force and element into his analysis of punishment, nevertheless the systemic targeting of the powerless by state-sponsored forms of social control constitutes a fundamental part of the contemporary penal scene. The underlying rationale for this condition is connected to the systemic marginalization and subordination experienced by the politically, socially, racially, and economically excluded. It is also tied to the systematic targeting of the working classes and ethnic minorities by the policing arm of the state. Inherent biases built into state criminalization and management practices have continually reproduced—despite claims to the contrary—systemic inequality and resulted in these groups being overrepresented at all levels of the justice system (Hogeveen, in press). For example, in Canada Aboriginal youths make up roughly 5% of the adolescent population,

yet conservative estimates suggest they constitute 75% of the young offender prison population. Unfortunately, drawing on Garland's work does not allow us to adequately address the fundamental conditions that create and sustain this relationship.

Feminist and gender scholars are also concerned that Garland does not consider punishment a gendered and gendering institution. In recent years, feminists in particular have demonstrated that gender profoundly conditions parental and institutional responses to female criminality. Scholars such as Adrian Howe (1994), Pat Carlen (1990), and Barbara Hudson (1996) have addressed Garland's oversight by calling for a woman-centered penality, which not only "takes into account the maleness of supposedly gender neutral concepts, and requires attention to the lives of female offenders, but is also cognizant of the gendered power relationships in the societies which women and men are committing crimes and enduring penalties" (Hudson, 1996, p. 148). This women-centered scholarship has unravelled how penological reform so regularly reproduces the gender, class, and race inequalities governments set out to rectify.

CONCLUSION

Garland's analysis of historical patterns, emerging social relations, economic conditions, and political culture continuously produces fresh insight into contemporary penality. Though his scholarship ignores how crime control practices contribute to systemic discrimination particularly in terms of race and gender, David Garland has made incalculable contributions to the study of punishment.

—Bryan R. Hogeveen

See also Australia; Jeremy Bentham; Canada; Meda Chesney-Lind; Convict Criminology; Determinate Sentencing; John J. DiIulio, Jr.; England and Wales; Michel Foucault; Increase in Prison Population; Indeterminate Sentencing; Just Deserts Theory; New Zealand; Panopticon; Prison Industrial Complex; Race, Gender, and Class of Prisoners; Racism; Nicole Hahn Rafter; Resistance; Sentencing Reform Act 1984; Truth in Sentencing; War on Drugs; Women's Prisons; Women Prisoners

Further Reading

Beckett, K. (1997). *Making crime pay: Law and order in contemporary American politics*. New York: Oxford University Press.

Carlen, P. (1990). *Alternatives to women's imprisonment*. Buckingham, UK: Open University Press.

Foucault, M. (1977). *Discipline and punish*. New York: Vintage.

Garland, D. (1990). *Punishment and modern society: A study in social theory*. Chicago: University of Chicago Press.

Garland, D. (1991). Sociological perspectives on punishment. *Crime and Justice. 14*(1), 115–164.

Garland, D. (2001). *The culture of control: Crime and social order in contemporary society.* Chicago: University of Chicago Press.

Garland, D. (2002). Of crimes and criminals: The development of criminology in Britain. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (pp. 7–50). London: Oxford University Press.

Goldson, B. (2002). New punitiveness: The politics of child incarceration. In J. Muncie, G. Hughes, & E. McLaughlin (Eds.), *Youth justice: Critical readings* (pp. 386–401). London: Sage.

Hogeveen, B. (In press). "The evils with which we are called to grapple": Élite reformers, eugenicists, environmental psychologists, and the construction of Toronto's working-class boy problem, 1860–1930. *Labour/Le Travail*.

Howe, A. (1994). *Punish and critique: Towards a feminist analysis of penality*. London: Routledge.

Hudson, B. (1996). *Understanding justice: An introduction to ideas, perspectives and controversies in modern penal theory.* Buckingham, UK: Open University Press.

Newburn, T. (2002). Atlantic crossings: "Policy transfer" and crime control in the USA and Britain. *Punishment and Society, 4*(2), 165–194.

O'Malley, P. (1999). Volatile and contradictory punishment. *Theoretical Criminology, 3*(2), 175–196.

Simon, J. (2001). "Entitlement to Cruelty": Neo-liberalism and the punitive mentality in the United States. In K. Stenson & R. Sullivan (Eds.), *Crime risk and justice: The politics of crime control in liberal democracies* (pp. 125–143). Portland, OR: Willan.

GAULT, GERALD (GERRY) (1949–)

Gerald Gault was arrested when he was 15 years old on charges of making obscene phone calls to a neighbor. His trial and subsequent appeal led to fundamental changes in the juvenile justice system. Specifically, it ushered in due process rights for juveniles involved in delinquency proceedings.

As a direct result of this case, young people are now entitled to legal counsel, to confront and cross-examine witnesses, to confront their accuser, to refuse to incriminate themselves, and to be given timely notice of charges. While many of these due process rights are closely akin to those afforded to adults, they are not identical.

FACTS OF THE CASE

On June 8, 1964, Gerry Gault and a friend were arrested by the sheriff for making obscene phone calls. At the time of his arrest, Gault was already on probation for involvement in the theft of a wallet. As was common practice at the time, the sheriff took him to the Children's Detention Home without informing his parents. When his mother finally discovered where Gault had been taken and arrived at the home, the probation officer informed her that a hearing would occur the following day in the judge's chamber.

At the hearing, Gault and his parents were not served with a copy of the formal petition that had been filed by the probation officer. In addition, the victim was not present at the hearing, nor was she interviewed by anyone other than the probation officer. No one at the hearing was sworn in and no official records or transcripts of the proceedings were made. The hearing concluded with the judge deciding to "think about" the case. Gault was sent back to the Children's Detention Home. Within a few days, Gault was released from the home to his mother, and another hearing was scheduled to occur in a week. At the second hearing, the judge committed Gault to the State Industrial School for a period of six years, until his 21st birthday, even though there was some dispute as to whether he had merely dialed the number or actually made the obscene comments.

Because there was no right to appeal for juveniles in Arizona, Gault's attorney filed a writ of *habeas corpus* with the Superior Court of the State of Arizona on his behalf. The writ was subsequently denied. Although the Arizona Supreme Court upheld that juveniles were entitled to due process rights during delinquency proceedings, they failed to require that Gault should be released from his commitment because the procedures used during his delinquency proceedings were, in their opinion, consistent with due process. Their denial of the writ forced Gault's attorney to seek relief from the U.S. Supreme Court. On May 15, 1967, the U.S. Supreme Court disagreed with the Arizona Supreme Court's findings, reversed the case, and ordered that Gerald Gault be released from the State Industrial School. At the time of the U.S. Supreme Court's decision, Gault was already 18 years old. He had spent the last three years in the State Industrial School on a charge that would have resulted in a $50 fine and a maximum of 30 days in jail if committed by an adult.

SIGNIFICANCE OF THE CASE

In re Gault (1967) set forth specific requirements for due process rights afforded juveniles in delinquency proceedings. The specific rights recognized by the U.S. Supreme Court included timely notice of the charges, right to counsel, protection against self-incrimination, and right to confront and cross-examine witnesses.

The first right to which juveniles are now entitled is written notice of the charges against them. Such notice must be adequate and timely and contain information regarding the alleged misconduct. Furthermore, the Court specified that notice must be given to the juvenile as well as to his or her parents or care givers. The second due process right granted to juveniles in this case is the right to counsel. Such counsel shall be provided in all delinquency proceedings, regardless of financial ability. Juveniles as well as their parents must also be informed of their right to counsel, as well as the implications for the waiver of counsel.

The third due process right is the fundamental right against self-incrimination. Juveniles must knowingly give away their Fifth Amendment rights. If their rights are not knowingly given away, then their statements may not be used against them. The Court further said that "admissions and confessions by juveniles require special caution" when evaluating voluntariness. The fourth right that the Court

granted juveniles was the right to confront and cross-examine witnesses. A juvenile is entitled to all of the above-described procedural rights during the adjudicatory phase.

CONCLUSION

Although *In re Gault* led to the recognition of a substantial number of due process rights for juveniles, the Court failed to provide all of the rights enjoyed by adults facing criminal sanctions. Specifically, the Court chose not to address the juvenile code of Arizona, which did not provide for appellate review in delinquency matters. Even today, the right of a juvenile to appeal is dependent upon the state statutes. The Court also refused to address the issue of a juvenile's right to a transcript of the adjudication hearing. Juvenile court judges still enjoy an enormous amount of discretionary power.

—Lisa Hutchinson Wallace

See also Child Savers; Elmira Reformatory; Determinate Sentencing; Fifth Amendment; Fourth Amendment; *Habeas Corpus*; Indeterminate Sentencing; Juvenile Detention Centers; Juvenile Justice and Delinquency Prevention Act 1974; Juvenile Justice System; Juvenile Offenders: Race, Class, and Gender; Juvenile Reformatories; *Parens Patriae*; Anthony Platt; Rehabilitation Theory; Status Offenders; Waiver of Juveniles Into the Adult Court System

Further Reading

Feld, B. C. (1988). *In re Gault* revisited: A cross-state comparison of the right to counsel in juvenile court. *Crime & Delinquency, 34*(4), 393–424.

In re Gault, 387 U. S. 1, 87 S. Ct. 1248 (1967).

Levidow, B. (1972). Overdue process for juveniles: For the retroactive restoration of constitutional rights. *Howard Law Journal, 17*(2), 402–433.

McMillian, T. (1999). Early modern juvenile justice in St. Louis. *Federal Probation, 63*(2), 4–7.

Regoli, R. H., & Hewitt, J. D. (2003). *Delinquency in society.* Boston: McGraw-Hill.

Siegel, L. J., Welsh, B. C., & Senna, J. J. (2003). *Juvenile delinquency: Theory, practice, and law* (8th ed.). St. Paul, MN: West.

GENERAL EDUCATIONAL DEVELOPMENT (GED) EXAM AND GENERAL EQUIVALENCY DIPLOMA

The General Educational Development (GED) exam assesses skills and general knowledge that are acquired through a four-year high school education. The exam changes periodically, most recently in January 2002, in an effort to keep up with knowledge and skills needed in our society. The exam covers math, science, social studies, reading, and writing. All of the test items are multiple choice except for a section in the writing exam that requires GED candidates to write an essay. The complete exam takes just under eight hours to complete and is typically broken down into several sections that can be taken over time.

In addition to the GED exam, the acronym "GED" is also used to signify the diploma (general equivalency diploma). Research that assesses the value of the GED examines employment and the likelihood of continuing with formal education after earning the GED. Scholars have also examined whether the GED is equivalent to a high school diploma. Past research indicates that employees with a GED are not the labor market equivalents of regular high school graduates. Those who leave school with very low skills benefit from obtaining a GED. However, this advantage is lessened for those who have obtained other employment-related skills. The message gained from much of the research is that it is best to remain in school. While the GED has value, it should not be seen as a replacement for four years of high school.

THE GED AND CORRECTIONS

Though there has been little research examining the impact of obtaining a GED in corrections settings, the majority of those studies that do exist suggest that earning a GED while in prison reduces the likelihood of returning to prison. However, some researchers have criticized the methodology used in studies that focus on recidivism since it

may be argued that those who choose, or are chosen, for corrections education programs benefit most from the experience since they have already indicated a willingness to "stay out of trouble." Arguably, these are the people who will benefit most from any efforts to increase their chances of success. It may be difficult to blame corrections education programs that focus on those most likely to benefit from the program.

Another problem regarding an effort to demonstrate the value of a prison GED, in comparison to a high school diploma or GED earned in a traditional setting, is related to the complexity of factors that surround an individual in the labor market. It is possible that the impact of earning a GED in prison is not great enough to overcome the negative effect incarceration can have on employment opportunities. Employers may be reluctant to hire someone who has served time in prison. In fact, a felony conviction can disqualify an individual for employment in some professions. Given the barriers placed before individuals who seek employment after prison, it may be difficult to demonstrate the impact of a single educational experience.

Although the employment-related impacts of the GED earned in corrections settings are difficult to assess, research has consistently demonstrated that corrections education can significantly reduce recidivism. A 1987 Bureau of Prisons report found that the more education an inmate received, the lower the rate of recidivism. Inmates who earned college degrees were the least likely to reenter prison. For inmates who had some high school, the rate of recidivism was 54.6%. For college graduates the rate dropped to 5.4%. Similarly, a Texas Department of Criminal Justice study found that while the state's overall rate of recidivism was 60%, for holders of college associate degrees it was 13.7%. The recidivism rate for those with bachelor's degrees was 5.6%. The rate for those with master's degrees was 0%. The Changing Minds study (Fine et al., 2001), which focused on the benefits of college courses in a women's prison, calculated that reductions in reincarceration would save approximately $900,000 per 100 student prisoners over a two-year period. If we project these savings to the 600,000 prison releases in a single year, the savings are enormous.

In addition to gains related to recidivism, prison-based education programs provide benefits related to the functioning of prisons. These programs provide incentives to inmates in a setting in which rewards are relatively limited. These classes also provide socialization opportunities with similarly motivated students and educators who serve as positive role models. Educational endeavors also keep students busy and provide intellectual stimulation in an environment that can be difficult to manage when prisoners break rules in search of an activity that breaks the monotony of prison life. Many prisons provide incentives for inmates who participate in corrections education. Opportunities to earn privileges within the facility, increased visitation, and the accumulation or loss of "good time" credit that can lead to earlier parole are used to motivate the student while providing incentives for appropriate behavior within the facility.

Prison educators face many challenges. Inmates who choose to enroll in corrections-based courses are not necessarily any different from students who enroll in GED courses in other settings. The range of abilities can include very gifted students, students who face challenges, and students who have various motives for enrolling in the course. However, the educational setting is very different. Challenges faced by corrections educators are compounded by the uniqueness of prison culture and the need for security. Prisons adhere to strict routines that may not be ideal in an educational setting. In addition, inmates are often moved from one facility to another. This movement interrupts, or ends, the individual's educational programming. These structural issues are accompanied by social factors that can further limit learning opportunities. The student may be very motivated to earn an education but is in an environment in which conflicting demands may limit the opportunity to act on that motivation. For example, other prisoners may not support the individual's educational efforts.

Prison administrators may also have varying degrees of support for education—especially if they see it as a threat to the primary functions of security

and control. GED courses may be seen as a burden to prison administrators who believe their primary goal is confinement. However, in many cases administrators are required to provide educational opportunities. At least 26 states have mandatory corrections education laws that mandate education for a certain amount of time or until a set level of achievement is reached. Enrollment in correctional education is also required in many states if the inmate is under a certain age, as specified by that state's compulsory education law. The Federal Bureau of Prisons has also implemented a policy that requires inmates who do not have a high school diploma or a GED to participate in literacy programs for a minimum of 240 hours, or until they obtain their GED.

States typically provide corrections education funding based, in part, on success as measured by the rate of GED completion. In addition to state funding, the federal government provides support to state corrections education through the Adult Education and Family Literacy Act (AEFLA), which became law in 1998. However, funding often fails to keep pace with needs. Legislation over the past 20 years, a time in which the prison population has grown at unprecedented levels, has resulted in significant cuts in corrections education funding. This has resulted in the elimination of many programs. Ironically, the "get tough on crime" mentality resulted in the elimination of many programs that were effective in reducing crime.

CONCLUSION

Studies consistently indicate that an individual who benefits from education while in prison is less likely to return to prison than someone who has not had the benefits of education while in prison. There is some question as to why corrections-based education leads to lower recidivism. This is a complex process, and difficult to measure, but it appears that the ability to find and hold a job consistently functions to reduce the chance that an individual will commit crime. Individuals who increase their education also increase their opportunities. Individuals who take classes while in prison improve their chances of attaining and keeping employment after release. As a result, they are less likely to commit additional crimes that would lead to their return to prison.

The benefits of earning a GED while in prison are difficult to demonstrate. Individuals may find it difficult to obtain employment after serving time in prison. Potential employers may benefit from education regarding the realities of employing someone who has completed his or her punishment and is attempting to return to a productive life outside prison walls. It may also be time to question the belief that tougher prisons, with limited efforts to educate or otherwise rehabilitate offenders, reduce crime. The get-tough-on-crime mentality has resulted in the elimination of many corrections education programs. Individuals in prison are typically burdened with many educational deficiencies. In many cases, the lack of skills limited options, resulting in criminal acts. Upon release from prison, with limited education and job experience that is well below the level gained by those outside prison, it is no surprise that many individuals will head back down the path that originally led them to prison.

—Kenneth Mentor

See also Adult Basic Education; College Courses in Prison; Creative Writing Programs; Education; Literacy; Pell Grants; Recidivism; Rehabilitation Theory; Security and Control; Violent Crime Control and Law Enforcement Act 1994; Vocational Training Programs

Further Reading

Batiuk, M., Moke, P., & Rountree, P. (1997). Crime and rehabilitation: Correctional education as an agent of change—A research note. *Justice Quarterly, 14*(1).

Bureau of Justice Statistics. (2002). *Key crime and justice facts at a glance*. Retrieved from http://www.ojp.usdoj.gov/bjs/glance.htm

Fine, M., Torre, M. E., Boudin, K., Bowen, I., Clark, J., Hylton, D., Martinez, M., Roberts, R. A., Smart, P., & Upegui, D. (2001). *Changing minds: The impact of college in a maximum security prison.* New York: Graduate Center of the City University of New York. Retrieved from http://www.changingminds.ws/

Gerber, J., & Fritsch, E. (1993). *Prison education and offender behavior: A review of the scientific literature.* Huntsville:

Texas Department of Criminal Justice, Institutional Division.

Greenwood, P. W., Model, K. E., Rydell, C. P., & Chiesa, J. (1996). *Diverting children from a life of crime: Measuring costs and benefits.* Santa Monica, CA: RAND.

Haigler, K. O., Harlow, C., O'Connor, P., & Campbell, A. (1994). *Literacy behind prison walls.* Washington, DC: National Center for Education Statistics.

Harer, M. (1995). *Prison education program participation and recidivism: A test of the normalization hypothesis.* Washington, DC: Federal Bureau of Prisons.

LoBuglio, S. (2001). Time to reframe politics and practices in correctional education. In J. Comings, B. Garner, & C. Smith (Eds.), *Annual review of adult learning and literacy* (Vol. 2). San Francisco: Jossey-Bass.

Murnane, R. J., Willett, J. B., & Boudett, K. P. (1999). Do male dropouts benefit from obtaining a GED, postsecondary education, and training? *Evaluation Review, 23,* 475–504.

Steurer, S., Smith, L., & Tracy, A. (2001). *Three State Recidivism Study*. Prepared for the Office of Correctional Education, U.S. Department of Education. Lanham, MD: Correctional Education Association.

Tolbert, M. (2002). *State correctional education programs.* Washington, DC: National Institute for Literacy. Retrieved from http://www.nifl.gov/nifl/policy/st_correction_02.pdf

U.S. Department of Education, Office of Correctional Education. (1994). *The impact of correctional education on recidivism 1988–1994*. Washington, DC: U.S. Department of Education.

GIALLOMBARDO, ROSE (1925–1993)

Rose Giallombardo is best known for her research on the inmate culture of a women's prison. Her 1966 book, *Society of Women: A Study of a Women's Prison,* helped raise questions about the degree to which studies based on field work in men's institutions were applicable to women. Giallombardo argued that women respond to the pains of imprisonment by re-creating traditional family roles among the inmate population. These informal systems sustain women's emotional need for social relationships and are shaped by their perception of female role expectations. Giallombardo's study ensured that gender issues could not be overlooked in prison research. Her findings continue to be cited in subsequent works that examine similarities and differences between male and female prisons and prisoners.

BIOGRAPHICAL DETAILS

Giallombardo completed her doctoral work at Northwestern University in 1965. Her dissertation, based on one year's ethnographic study at the Federal Reformatory for Women at Alderson, was published in 1966 as *Society of Women: A Study of a Women's Prison.* The study has become one of the standard sources for descriptions of women inmate's culture. Her later work, *The Social World of Imprisoned Girls: A Comparative Study of Institutions for Juvenile Delinquents,* published in 1974, summarized her earlier research findings and examined the presence of similar cultural elements within differing juvenile institutional settings. In 1966, Giallombardo edited a widely used reader, *Juvenile Delinquency: A Book of Readings,* revised through 1982, as well as editing *Contemporary Social Issues* in 1975. She held faculty appointments at New York University from 1964 to 1966, and at the University of Chicago from 1967 to 1972. During this period, she was a senior study director at the National Opinion Research Center and a research associate at the Center for Social Organization Studies.

RESEARCH BACKGROUND

Giallombardo placed her research in the context of earlier publications on inmate culture, beginning with Donald Clemmer's 1940 classic ethnographic study, *The Prison Community,* and Gresham M. Sykes's *Society of Captives: A Study of a Maximum Security Prison,* published in 1958. These authors argued that inmate culture develops in an effort to lessen the pains of imprisonment within systems of near total control. The deprivations of prison are viewed as the source of a culture resistant to staff and supportive of an "inmate code" that values loyalty, within a violent environment marked by struggles for power and goods. The tension between inmate solidarity and exploitive alienation gives rise to argot roles—"rats," "merchants and gorillas,"

"wolves, punks, and fags" and "real men," for example; as well as inmate norms—"do your own time," "don't trust anybody" and "don't snitch"—that reflect this reality. Giallombardo sought to investigate whether similar norms and roles existed in women's prisons.

Society of Women

Giallombardo argued that women's responses to prison reflected their sexual roles and institutional expectations in the larger society. Her work was influenced by a dominant cultural perception that men's status was decided by their occupational positions in the market place, while women's prestige and status derived from their roles as wives and mothers within the home. This view led Giallombardo (1974) to conclude that homosexual "marriage" relationships and the extensive "family groups" and other kinship ties she found at Alderson integrated the women into a social system that represented "an attempt to create a substitute universe within the prison" (p. 2). She asserted that the homosexual relationship, pivotal in the women's lives, was relatively unstable and competitive, while overlapping kinship structures provided stable networks of mutual support for the women.

The presence of both "marriage" and "family" relationships within the prison becomes a critical source for prestige and status for women beyond their ascribed status of inmate, while the absence of these relationships among male prisoners Giallombardo attributes to the inability within ascribed male roles for men to develop the affectionate "legitimate feminine roles" played out in informal supportive kinship networks. (Giallombardo, 1966, p. 186). Giallombardo concluded from her evidence that "the adult male and female inmate cultures *are* a response to the deprivations of prison life, but the *nature* of that response in both prison communities is influenced by the differential participation of males and females in the external culture" (Giallombardo, 1974, p. 3).

One year before Giallombardo's book was published, criminologists David Ward and Gene Kassebaum released a study based on their research at the women's prison in Frontera, California. At first glance, *Women's Prison: Sex and Social Structure* seems somewhat similar to *Society of Women*. However, Ward and Kassebaum provide only a limited analysis of how women cope with imprisonment, focusing almost exclusively on homosexual relationships, which they believe are a result of women's constant search for emotional support. Though they note in passing other responses to incarceration, they conclude that a women's prison is "a society dominated by homosexual ideology and behavior" (Ward & Kassebaum, 1965, p. 93).

Following both Ward and Kassebaum's and Giallombardo's publication of their research, Esther Heffernan's District of Columbia research, *Making It in Prison: The Square, the Cool and the Life,* published in 1972, found more complex and multiple subsystems of adaptation among the women. They included play-family structures, homosexual relationships, and economic and power networks. Heffernan also identified a range of argot roles and patterns of cooperation and resistance that reflected differing reactions to imprisonment based on the woman's previous identification with the norms and goals of conventional life, those of the "criminal underworld," or those for whom prison was "a way of life." These diverse and interrelated systems of adaptation were similar to those identified by John Irwin and Donald Cressey, in their 1962 article, "Thieves, Convicts and the Inmate Culture." Heffernan (1972) concluded that "members of the systems of the square, the cool and the life participate in an inmate system, but their orientation and relationships differ" (p. 164).

CONCLUSION: THE LASTING IMPACT OF GIALLOMBARDO'S RESEARCH

Rose Giallombardo's seminal research in *Society of Women: A Study of a Women's Prison* remains a major cited source, both nationally and internationally, in reading lists on inmate culture. Though most would now reject her rigid ideas of sex roles, this work has influenced all subsequent studies in the field of women's prisons. Cited in scholarly

debate over the degree to which imported values or internal reactions to the deprivations of imprisonment play a major role in the development of inmate culture, it was also used to analyze the comparative differences between male and female adaptations to imprisonment as well as to discuss the presence or absence, and the purpose and functioning of, "families" in prison.

More recently, and after a relative absence of comparative ethnographic studies of female prisons along with significant changes both in the position of women in society and in the numbers of imprisoned women and the administration of their facilities, new studies have recently appeared that ask new questions about women's imprisonment. Such works include Barbara Owen's 1998 study, *"In the Mix": Struggle and Survival in a Women's Prison,* and Mary Bosworth's 1999 publication of her British research, *Engendering Resistance: Agency and Power in Women's Prisons.* Both works raise questions stimulated by Giallombardo's earlier work, and modify her conclusions. Finally, the continuing influence of Giallombardo's analysis of gender and kinship structures is further apparent in a 2003 article by Craig Forsyth and Rhonda Evans, "Reconsidering the Pseudo-Family/Gang Gender Distinction in Prison Research."

—Esther Heffernan

See also Alderson, Federal Prison Camp; Donald Clemmer; Deprivation; Elizabeth Gurley Flynn; History of Women's Prisons; Homosexual Relationships; Importation; Inmate Code; John Irwin; Lesbian Relationships; Sex—Consensual; Gresham Sykes; Women Prisoners; Women's Prisons

Further Reading

Bosworth, M. (1999). *Engendering resistance: Agency and power in women's prisons.* Aldershot, UK: Ashgate.

Clemmer, D. (1958). *The prison community.* New York: Holt, Rinehart & Winston. (Original work published 1940)

Forsyth, C. J., & Evans, R. D. (2003). Reconsidering the pseudo-family/gang gender distinction in prison research. *Journal of Police and Criminal Psychology, 18,* 15–23.

Giallombardo, R. (1966). *Society of women: A study of a women's prison.* New York: John Wiley.

Giallombardo. R. (1974). *The social world of imprisoned girls: A comparative study of institutions for juvenile delinquents.* New York: John Wiley.

Heffernan, E. (1972). *Making it in prison: The square, the cool and the life.* New York: John Wiley.

Irwin, J., & Cressey, D. R. (1962). Thieves, convicts and the inmate culture. *Social Problems, 10,* 142–155.

Owen, B. (1998). *"In the mix": Struggle and survival in a women's prison.* Albany: State University of New York Press.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison.* Princeton, NJ: Princeton University Press.

Ward, D. A., & Kassebaum, G. G. (1965). *Women's prison: Sex and social structure.* Chicago: Aldine.

GILMORE, GARY (1940–1977)

Gary Gilmore was the first person in the United States to be executed after the U.S. Supreme Court's moratorium on capital punishment was established by *Furman v. Georgia* (1972) and then lifted in a series of cases highlighted by *Gregg v. Georgia* (1976). Partly as a result of this, and because of the publication of Norman Mailer's (1979) book *The Executioner's Song,* Gilmore attained status as a minor celebrity in the public eye.

THE CRIMES AND EXECUTION OF GARY GILMORE

Gilmore was in and out of correctional institutions for much of his life. He was released from a term of imprisonment in April 1976, and in July 1976 he committed two homicides on two consecutive days. The first victim was a gas station attendant in Orem, Utah, and the second was a hotel clerk in Provo, Utah. He shot both victims in the head after robbing them. Gilmore was subsequently arrested and charged. In October 1976, his case went to trial.

Gilmore's case differed from contemporary death penalty cases in two ways. First, the trial was very brief—the jury selection, guilt phase, and sentencing phase were concluded within three days. Second, Gilmore elected not to pursue appeals. He requested death by firing squad and did not mount legal challenges to his sentence. By modern standards, his execution by firing squad on January 17, 1977—only five months after sentencing—was exceptionally quick. Gilmore's execution made him

the first person to be put to death following the lifting of the Supreme Court's moratorium on capital punishment.

A 1984 study by Robert Jolly and Edward Sagarin notes that the first executions following the *Furman* decision, including Gilmore's, were marked by characteristics that made them suitable for capital punishment, thus lending legitimacy to the reestablishment of the death penalty. For instance, Gilmore's murders appeared to be particularly wanton since the victims were shot execution style during the course of a robbery. In addition, Gilmore's guilt was clearly established, and Gilmore himself essentially asked—some observers might say challenged—the state to execute him.

Gilmore was incarcerated in Utah's death row from the time of his sentence until his execution. During his stay in prison, he attempted suicide by drug overdose, but was unsuccessful. He also entered into a hunger strike to protest unsolicited appeals that were made on his behalf. Gilmore made it clear that he wanted his sentence to be carried out, enhancing public interest in his case.

On the night of January 16, 1977, the United States got ready for the first execution in the past 10 years; Utah prepared for its first state execution in 16 years; and Gary Gilmore spent his last night at Utah State Prison. Reports suggest that, the night before his execution, Gilmore received guests, gave a boxing demonstration, made phone calls, consumed alcohol smuggled into the prison, danced, and gave a final interview.

The execution was set for the morning of January 17, 1977. Earlier that morning, a stay of execution was averted, and the U.S. Supreme Court refused to delay his case further. The execution was conducted by firing squad in a makeshift chamber in the Utah State Prison, and the official time of death was noted as 8:07 A.M. Following his death, the unusual nature of the Gilmore case continued, as some of his organs were removed for transplant; currently, executed inmates are generally considered ineligible as organ donors, in part because of the damages caused by the methods of execution. After autopsy, Gilmore was cremated.

GILMORE'S CELEBRITY STATUS

Executions are often surrounded by publicity and media coverage. In the months leading up to and following Gilmore's execution, his case received considerable national publicity. Gilmore himself became a minor celebrity as the public developed a fascination with both his crimes and the man himself. This public interest was largely fueled by the fact that he would be the first post-*Furman* execution, and also because he wanted to be executed.

The public interest in Gilmore's cases was evidenced by the coverage in the mass media. For instance, *Playboy* conducted a fairly lengthy interview with Gilmore that was published shortly after his execution. Two books have since been published regarding Gilmore's life, crimes, trial, and execution. The first to appear, in 1979, was a lengthy treatment by Normal Mailer, titled *The Executioner's Song.* The second was written by Gilmore's brother, Mikal Gilmore. Published in 1994, it was titled *Shot in the Heart.* Both books were subsequently developed into films. In addition, prior to his execution, Gilmore entered into negotiations to sell his story and some of his letters.

CONCLUSION

Few death row inmates have attained the notoriety of Gary Gilmore. By virtue of being the first person executed in the post-*Furman* era, and due to his insistence that the sentence be carried out, Gilmore's case attracted considerable attention. As such, he holds a place in the history of American corrections and capital punishment.

—Stephen S. Owen

See also Jack Henry Abbott; Capital Punishment; Celebrities in Prison; Death Row; Deathwatch; *Furman v. Georgia*

Further Reading

Gilmore, M. (1994). *Shot in the heart.* New York: Doubleday.

Jolly, R. W., Jr., & Sagarin, E. (1984). The first eight after *Furman*: Who was executed with the return of the death penalty? *Crime & Delinquency, 30,* 610–623.

Mailer, N. (1979). *The executioner's song.* Boston: Little, Brown.

Schiller, L., & Farrel, B. (1977). Playboy interview: Gary Gilmore. *Playboy, 24*(4), 69–92, 130, 174–186.

GOOD TIME CREDIT

Good time credits, also sometimes referred to as gain time, or time off for good behavior, allow for the early release of inmates from incarceration. Credits are deducted from a person's original sentence to reduce time served, providing the reward of early release from incarceration. The use of good time credits serves three purposes: population control, discipline, and rehabilitation. The number of credits awarded to prisoners varies from state to state. Credits are reduced or taken away if inmates are found guilty of disciplinary infractions or violations of prison rules. One criticism of good time credits is that they have evolved into a standard practice and are automatically awarded to inmates as a lump sum at the beginning of the prison term, thereby reducing their rehabilitative incentive. The use of good time credits was originally a key part of the rehabilitation process. Today, however, following an increased turn to punitiveness, good time credit is under attack.

HISTORY

The development of good time credits can be traced to the early 19th century, when the first good time law in the United States was enacted in Auburn, New York, in 1817. Other countries provided similar opportunities for inmates to reduce sentence length. For example, the marks system developed by Alexander Maconochie in Norfolk Island, Australia, rewarded good conduct during incarceration through a reduction in sentence length. The Irish reward system developed by Sir Walter Crofton provided a graduated structure of early release in which inmates progressed through a series of stages to earn release from incarceration, known as a ticket of leave. Both strategies were precursors in the development of modern-day parole. The Canadian remission system was also similar to the concept of good time credits. By 1876, 29 states in the United States had enacted good time laws.

PURPOSE

Good time was developed to serve three distinct purposes: discipline, population control, and rehabilitation. Thus, good time laws in the United States were designed primarily to facilitate prison management and to resolve problems with overcrowding.

Prison administrators used good time credits as a management tool to control the behavior of prison inmates. Credits provided powerful motivation for good behavior and an effective means of control, since those who refused to follow the rules or who acted out faced the possibility of the loss of good time credits. Misconduct was punished through a loss of accrued credits, which lengthened the term of incarceration.

Good time credits reduced prison crowding by establishing a safety valve through which administrators could regulate the flow of inmates out of the prison system. They also provided a back-door solution to the problem of prison overcrowding by allowing the early release of inmates from incarceration. Additional credits were occasionally provided during period of extreme overcrowding to accelerate the release process. For example, Michigan responded to a period of prison overcrowding in 1981 and 1982 by rolling back minimum sentence lengths by 90 days to increase the number of inmates released on parole. The early release of inmates from incarceration also made space available for incoming offenders.

Good time was once considered to be an integral part of the rehabilitative process because it allowed punishment to be tailored to the needs of each offender. It provided an incentive to participate in a wide variety of prison programs, including educational and vocational classes. Similarly, good work habits and pro-social skills were rewarded with the hope that they would carry over into the community upon release from incarceration.

ADMINISTRATION

Four forms of good time credits exist: statutory or administrative, earned, meritorious, and emergency credits. Statutory good time is awarded automatically

to prison inmates in a lump sum at the beginning of the term of incarceration. The credits are revoked only for a serious violation of prison rules or policy. A system of earned credits provides rewards for positive behavior such as program participation, similar to the original concept of good time credits. Meritorious credits are awarded to inmates who demonstrate exemplary behavior, such as those who donate blood. Emergency credits are used as a response to prolonged periods of overcrowding, during which credits are granted to eligible inmates nearing release from incarceration.

The administration of good time credits is often controversial because it allows prison staff extensive discretionary powers. Decisions to award credits or penalize inmates for misconduct are highly subjective because they are not based on a standardized written policy. Also, there is some variation in how many credits prisoners can earn. Thus, usually inmates earn credits at different rates based on their classification status. For example, prisoners in a lower-level-security housing unit typically earn more credits than those in a high-security housing unit.

RELATIONSHIP TO PAROLE

Parole refers to the discretionary early release of an inmate following a period of incarceration. It was developed to relieve prison crowding while providing supervision of offenders. Indeterminate sentences established minimum and maximum periods of incarceration thereby allowing correctional officials to tailor punishment to the needs of individual offenders. In an indeterminate sentencing system, release from incarceration follows successful completion of treatment. Parole developed in conjunction with indeterminate sentencing to assist in the goal of offender rehabilitation. The offender is eligible for parole release after serving a minimum term minus good time credits.

Dissatisfaction with the concept of rehabilitation produced a shift in emphasis from indeterminate to determinate sentencing. Determinate sentencing was intended to reduce discretion in sentence length by providing a fixed period of incarceration. Under a system of determinate sentencing, inmates were required to serve the entire sentence length prior to release from incarceration. Good time served as the predominant form of release in a determinate sentencing system.

PRESENT STATUS

The Violent Crime Control and Law Enforcement Act of 1994 provided federal funding incentives to encourage individual states to pass Truth in Sentencing (TIS) legislation. Truth in Sentencing increased prison sentences for offenders convicted of violent crimes and reduced discrepancies between original sentence and time served. It required certain inmates to serve an 85% minimum of the original sentence length prior to parole eligibility. It therefore restricted the ability of incarcerated offenders to earn good time credits through participation in prison programs and good behavior. By 1999, 27 states and the District of Columbia met the 85% requirement to qualify for funding through federal TIS grants. Little is known about how recent policies designed to "get tough on crime" such as truth in sentencing will influence rates of misconduct in prison populations and participation in prison programs.

CONCLUSION

Good time credits provide prison administrators with the ability to influence the size of the prison population by reducing time served. For this reason, they continue as one solution to the problem of prison overcrowding despite controversy over the extent of prison officials' discretion in their use and despite the passage of legislation intended to increase time served.

—Jennifer E. Schneider

See also Correctional Officers; Determinate Sentencing; Indeterminate Sentencing; Irish (or Crofton) System; Just Deserts Theory; Legitimacy; Alexander Maconochie; Parole; Rehabilitation Theory; Truth in Sentencing; Violent Crime Control and Law Enforcement Act 1994

Further Reading

Bottomley, A. K. (1990). Parole in transition: A comparative study of origins, developments, and prospects for the 1990s. In M. Tonry & N. Morris (Eds.), *Crime and justice: A review of research* (Vol. 12). Chicago: University of Chicago Press.

Chayet, E. C. (1994). Correctional "good time" as a means of early release. *Criminal Justice Abstracts, 26*(3), 521–538.

Davis, S. P. (1990, May). Good time. *Corrections Compendium, 15*(4).

Ditton, P. M., & Wilson, D. J. (1999). *Truth in sentencing in state prisons.* Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Parisi, N., & Zillo, J. A. (1983). Good time: The forgotten issue. *Crime & Delinquency, 29*, 228–237.

GOTTI, JOHN (1940–2002)

John Joseph Gotti was born on October 27, 1940 to John J. Sr. and Fannie Gotti, the fifth of 11 children. By age 12, he was already involved with people thought to be involved with organized crime known as "wiseguys." Gotti formally left school at age 16 to join the Fulton-Rockaway Boys, where he quickly rose to a leadership position. While a member of the Fulton-Rockaway Boys, Gotti was arrested five times between 1957 and 1961. Each time the charges were dismissed or reduced to a probationary sentence.

Gotti was one of the first individuals prosecuted under the Racketeer Influenced and Corrupt Organizations (RICO) statute for a variety of crimes centering on a criminal organization (in this case La Cosa Nostra). To secure his conviction, the prosecution relied on protected witnesses. Ultimately, Gotti was sentenced to one of America's most notorious maximum-security federal prisons, where he eventually died.

EARLY INCARCERATION

Gotti's first incarceration came in 1963, when he and Salvatore Ruggiero were arrested in an automobile that had been reported stolen. He spent 20 days in jail for this offense. Throughout the rest of the early 1960s, Gotti took part in small-scale criminal behavior such as larceny, unlawful entry, and possession of bookmaking records. Then in 1966 he spent several months in jail for attempted theft.

Once released from jail in 1966, John Gotti became an associate of an organized crime group headed by Carmine and Daniel Fatico. The group operated out of the Bergin Hunt and Fish Club in Ozone Park, Queens, New York. The Fatico group was a part of the Gambino organized crime family. At this point, Gotti began to hijack trucks coming from the John F. Kennedy International Airport until he was arrested by the FBI on November 27, 1967, with Gene and Angelo Ruggiero. He was then convicted of several hijackings and was sentenced to four years at Lewisburg Federal Penitentiary in Pennsylvania. He was released in January 1972.

When Carmine, the Fatico group leader was indicted, Gotti was appointed as acting capo (captain, or leader) of the group. He assumed control of the Fatico group in May 1972. Soon after his rise to power in the Fatico group, the Gambino family underboss (the secondary leadership position) Aniello Dellacroce was also imprisoned, and Gotti began to interact directly with Carlo Gambino, the family boss.

THE GAMBINO CRIME FAMILY

Gotti's relationship with Carlo Gambino was strengthened when he helped arrange the killing of Jimmy McBratney in 1973. McBratney allegedly was involved with the kidnapping and murder of Carlo Gambino's nephew Manny. While the details of the kidnapping are still debated, Gotti's was eventually indicted for McBratney's murder. Gotti pleaded guilty to attempted murder and was sentenced to four years' imprisonment. He spent less than two years at Green Haven Correctional Facility, 80 miles north of Queens, and was released on July 28, 1977. Shortly afterward, he was made a full member of the organized crime group.

While Gotti was imprisoned, the leadership of his "family" changed. Carlo Gambino died, and his nephew, Paul Castellano, was appointed as boss. However, underboss Aniello Dellacroce was next in line for the position. Two factions arose in the organization; Gotti sided with Dellacroce, while Paul Castellano maintained control over the organization.

Through the late 1970s and into the 1980s, Gotti built his "crew" (a fairly stable group that takes part in crimes together) into a strong organization. At the same time, the FBI was accumulating substantial resources in its battle against organized crime. Confidential informants, covert listening devices, and regular surveillance became more frequent.

In 1985, Gotti's crew began to plan the demise of their boss, Paul Castellano. A perceived slight occurred when Aniello Dellacroce died and Castellano refused to attend the funeral. Later Castellano stated he was going to split up Gotti's crew. Instead, Castellano was executed on December 16, 1985, in front of Spark's Steak House in downtown Manhattan, placing John Gotti at the helm of the Gambino family.

Initially known as the "Dapper Don" for his attire, Gotti soon acquired the new nickname of "Teflon Don" when he was acquitted two times. Finally, in 1992, with the help of Sammy "The Bull" Gravano as a government witness, Gotti was convicted on RICO charges.

THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (RICO) STATUTE

Prosecuting individuals who are involved with a criminal organization (La Cosa Nostra, outlaw motorcycle groups, etc.) is difficult due to the secrecy surrounding such organizations. Historically, the resulting convictions have been for singular crimes such as hijacking one truck, the murder of one person, or the extortion of one business. RICO, however, enables prosecutors a legal means to connect these various crimes to show that each criminal event is tied to the maintenance and growth of a criminal organization. For example, the hijacking of a truck was done to obtain goods to sell at a profit for the group, the murder may have been committed to silence a witness to the hijacking thereby protecting the criminal group, and extortion may have been used to force a storeowner to sell the stolen goods. In all, the three crimes were performed due to association with a corrupt organization. Recently, RICO has been used to prosecute white-collar criminals as well as the traditional organized crime groups.

CONCLUSION

Gotti was sentenced to life in federal prison. He spent most of his term at the maximum-security facility in Marion, Illinois. Due to the confinement strategy of the administrators at the Marion Facility, Gotti's time in prison was largely uneventful. There were several reports of Gotti being assaulted by other inmates and receiving minor wounds. In the late 1990s, he was diagnosed with throat cancer. During that time, he was scheduled to be sent to the new state-of-the-art maximum-security facility in Florence, Colorado. On September 13, 2000, he was moved to the federal prison hospital in Springfield, Missouri, for treatment. John Gotti died on June 10, 2002, at the age of 61 from complications of head and throat cancer.

—Robert B. Jenkot

See also ADX (Administrative Maximum): Florence; Celebrities in Prison; Classification; Control Unit; Elderly Prisoners; Health Care; Marion, U.S. Penitentiary; Maximum Security; Supermax Prisons; Volstead Act 1918; WITSEC

Further Reading

Capeci, J., & Mustain, G. (1996). *Gotti: Rise and fall.* New York: Penguin/Onyx.

Cummings, J., & Volkman, E. (1992). *Goombata: The improbable rise and fall of John Gotti and his gang.* New York: Avon.

Shawcross, T. (1994). *The war against the Mafia.* New York: Harper.

GOVERNANCE

Governance refers to the methods by which correctional facilities are administered. It usually includes the means by which a social and organizational hierarchy is created, how roles in that organization are formalized, and the manner in which order is maintained within the institutional social system. How prisons are run determines individuals' experiences of incarceration.

BACKGROUND

Two alternative models of prison governance gained prominence in the latter half of the 20th century both of which continue to influence how prisons are run today. The first of these approaches is known as the *control model* and is characterized by a rigid and routinized model of administration that is hierarchical in nature and emphasizes obedience, work, and education. The roots of the control model can be traced to the first penitentiaries in the Pennsylvania system. These institutions controlled prisoners and sought to reform them through regimes of silence and labor. John DiIulio is the contemporary scholar whose work is most often associated with this model of prison governance.

In contrast, the *participatory model,* advocated by scholars such as Hans Toch and John Irwin, stresses a system of inmate democracy. For its supporters, prisons are run best when they use prisoner input to shape their policy and programs. In this system, prisoners may be permitted a voice in the day-to-day operations through representatives on administrative committees. There is also usually a formalized protocol through which prisoner grievances can be heard. According to its supporters, this strategy helps maintain prison order, because all members are invested in it. It also prepares inmates more effectively for their eventual discharge by permitting them to engage in decision making that trains them for the challenges they will face upon release from prison.

CONTROL MODEL

Supporters of the control model believe that deviance occurs because of a lack of discipline and responsibility. As a result, only a social environment of absolute control can teach inmates acceptable patterns of behavior.

The control model is bureaucratic in the classic Weberian sense of the term. According to Max Weber, for a rational bureaucracy to work, there must be prescribed roles that each individual plays, and transactions between different members of the organization must be regulated. This will create stability, thereby reducing conflict between different members of the prison organization (namely, administration and staff) as well as staff and inmates. A clearly defined set of rules and principles that govern everyone's role, and the means by which they can interact reduces the uncertainty that often leads to conflict in prison. Any deviation from the control model, through inmate participation, for example, threatens the balance created by a bureaucratic model and could potentially lead to the emergence of violence, "con bosses," and gang conflict.

Prisons run according to the control model function like paramilitary organizations, with respect and obedience enforced relentlessly through a rigid system of discipline. The assumption is that obedience, work, and education, administered in a supervisory environment of zero tolerance, is the only way to bring about reform in the behavior of the inmates. To make this system work, everyone in the prison must know that the guards are in control.

The Beto Control Model in Texas

The control model of prison governance is best exemplified by the Texas prison system of the 1960s, implemented by Dr. George Beto beginning in 1962 and recounted by John DiIulio in his work *Governing Prisons.* Beto's ideas of prisoner governance were designed in reaction to the barbaric conditions that then existed in many Texas penal institutions. He modeled his administration after that of Joseph Ragen in Illinois's Stateville Prison; an authoritarian regime in which top-down control was employed with the ultimate goal of safety and order. Labor from sunup to sundown was combined with corporal punishment to create a prison system in which many individuals did not survive the length of their term either due to sickness or punishment. Although there are many who have criticized Beto's control model, during his 10-year reign there were only 17 homicides in the prison. This figure contrasts strikingly to the particularly brutal period that preceded Beto in which labor, violence, and disease meant that a sentence to a Texas prison would often amount to capital punishment.

Under Beto's system, officers relied on what were known as "building tenders," which were a modern manifestation of the old "con boss," or inmates who acted as proxies for the guards. These men were

empowered to enforce rules both formally and informally. Usually, they enforced most of the petty rule violations themselves and only involved the officers for larger violations. They also acted as a conduit of information to the administration so that they would be able to maintain a system of tight supervision. They were permitted a great degree of discretion, deciding what to report and enforce, on whom to inform, and which officers with whom they were willing to develop a relationship. Most of the guards were from rural areas, and the racial conflict that emerged between the white guards and the black inmates made for a particularly incendiary situation. Moreover, the inmates often enforced rules along racial lines, and minority inmates bore the brunt of an arbitrary and vicious execution of discipline. In Beto's control system, order and compliance was maintained by strict adherence to the authority of the correctional officers, but the ultimate enforcers were the building tenders.

As the prison population continued to grow, Texas was forced to rely more and more on building tenders and reward them with greater freedom and privileges. In the now landmark case *of Ruiz v. Estelle* (1980), the U.S. District Court in Texas intervened and specified a number of areas of prison administration that must be changed to bring the correctional system inline within constitutional guidelines. These included a mandated reduction in the ratio of officers to inmates, steps to be taken to address overcrowding, increased access of inmates to legal representation, the introduction of a more effective classification system, and an end to the use of building tenders. This effectively brought about the demise of the Texas control model.

PARTICIPATORY MODEL

The participatory model is based on a system of classification in which inmates' behavior governs the amount of autonomy they are given. The goal of this model is to match individuals with a level of supervision that is appropriate to their classification. Those who have proven records of behavior can earn more autonomy over their actions, while others who are unwilling to abide by prison rules will face increased restrictions. As such, most models of inmate participation are limited to minimum- and medium-security institutions. Rigid rule enforcement is to be avoided, unless demanded by the situation. This approach is rooted in the work of Cesare Beccaria and Jeremy Bentham, who suggested that punishment must be devised to inflict the least amount of discomfort to the offender while still ensuring that the requisite amount of punishment is delivered.

Proponents of the idea of prisoner participation believe that symbolism of rank should be suppressed so as not to create a perception of subordination by the inmates. In other words, there should not be a system of dress that can be used to identify rank or status within the prison. Inmates should also be free to socialize with one another and form groups to interact with others of a like mind. At its heart, the responsibility model believes that inmates should be subjected to the bare minimum of supervision needed to maintain order in prison.

The responsibility, or participatory, model differs from the control model at the very core of the purpose of prison. Prisoners have rights, and the role of the prison administrator is not to punish, but to supervise and "serve" the inmate. The prison environment is where the inmate lives 24 hours a day; therefore, prisoners should be permitted to play an active role in shaping how it is governed. The participatory model maintains that inmate compliance may be achieved much more efficiently by running a system in which they have input and do not feel powerless to control their own destiny. Subjecting prisoners to constant supervision teaches them only to second guess themselves at every point and does not permit them to adopt an approach that will help them adapt to the outside world after their release. Inmate participation in prison is an effective way to introduce and teach democracy and rights of citizenship to individuals, many of whom have had little interaction with these concepts in the past.

Michigan, California, and Arkansas

The most famous example of a participatory model is the Michigan responsibility model that

was founded by Director of Corrections Perry M. Johnson. This model allows inmates to maintain a certain degree of responsibility over their own environment and encourages interaction between staff and inmates to be governed by informal principles rather than by hard-and-fast rules. A classification system was used to ensure that each inmate was placed in an environment that was as minimally restrictive as possible while still maintaining safety, the belief being that an overreliance on security and force would prohibit inmates from learning to practice autonomy over their lives through effective decision making. The central theme in Michigan was that prison should be used as a tool of rehabilitation, and this can be accomplished most effectively by giving inmates the most freedom possible to self-govern, thereby instilling within them responsibility that will remain once they return to society.

The California consensual model is another participatory model of prison governance that emphasizes inmate responsibility and autonomy, although without any focused strategy such as in Michigan. In the California system, prisoner input shapes policy decisions and staff are intended to play a supervisory role, rather than a controlling role as in Texas. DiIulio notes that although California's system of governance lacks an identifiable approach in the same fashion as Texas or Michigan, the central theme is that administration of the prison relies upon the "consent of the governed." Much like Michigan, the California approach chooses to handle prisoners in a more informal manner, ultimately seeking to maintain order within the prison by keeping the peace between major prison gangs that hold significant influence within the prison social system.

In addition to the Michigan and California experiences, Thomas Murton, warden of Cummins Prison in Arkansas, achieved significant success in reforming a racist and violent prison system through inmate democratization. By permitting inmates to participate in the classification process of fellow prisoners, the violence rate within the prison decreased dramatically. After instituting this system, Murton was able to take steps to reintegrate the prison racially as well as implement a number of progressive programs that had been neglected in the past due to the violent nature of the facility. In a short while, Murton transformed an unstable Arkansas facility defined by administrative control through racism, violence, and torture into a participatory institution that had few instances of violence, all the while allowing significant inmate involvement.

Eventually however, democratic approaches such as those implemented at Arkansas run into difficulties, because prison staff tend to feel that they allow inmates "to run the prison." The model was designed to create a system of supervised self-governance by the inmates, but correctional officers perceived it as the administration favoring the rights of the prisoners over the need for them to do their job (i.e., keep the peace). Prisoners also felt that this model gave them power within the administration; therefore, they could be selective in how obedient they were to the demands of correctional officers. In the same way that the building tender system led to the emergence of a brutal hierarchy, the responsibility model also resulted in a hierarchy in which certain privileged inmates were able to exert a great deal of influence over their social environment.

COMPARISON

At the heart of these two models is a tension that strikes at the core of incarceration: What is the purpose of holding people in prison? Is it incapacitation and punishment (control model) or rehabilitation (participatory model)? In the control model, the emphasis is on discipline as a means to keep order within the institution. Supporters of this approach claim that rehabilitation and reform are impossible goals unless the social system within which these inmates exist is kept in order and a hierarchy is enforced. In the wake of federal court intervention in a number of states, in which authoritarian models of control were outlawed or curtailed, many systems witnessed social disruption and violence. This has been referred to by many as the "paradox of reform"; court intervention was supposed to produce a safer atmosphere for prisoners, but the lack of a strategy to replace the control model left a power void that was often filled by

prisoner gangs. Moreover, many correctional officers felt demoralized by the reforms and were unable to keep order within the prisons. Proponents of the control model point to this violence as evidence that the control model was the only successful approach, while critics maintain that it was the lack of an effective replacement strategy that caused this unrest in the 1970s and 1980s.

In contrast, those who advocate the participatory model suggest that a system of total control may keep order but neglects to provide for the rehabilitation of the prisoner. By refusing to consider the opinions and visions of inmates, institutions eventually release women and men who are ill-prepared to reenter a society that requires people to be autonomous and participatory in defining the direction of their lives. By rendering inmates decidedly impotent, they also neglect to create a stake for them in the direction of the prison, and instead may cause animosity that makes order more difficult to attain. Proponents of the participatory model point to the disruption in the wake of court reform as an example of the inequality and poor administrative techniques of the control model. They assert that if the only way to keep order is with constant supervision and threats of punishment, then we have failed in our duty to rehabilitate and those people being released are ill-prepared to reenter society.

CONCLUSION

The best way to govern prisons is a point of contention among prison administrators and criminologists. To what extent should inmates participate in any decision-making processes in penal facilities? How much discretion should officers have when doing their job? While answers to these questions remain unclear, what is obvious is that how prisons are run shapes people's experiences of incarceration. More problematic, governance may also influence what happens to inmates after release. As of December 2003, more than 2.1 million Americans are being held in U.S. prisons and jails, and research suggests that over half of them will recidivate within three years of their release from prison. Such figures indicate that no matter which models of governance are currently being used, they are failing to provide an environment in which successful long-term change can be sought and achieved.

—Ryan S. King

See also Activism; Correctional Officers; Deprivation; John J. DiIulio, Jr.; Discipline System; History of Prisons; Importation; Incapacitation Theory; Legitimacy; Managerialism; Maximum Security; Medium Security; Minimum Security; Plantation Prisons; Prison Culture; Rehabilitation Theory; Security and Control; Stateville Correctional Center; Supermax Prisons

Further Reading

Crouch, B. M., & Marquart, J. W. (1989*). An appeal to justice: Litigated reform of Texas prisons.* Austin: University of Texas Press.

DiIulio, J. J., Jr. (1987). *Governing prisons: A comparative study of correctional management.* New York: Free Press.

Irwin, J. (1980). *Prisons in turmoil.* Boston: Little, Brown.

Jacobs, J. (1977). *Stateville: Penitentiary in mass society.* Chicago: University of Chicago Press.

Murton, T. (1976). *The dilemma of prison reform.* New York: Holt, Rinehart & Winston.

Ruiz v. Estelle, 503 F.Supp. 1265 (S.D. Texas, 1980).

Sparks, R., Bottoms, T., & Hay, W. (1996). *Prisons and the problem of order.* Oxford, UK: Clarendon Press.

Wortley, R. (2001). *Situational prison control: Crime prevention in correctional institutions.* New York: Cambridge University Press.

GROUP HOMES

Group homes are nonsecure residential facilities used to house juvenile and adult offenders convicted of a criminal offense, as well as those younger individuals who are facing adjudication in a juvenile court or conviction in an adult court. Group homes are considered to be nonrestrictive, intermediate-level alternatives to secure confinement. Although their programs may vary, their underlying philosophies are similar. The primary purpose of these homes is to provide residents with rehabilitative services such as education, counseling, job training, and social skills while maintaining a level of interaction with the community.

Facilities designed to provide nonsecure community-based confinement for adult offenders are usually referred to as halfway houses. Group

homes are typically community-based treatment facilities designed for juvenile offenders. These facilities have become an increasingly common alternative to secure confinement in the juvenile corrections system. In fact, during 1998 alone, of the 634,000 juveniles adjudicated delinquent, 26% were ordered to an out-of-home placement, which includes detention centers, residential facilities, group homes, and foster homes. An estimated 3,000 of those juveniles were placed at a group or foster home (Champion, 2001; Puzzachera, 2002). Group homes may be private or public institutions. Because they rely heavily on the interaction of their residents with the community, group homes are usually community based whatever their administrative orientation.

NONSECURE CONFINEMENT

Group homes provide nonsecure alternatives to incarceration. There is limited direct supervision within the houses, and residents are free to move around them as well as to participate in a variety of activities in the community. Although the residents enjoy a significant amount of liberty, group homes are not without structure. There are numerous rules governing the conduct of the residents that must be obeyed. Typically, such rules entail respect for staff and other residents, a curfew, and active participation in a variety of rehabilitative programs, such as school, work, and counseling. Residents are also frequently required to submit to random urine tests for detection of alcohol and drug use, while staff members constantly monitor their general behavior.

Judges usually place juveniles in group homes for a designated period of time. During their time at the facilities, these juveniles remain under the dispositional control of the judge and program staff are routinely required to report the progress of the juveniles to the judge. The length of time that the juvenile must remain in the home can be extended if he or she is shown not to progress.

It should be noted that group homes are only one form of nonsecure confinement options available for juvenile offenders. Several other nonsecure facilities, such as foster homes, camps, ranches, halfway houses, farms, boarding schools, wilderness programs, and independent living programs, also exist.

KEY COMPONENTS OF GROUP HOMES

The central component of many group homes is their attempt to replicate a noninstitutional, home-based atmosphere. Generally, group homes are characterized by a family-based setting. They use counselors who serve as model parents for the residents on a daily basis. In an effort to maintain the family atmosphere, juveniles are usually housed in groups ranging in size from 10 to 15.

Most group homes are designed to rehabilitate juvenile offenders. Residents are thus provided services such as counseling, education, and vocational training, as well as problem solving and social skills training. Juveniles are expected to participate in some type of educational program. They are usually required to pursue a traditional diploma, general equivalency diploma (GED), or some type of vocational training. Unlike secure confinement alternatives, residents of group homes receive their education at schools or programs within the community. They may be enrolled in individual or specific therapy, such as substance abuse treatment or anger management, and they are usually required to participate in group counseling with their peers and program staff. Most group counseling activities are designed to elicit positive peer influence on behaviors, as well as to teach problem-solving skills. Finally, juveniles are usually required to participate in some form of community activity either in the form of interaction with other residents within the group home itself or in more structured events within the community, such as recreational or creative programs.

PROBLEMS

Group homes are not without problems. First, many have staff who are not properly trained to provide quality care. In many instances, community volunteers are used to aid in the delivery of services to the residents. Second, group homes are not currently subjected to a unified, governing set of rules and regulations, such as those that govern

secure confinement facilities. In many jurisdictions, these facilities operate without oversight by government agencies. Finally, not all juveniles are amenable to treatment in the group home setting. Therefore, it is important that juveniles undergo appropriate screening processes before being placed in a group home setting.

The reasoning behind placing juveniles in group homes has also been the subject of some scrutiny. Young women are more typically incarcerated in these homes for status offenses than are males. African American males have also been found to be more disproportionately incarcerated in these institutions than their white counterparts for minor offenses.

CONCLUSION

Group homes are nonsecure confinement options generally used for juvenile offenders. They provide a less restrictive alternative to confinement for treatment purposes. Group home are used frequently as an out-of-home placement for children, particularly young women and African American young men.

—Lisa Hutchinson Wallace

See also Meda Chesney-Lind; Community Corrections Center; Foster Care; Intermediate Sanctions; Juvenile Justice and Delinquency Prevention Act 1974; Juvenile Justice System; Juvenile Offenders: Race, Class, and Gender; Juvenile Reformatories; Parole; Probation; Status Offenders; Waiver of Juveniles Into the Adult Court System

Further Reading

Bowker, L. H. (1982). *Corrections: The science and the art.* New York: Macmillan.

Champion, D. (2001). *The juvenile justice system: Delinquency, processing, and the law.* Upper Saddle River, NJ: Prentice Hall.

McNeely, R. L., & Pope, C. E. (1981). *Race, crime, and criminal justice.* Beverly Hills, CA: Sage.

Puzzachera, C. (2002). *Juvenile court placement of adjudicated youth, 1989–1998.* Office of Juvenile Justice and Delinquency Prevention. Washington, DC: U.S. Government Printing Office.

Rosenbaum, J. L. (1989). Family dysfunction and female delinquency. *Crime & Delinquency, 35,* 31–44.

Siegel, L. J., & Senna, J. J. (1981). *Juvenile delinquency: Theory, practice, and law.* St. Paul, MN: West.

GROUP THERAPY

Group therapy is one of a number of methods used in prison settings to help inmates deal with their mental health problems and addictions. In group therapy, there is the leader and more than one client/member. The size of a group may be larger, to include one or two therapists (co-therapists) and many members. Research suggests that the most efficient size for group therapy is 6 to 10 members and the leader(s), though larger groups do form for various reasons.

DEFINITION

Various types of group therapy exist, including group guidance, growth group, group counseling, and group psychotherapy. Though these terms are sometimes used interchangeably, each method differs in structure and focus and in the qualifications and credentials vary of the group leader. Thus, in group counseling, the leader may be a layperson, a paraprofessional, or a credentialed professional who has been certified or licensed by a state or national program.

Programs based on group guidance typically have a large number of participants. In such groups, the leader functions more as an instructor or facilitator than as someone giving direct, specialized care. These groups usually offer educational and skill development as in the drug education programs available in all U.S. federal prisons. Growth groups, on the other hand, are intended to provide a setting for the participants to become more functional individuals, once again with the leader functioning as instructor, guide, or facilitator.

Group counseling and group psychotherapy are more clinical in orientation. These strategies are often used in therapeutic communities. Group counseling focuses on normal persons with common problems, whereas psychotherapy focuses on dysfunctional persons with disorders. As with individual counseling and psychotherapy, group counseling and psychotherapy can be viewed on a continuum. In practice, they may be blended and move from one orientation to the other as the group members' needs arise.

JUSTICE APPLICATIONS

Several types of group counseling and therapy are employed in the adult and juvenile justice system. Depending on the charges and contributing factors, an adjudged or adjudicated individual may be required to attend various types or multiples of groups. Three of the more popular types of groups that are commonly incorporated into sentencing and plea bargains are 12-step programs, that is, Alcoholics Anonymous, Cocaine Anonymous, or Narcotics Anonymous substance and drug abuse, anger management, and sex offender counseling or therapy programs. With the exception of the 12-step type programs run by laypeople, the other forms of groups are clinical in orientation and thus led by credentialed professionals.

These groups provide cost-effective and efficient service distribution since they usually employ only one leader for many participants. They strive to address the dysfunctions of individuals, while providing opportunities to explore different types of relating with other persons and to learn more effective social skills. Also, they offer opportunities for participants to discuss their perceptions of life situations and experiences and to receive feedback on how others interpret and cope with them. Finally, groups such as these enable their members to experiment with alternative behaviors.

CHALLENGES OF REHABILITATION

The challenges of rehabilitation in correctional confinement are complex because the population of the incarcerated present the therapeutic professionals multiple and diverse pathologies with many qualifying for dual or multiple diagnoses. These pathologies extend beyond the antisocial issues that led to incarceration in the first place. Research indicates that a large proportion of inmates present suffer from significant mental health issues including past abuse victimizations, substance abuses, and learning difficulties, not to mention adjustment issues associated with their confinement. In addition, there are the developmental issues of juvenile offenders, the different socialization of genders, and the belief systems of multiple cultures of the inmates. Perhaps most problematic, though group therapy usually attempts to provide a supportive environment for voluntary members, in correctional institutions groups are used to reform and socialize its members, who may be mandated to attend by the courts or by prison personnel. Finally, the therapeutic professionals are confronted with the additional difficulties of providing services in an environment that may either not understand or be unsupportive of the process of therapy itself.

EFFECTIVENESS OF GROUP THERAPY

The effectiveness of group therapy for adjudged or adjudicated individuals appears to vary. As with other forms of clinical treatments, various studies of "what works" have considered this category of treatment with mixed results. Cognitive-behavioral approaches, which attempt to modify the cognitive processing and the development of psychosocial skills of the individual, have often been shown to be the most successful. This strategy can be readily applied through therapeutic groups.

Some of the differences in the results of the various studies of effectiveness lie in the lack of controls of the consistency of services provided by various methods. Identifying and matching participants with appropriate treatments and the failure of the participants to commit to the effort by either dropping out or a lack of committed effort may decrease the success of treatment. Finally, as with all therapeutic relationships there are concerns with trust and confidentiality, in group therapy this is not only with the leader but also over the other members of the group. These are especially so for the incarcerated, even more than in individual therapy, because of the inmate code that exists in all prisons. This includes how prisoners are required to interact with staff and with other prisoners.

CONCLUSION

Even with strong social support for a more "get tough" approach to punishment, there remains a consistent belief by society that offenders should be rehabilitated before they are released back to the community. Group therapy is just one example of a strategy used in contemporary U.S. penal facilities

to help reduce reoffending rates. Though it cannot totally eliminate recidivism, studies suggest such counseling may reduce it. Offering therapy in a group setting helps individuals to realize that their issues and problems are not unique and that they are, therefore, not alone. Though counseling of this nature may not be appropriate for everyone, when it is done well, following a rigorous needs assessment, it provides a cost-effective and practical means of addressing common problems and behaviors in the inmate community.

—Richard L. McWhorter

See also Alcoholics Anonymous; Drug Treatment Programs; Individual Therapy; Mental Health; Narcotics Anonymous; Psychology Services; Psychologists; Suicide; Therapeutic Community; Women's Health

Further Reading

Alexander, R., Jr. (2000). *Counseling, treatment, and intervention methods with juvenile and adult offenders.* Belmont, CA: Brooks/Cole.

Burrow, T. (1927). The group method of analysis. *Psychoanalytic Review, 14*, 268–280.

Glicken, M. D., & Sechrest, D. K. (2003). *The role of the helping professions in treating the victims and perpetrators of violence.* Boston: Allyn & Bacon.

Henning, K. R., & Frueh, B. C. (1996). Cognitive-behavioral treatment of incarcerated: An evaluation of the Vermont Department of Corrections' cognitive self-change program. *Criminal Justice and Behavior, 23*(4), 523–542.

Martinson, R. (1974). What works? Questions and answers about prison reform. *The Public Interest*, *10*, 22–54.

Palmer, T. (1994). *A profile of correctional effectiveness & new directions for research.* Albany: State University of New York Press.

Sherman, L. W., Gottfredson, D. C., MacKenzie, D. L., Eck, J., Reuter, P., & Bushway, S. D. (1998). *Preventing crime: What works, what doesn't, what's promising.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

GYNECOLOGY

Virtually every U.S. jurisdiction provides gynecological and obstetrical services to its female inmates. Under normal circumstances, the practitioner providing these services would be a gynecologist who had completed specialized residency training in the study and treatment of the diseases of the female reproductive system, including the breasts. Generally, this training also includes obstetrics (the care of the pregnant woman) and integrates the medical and surgical care of women's health throughout their life span. The study of obstetrics and gynecology includes the physiologic, social, cultural, environmental, and genetic factors that influence disease in women. Individual obstetrician-gynecologists may choose a wide scope of practice, to include the care of pregnant women and surgical procedures on the reproductive organs, or a more focused practice that limits care to ambulatory (office-based) services. In some cases, other medical practitioners, including nurse practitioners, nurse midwives, physician assistants, and physicians from other specialties such as family medicine or internal medicine, may provide gynecologic or obstetrical services. In prison, the credentials of the health practitioners providing these services to women are uncertain.

Three national organizations accredit correctional health care facilities: the National Commission on Correctional Health Care (NCCHC), the American Correctional Association (ACA), and the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). Accreditation by NCCHC, ACA, or JCAHO is not mandatory in order for an institution to provide medical services to inmates. As one part of the accreditation process conducted by these national organizations, periodic site visits and reviews of inmate health care records are conducted to determine the quality of care provided. However, at these site visits, the use of gynecologic health care parameters, such as the percentage of inmates who have had Pap smears performed, are not routinely used in the review process. As a result, women's health issues are often marginalized in policy decisions.

WOMEN IN PRISON AND THEIR HEALTH PROBLEMS

Over the past 20 years, there has been a greater than fivefold increase in the number of women incarcerated in the United States, with the preponderance in state facilities. A number of health profession organizations and human rights groups have been calling attention to the inadequate health

care provided in our prisons and jails. The ratio of incarcerated, HIV-infected women to men is 3:1, in large part a result of their intravenous drug use, sexual abuse, prostitution, and sexual encounters with men of high-risk behavior profiles. For many of the same reasons the female inmate population is high risk for HIV infection, they are also high risk for other sexually transmitted diseases and gynecologic complications, such as cervical cancer.

LAWSUITS

One way in which women have successfully lobbied for an improvement in the quality of obstetric and gynecologic health care within the correctional setting has been through the use of class action lawsuits. At the forefront of this effort is attorney Ellen Berry, who has worked on behalf of women prisoners for 24 years in the California state and federal prisons and several large California county jails. In 1985, Berry filed *Harris v. McCarthy,* on behalf of pregnant women prisoners at the California Institution for Women in response to a range of serious allegations concerning pregnancy care, including a very high rate of miscarriage and fetal demise, birth complications, and untreated medical emergencies. At that time, there was no obstetrician-gynecologist to serve the 1,500 inmates. The settlement agreement in this case required the hiring of an obstetrician-gynecologist and the creation of a Pregnancy Related Health Care Team of an obstetrician-gynecologist, nurse practitioner, registered nurse, and social worker to evaluate and handle each pregnancy case based on the then current American College of Obstetricians and Gynecologists (ACOG) standards. Subsequent cases, including *Jones v. Dyer* (1986) on behalf of pregnant women in the Alameda County Jail and *Yeager v. Smith* (1987) on behalf of pregnant and postpartum women at the Kern County Jail, were successfully settled, again relying on ACOG guidelines of care.

CONCLUSION

Although class action lawsuits may be instrumental in addressing some deficiencies in the obstetric and gynecologic health care of inmates, more sweeping reform is needed. ACOG guidelines for women's health care that have been adapted to the unique setting of correctional institutions are needed. The use of female-specific health care parameters in the accreditation review process of correctional facilities would improve the standards of care. The accreditation process must also begin assessing the female inmate's access to care and quality of gender-specific, gynecologic care.

—Kathy S. Deasy

See also Accreditation; Doctors; Health Care; HIV/AIDS; Mothers in Prison; Parenting Programs; Prison Nurseries; Women's Health; Women's Prisons

Further Reading

Amnesty International. (1999). *"Not part of my sentence": Violations of the human rights of women in custody.* AI Index: AMR 51/01/99. New York: Author.

Berry, E. (1996). Women prisoners and health care. In K. L. Moss (Ed.), *Man-made medicine: Women's health, public policy, and reform* (pp. 249–272). Durham, NC: Duke University Press.

DeGroot, A. S. (2000, May). HIV infection among incarcerated women: Epidemic behind bars. *The AIDS Reader.*

National Commission on Correctional Health Care. (2000). *Standards for health services in prisons.* Chicago: Author.

U.S. General Accounting Office. (1999, December). *Report to Honorable Eleanor Holmes Norton, women in prison, issues and challenges confronting U.S. correctional systems* (Publication GAO/GGD-00–22). Washington, DC: Author.

H

HABEAS CORPUS

Habeas corpus is a Latin term that means literally "you have the body." It refers to a judge-issued writ requiring the government to bring a prisoner to court for the court to consider whether the detainee's imprisonment is legal. It is also known as the Great Writ of Liberty because it is designed to prevent unlawful imprisonment.

Habeas corpus concerns due process—whether an inmate's constitutional or statutory rights have been violated. It is most commonly used when a state prisoner appeals his or her conviction to a federal court on the grounds that his or her constitutional rights were violated. Typically, only those who are incarcerated may file habeas corpus petitions. However, a person may file a petition if a court has threatened to jail him or her for contempt of court. In family law, a parent denied custody of his or her child by a trial court may also file a habeas corpus petition. Finally, many inmates on death row file habeas requests, although recently, their capacity to do so has been restricted.

HISTORY

Habeas corpus is mentioned as early as the 14th-century in England, and was formally articulated in the Habeas Corpus Act of 1679. It was considered important enough to be mentioned in the U.S. Constitution and the failure to issue it was one of the American colonists' grievances leading up to the American Revolution: "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it" (Article 1, Section 9). It is one of the few individual rights guaranteed by the original Constitution.

During the Warren Court years (1953–1969), the U.S. Supreme Court expanded the use of the federal role and that of habeas corpus. It did so on the grounds that the Constitution called for the uniform protection of essential liberties, including the rights of criminal defendants. This trend reached its zenith in *Fay v. Noia* (1963) where the Court found that liberal access to federal review constituted a fundamental right. Since the 1970s, however, the Court has chipped away at that position, beginning under the stewardship of Justice Warren Burger (1969–1986). Arguing that federal review produced administrative inefficiencies and resource expenditures, the Burger Court in *Wainwright v. Sykes* (1977) introduced a cost-benefit analysis where the benefits to the individual should be weighed against the costs to the states for multiple appeals to the federal level. Many other changes to habeas corpus have occurred since Justices Sandra Day O'Connor, Antonin Scalia, and Anthony Kennedy joined the Court in the 1980s. The

Rehnquist Court's conservative majority has sharply limited the use of the writ, especially by death row inmates.

HABEAS CORPUS IN TIMES OF POLITICAL TURMOIL

Well before the present era, people's rights to habeas corpus were routinely restricted during times of political turmoil. President Abraham Lincoln suspended habeas corpus during the Civil War in parts of the Midwest to clamp down on members of the Union who supported the Confederate cause, the so-called Copperheads. Congress supported Lincoln's decision, but Supreme Court Justice Roger Taney objected. Lincoln ignored Justice Taney. In *Ex parte Milligan* (1866), the Supreme Court ruled that Lincoln's suspension of habeas corpus was unconstitutional since civilian courts were still functioning and habeas corpus could be suspended only if these courts had been forced to close. Notably, this decision came after the Civil War was already over.

Historically, the Supreme Court has deferred to the executive and legislative branches during times of turmoil, and only after the crisis has faded has it acknowledged the constitutional violations that occurred. During World War I, for example, the Supreme Court upheld the incarceration of those who vocally opposed the war. It was only after the war that the court ruled that people could not be jailed for speaking out against war. Likewise, during World War II, in *Korematsu v. the United States* (1944), the Supreme Court upheld the internment of Japanese Americans. This case was revisited in 1984 by a federal district court that vacated Korematsu's conviction. The court decided this case on the basis of evidence showing that the government had misled the courts on the necessity to intern Japanese Americans. In particular, an attorney, Peter Densho, discovered a memo from a U.S. Department of Justice lawyer named Edward Ennis, written to the U.S. solicitor general Charles Fahey, who was preparing to argue the Korematsu case before the Supreme Court in 1944. In it Ennis said, "We are in possession of information that shows that the War Department's report on the [necessity for the] internment is a lie. And we have an ethical obligation not to tell a lie to the Supreme Court, and we must decide whether to correct that record" (584 F. Supp. 1406 N.D. Cal). In spite of this document, Solicitor General Fahey did not correct the record in his appearance before the Supreme Court. Even though Korematsu's criminal conviction was nullified in 1984, the Supreme Court's 1944 decision in *Korematsu v. the United States* persists as a legal and historical precedent.

During the Cold War (1947–1991), the court generally refrained from intervening in cases where habeas corpus rights were abridged. On the few occasions when the Court did intervene, it sustained government actions. Only after the McCarthy era was waning did the court state that the right of free association made further prosecution for Communist Party membership infeasible.

Most recently, the passage of the USA PATRIOT Act (2001) has allowed for the indefinite detention of persons certified by law enforcement as national security threats. In other words, probable cause, guaranteed by the Fourth Amendment, does not need to be demonstrated to the courts. This feature, along with other provisions of the act, has sparked considerable debate and opposition since habeas corpus has effectively been nullified under such circumstances. Since the September 11, 2001, terrorist attacks on the United States, more than 100 prisoners captured in Afghanistan have been held at the U.S. military base in Guantánamo Bay, Cuba, classified as "illegal combatants" rather than as prisoners of war. By such classification, the U.S. government has avoided granting habeas corpus rights to these prisoners, effectively holding them incommunicado. This action has sparked international protest.

HABEAS CORPUS APPEALS BY DEATH ROW INMATES

Much of the concern about habeas corpus rights revolves today around death row appeals, with conservatives decrying delays in executions and civil libertarians alarmed at the drastically diminished role for habeas corpus appeals in recent years.

Justice Sandra Day O'Connor, writing for the majority, argued in *Coleman v. Thompson* (1991) that the key costs of multiple habeas corpus appeals were a loss of respect for the states. This effectively moved the debate away from balancing state interests (*Wainwright v. Sykes*) to actually *deferring* to the states, and away from a cost-benefit analysis to asserting a more abstract cost of comity. From one perspective, differences over federalism—what the proper relationship between the federal and state governments should be, with the "new federalists" arguing for a larger state role and diminished federal role—underlie the shifting Court's positions historically over habeas corpus rights.

In *McCleskey v. Zant* (1991), the Court limited death row inmate appeals to one round of federal habeas corpus review. Warren McCleskey was a Georgia death row inmate who has since been executed. He brought his second habeas corpus appeal on the grounds that he had discovered that the government had illegally planted an informant in an adjoining cell to obtain incriminating statements from him. The government had for years denied that this inmate was a plant. The Supreme Court denied McCleskey's appeal on the grounds that a "reasonable and diligent investigation" by McCleskey, in spite of the government's repeated denials, would *somehow* have allowed him to find out that the inmate had been a plant and that he could then have raised this issue at the state level.

In *Herrera v. Collins* (1993), Lionel Torres Herrera, another death row inmate, filed a habeas corpus petition on the grounds that new evidence had come to light demonstrating that he was innocent. The Supreme Court majority declined to remand the case for further proceedings on the grounds that there were no due process errors in his conviction. The Court thus found, in effect, that actual innocence is *not* a basis for a federal habeas claim. Justice Harry Blackmun, in his dissent, stated: "Nothing could be contrary to contemporary standards of decency . . . or more shocking to the conscience . . . than to execute a person who is actually innocent."

Finally, in *Schlup v. Delo* (1995), the Supreme Court held that a claim of actual innocence "would have to fail unless the federal habeas court is itself convinced that . . . new facts unquestionably establish Schlup's innocence." In other words, preponderance of evidence (let alone reasonable doubt) would not be enough. The Rehnquist Court has argued that its rulings will not produce unacceptable results because (1) if an inmate cannot demonstrate a constitutional violation at state trial, he has received a "full and fair trial" (Rehnquist's words); (2) lower state and federal courts will vet injustices in posttrial reviews; and (3) executive clemency is available to those who demonstrate their innocence. Critics point out that proving a constitutional violation and being accorded a full and fair trial are not equivalent, that state and federal courts will not necessarily spot or act on injustices, that most governors are reluctant to commute death sentences in the current political climate, and that some innocent defendants have not been granted executive clemency.

CONCLUSION

Despite its historical and legal importance to the U.S. judicial system, these days fewer and fewer habeas corpus requests are resulting in any effect. In 1995, for example, the Bureau of Justice Statistics conducted an empirical study of habeas reviews that found that only 1% of habeas corpus appeals were granted on the merits, and another 1% remanded to the state courts for follow-through. The study's authors concluded that their data indicated that state courts are performing well in protecting prisoners' federal constitutional rights. That conclusion has merit *if* it is safe to assume that federal review is adequately responding to inmate's constitutional rights. In light of recent changes under the PATRIOT Act, where it seems that some people's due rights are no longer fully protected, it is unclear whether we can always be so sanguine about the courts' responses.

—Dennis D. Loo

See also Cell Searches; Death Row; Enemy Combatants; Fourth Amendment; Fourteenth Amendment; Prisoner Litigation Reform Act 1996; Relocation Centers; Thirteenth Amendment USA PATRIOT Act 2001

Further Reading

Clark, A. W. (1994). *Procedural labyrinths and the injustice of death: A critique of death penalty habeas corpus.* Dissertation, Queen's University at Kingston, MAI, 33, No. 05, 1419.

Doyle, M. (1992). *Federal habeas corpus background & issues.*. Series title: Major studies and issue briefs of the Congressional Research Service. Supplement 1992, 92–615 A. 4006199277. Washington, DC: Library of Congress, Congressional Research Service.

Federman, C. H. (1996). *The primary of rights and the procedures of federalism: The development of habeas corpus and federal-state relations, 1789–1991.* Dissertation, University of Virginia, DAI, 62, no. 09a, 3170.

Freedman, E. M. (2001). *Habeas corpus: Rethinking the great writ of liberty.* New York: New York University Press.

Gottlieb, D., & Coyne, R. (2001, Winter). Habeas corpus practice in state and federal courts. *New Mexico Law Review, 31*(1), 201–217.

Liebman, J. S., Fagan, J., & West, V. (2000). *A broken system: Error rates in capital cases, 1973–1995* Washington, DC: Justice Project.

Rehnquist, W. H. (1998). *All the laws but one: Civil liberties in wartime.* New York: Knopf.

HARD LABOR

Hard labor is a punishment of ancient origin and widespread adoption. In the United States, the Pennsylvania General Assembly established the first hard labor sentence in the fall of 1786 by directing "motley crews" of prisoners to clean and repair public streets. Imprisonment at hard labor then became a common sentence in the 19th century, in the United States and in many European countries. Today, several penal systems enforce hard labor, officially and unofficially. China, for example, maintains a vast system of hard labor camps under its "reform through labor" system. The central feature of Japan's prison system is compulsory hard labor production for private sector industry subcontracting. While Russia no longer has the old gulag, it still maintains the tradition of penal labor camps. At the Russian Strict Regime Colonies, labor is compulsory and hard, although those who meet production quotas are paid.

HISTORY

Hard labor has played an important role in criminal sentencing history as an alternative to corporal punishment and as a substitute for the death penalty—although, in extreme cases, it was just a sentence of slow death. In America, William Penn's Great Law of 1682 eliminated the death penalty for all cases except premeditated murder, and designated imprisonment with hard labor instead as a means of reforming offenders. This was a high point in the history of hard labor, and even in Pennsylvania the ideals of reformative work did not last long. In practice, over the course of its history, "hard labor" fell along a continuum of severity, with dignified and paid work at the soft end and, at the other pole, work that was futile and degrading, or even a form of torture and gradual death.

Hard labor first appeared as ancient slavery, the prototypical form created by the Romans as a life sentence to slaving in heavy irons at stone quarries and copper, silver, and salt mines. Likewise, penal slavery in gold mines and at monument construction was a sentence for criminals and war captives during the first century B.C. in Egypt, while the Spanish used penal slaves in their copper mines and stone quarries during the 17th and 18th centuries.

After an epoch of penance and fines during feudalism, labor exploitation reappeared in the early 16th century as an adjunct to emerging trade practices. Galley slavery was a common criminal penalty in 16th-century France, and during the 17th and 18th centuries in Spain and the papal states. Spanish American labor systems exploited penal labor in private industry in the 17th century and mandated slave labor in presidios during the next century. By the mid-18th century in Great Britain and on the Continent, hard labor imprisonment was widely used as a substitute for flogging.

Productive work was abandoned in England in the early 19th century, as soon as labor shortages turned into surpluses. Thereafter, hard labor took unproductive and torturous forms such as busting rock, cranking sand, and stepping the "everlasting staircases"—punishments intended to inflict a "just measure of pain" in minutely measured doses.

The labor of prisoners could be used profitably elsewhere, however. Transportation to America and Australia became a major strategy to relieve prison overcrowding at home while developing the labor-starved colonies. A cogent reinterpretation of Australian convict rule by Stephen Nicholas (1989) demonstrates how ordinary British and Irish men and women convicts were part of a global system of forced labor migration into a highly efficient and productive capitalist labor system. And, although their labor was truly hard, Australian convicts experienced incentives and rewards just like free workers. In a twist on the "less eligibility principle," which states that prison conditions must never be more desirable than the living conditions of the lowest paid free worker, prisoners put in fewer hours of hard labor than did free British worker counterparts.

HARD LABOR IN THE UNITED STATES

In one of the most nuanced examinations of hard labor in American penology, Christopher Adamson (1983, 1984) developed a socioeconomic interpretation of hard labor in America, connecting industrial and financial considerations with crime control objectives, especially the reinforcement of legal norms, reformation of the criminal through hard work, and deterrence. While these legal objectives were important in shaping penology, business cycles and the vicissitudes of labor supply helped determine the variable meanings of hard labor and solitary confinement through the first half century of the penitentiary experiment.

Effective deterrence must address the relative living conditions (as determined by the labor market) of free persons, Georg Rusche and Otto Kirchheimer (2003, p. 6) hypothesized. Thus, Adamson's research shows that during cycles of prosperity, prisoners were viewed as resources and hard labor regimes of productive activity prevailed in the United States. On the other hand, during recessions and depressions, prisoners were viewed as threats and placed in solitary confinement without labor or made to perform futile labor on treadwheels, as abject examples to would-be thieves. Thus, after 1800 shortages of skilled labor and European restrictions on emigration led to the widespread adoption of productive and profit-oriented prison manufacturing systems, such as shoemaking, ironworking, carpentry, and weaving. In the aftermath of the War of 1812, America experience a deep business recession, with high levels of unemployment and growing imports of cheap manufactured goods. According to Adamson, hard labor lost is financial value and it ability to meet criminal justice objectives. Prison sentences increased dramatically after 1815 to absorb the growing surplus population, and the severity of penalties increased. With the return to prosperity in the period 1825 to 1840, hard labor was redefined as productive economic activity and the Auburn system of congregate manufacturing reached its apogee.

In addition to the variable meanings of "hard" and whether "labor" was productive or unproductive, prison industry alternated between periods of private control with production for the open market and public administration for state consumption. The most extensive and vicious system of forced penal labor for private profit occurred in the post-bellum U.S. South, where labor-starved states of the former Confederacy adopted the convict lease system to extract private profit in a system of penal slavery on cotton plantations, railroads, rice fields, turpentine farms, and coal mines. The 13th Amendment to the U.S. Constitution, which abolished slavery, exempted involuntary servitude of "duly convicted" criminals. The Southern ruling class would probably have preferred free workers, but the freedmen vigorously resisted wage slavery. Forced to labor from dawn to dusk, held in rolling circus cages when not working, provided with grossly inadequate medical care, the average life expectancy of convicts on the lease was five to seven years.

COMPARATIVE EXAMPLES AND CONTEMPORARY PRACTICES

Other notorious forced-labor regimes of the modern era include the Soviet gulags of the Stalin period and South Africa's penal system, akin to the convict

lease, that forced blacks into agriculture and mining from the 1880s until the end of the apartheid regime in 1994. Forced labor for reformative and economic purposes has existed in Chinese history since the 17th century. Mao Tse-tung's Communist revolutionary "reform through labor," or *laogai,* and *laojiao,* or "reeducation through labor," systems have sent millions to agricultural labor camps to be "reeducated." Since the late 19th century, Japan has operated a system of prison industrial subcontracting that constitutes hard labor in the extremely exacting regimentation required by its prisoner-workers. Hard labor in U.S. states and Western countries today is rare, with Texas and Mexico as prominent exceptions. In the northern states, Mexico has begun supplementing its laissez-faire petty entrepreneurial prisoner economy with *maquiladora* sweatshop factories. Texas maintains vast state plantations where convicts harvest cotton by hand without monetary compensation. In most of the former Soviet bloc countries, hard labor regimes have been replaced with a corrosive and debilitating idleness, with Poland as a prime example. China, however, still imprisons more than a million on farms and in factories that are said to manufacture for export.

CONCLUSION

Hard labor has existed as a form of punishment for centuries. In some places and eras, it has been used in conjunction with a sentence of imprisonment, while elsewhere and at other times, it has been a punishment in its own right. These days hard labor in Western industrialized states is rare, possibly because of the competition it would pose to other workers. Even so, methods such as the chain gang, which has been introduced in numerous U.S. states, as well as the plantations in Texas and elsewhere in the South, indicate that hard labor remains part of penal policy in America. The question remains, however, is it an effective means of punishment or control? Or does it simply provide a source of income for the state?

—Robert P. Weiss

See also Auburn System; Australia; Jeremy Bentham; Chain Gang; Corporal Punishment; Flogging; Labor; Alexander Maconochie; Privatization of Labor; Slavery; Thirteenth Amendment

Further Reading

Adamson, C. (1983). Punishment after slavery: Southern state penal systems, 1865–1890. *Social Problems, 5*, 555–569.

Christie, N. (1994). *Crime control as industry: Towards GULAGS, Western style.* London: Routledge.

Dutton, M., & Zhangrun, X. (1998). Facing difference: Relations, change and the prison sector in contemporary China. In R. P. Weiss & N. South (Eds.), *Comparing prison systems: Toward a comparative and international penology* (pp. 289–336). Amsterdam: Gordon and Breach.

Nicholas, S. (Ed.). (1989). *Convict workers: Reinterpreting Australia's past.* Cambridge, UK: Cambridge University Press.

Rusche, G., & Kirchheimer, O. (2003). *Punishment and social structure.* New Brunswick, NJ: Transaction.

Sellin, T. (1965, October). Penal servitude: Origin and survival. *Proceedings of the American Philosophical Society, 109*(5), 277–281.

Sellin, J. T. (1976). *Slavery and the penal system.* New York: Elsevier.

Solzhenitsyn, A. I. (1974). *The Gulag archipelago: 1918–1956.* New York: Harper & Row.

HARRIS, MARY BELLE (1874–1957)

Mary Belle Harris was renowned for her work as the head of several women's prisons in the first part of the 20th century. Throughout her career, she maintained that women's institutions must assist inmates to become self-sufficient through work training and education in a supportive, nonpunitive environment. As with other penal reformers of the period. Harris believed that most women's crimes were caused by their dependence on men—economically and psychologically—and thus only in institutions run by women for women, could offenders achieve the skills and strengths necessary for independence. Harris's work and ideas culminated in the development, design, and management of the first federal women's prison at Alderson, West Virginia, from 1925 to 1941.

BEGINNINGS: EDUCATION AND TEACHING IN THE CLASSICS

Mary Belle Harris, born August 19, 1874, was the oldest child of three, and the only daughter, of John Howard and Mary Elizabeth (Mace) Harris. Her mother died in 1880, and her father married Lucy Bailey, a cousin of Mary Mace, who became her beloved stepmother. John Howard Harris was a Baptist minister and president of Bucknell University (1889–1919), where Mary Belle Harris earned a music degree (1893), an A.B. (1894), and an M.A. in Latin and classics (1896). Thereafter, she went to the University of Chicago, receiving a Ph.D. in Sanskrit and Indo-European philology (1900). It was at Chicago that she became friends with Katharine Bement Davis, a woman who was to have a pivotal role in Harris's later career in corrections.

Between 1900 and 1914, Harris taught Latin (one appointment was at the Bryn Mawr School in Baltimore, Maryland, led by Edith Hamilton), studied numismatics at Johns Hopkins University, and traveled to Europe as a teacher-chaperone, working at the American Classical School in Rome. During this time, she also studied numismatics at the Kaiser Friedrich Museum in Berlin. She returned to the United States in 1914.

PRISON REFORM AND ADMINISTRATION

Harris arrived in New York City when Katharine Bement Davis was commissioner of corrections. Davis offered Harris the newly created position of superintendent of women and deputy warden of the Workhouse at Blackwell Island, which she accepted. Thus, on July 1, 1914, at age 40, Mary Belle Harris began the work for which she had not trained, yet would bring her national renown.

In 1914, the workhouse held around 700 women convicted of prostitution, alcoholism, and drugs, who were serving sentences from three days to six months. Harris instituted changes that enabled the women to leave their cells, get some exercise, and do activities that relieved the boredom and petty infractions. Harris opened a library and allowed women to play cards and knit. She fenced off part of the yard so they could exercise. She also renovated the dining room and opened a lounge for staff. Harris's approach at Blackwell Island was to be her trademark: common sense changes that fit women's needs, even when it meant altering the accepted ways or challenging the bureaucracy.

After leaving the workhouse in 1917, Harris became superintendent at the State Reformatory for Women in Clinton, New Jersey, for two years. Over the same period, while on leave from Clinton, she was assistant director of the Section on Reformatories and Detention Houses for the (U.S.) War Department's Commission on Training Camp Activities under Martha P. Falconer. From 1919 to 1924, she was the superintendent of the State Home for Girls (juveniles) in Trenton, New Jersey, In March 1925, Mary Belle Harris embarked on her final and most public leadership role in women's corrections: heading the new federal prison for women in Alderson, West Virginia.

ALDERSON: "A SOCIETY OF WOMEN WORKING TOGETHER UNDER THE GUIDANCE OF OTHER WOMEN"

The Federal Industrial Institution for Women was established by the U.S. Congress in June 1924, and the site of Alderson, West Virginia, was selected in January 1925. Upon the recommendation of Assistant Attorney General Mabel Walker Willebrandt, Harris was appointed superintendent before the construction began. Supported by Willebrandt, Harris played a unique role in working with architects and engineers to ensure that the design and construction conformed to her view, and that of other reformers, of the best environment for rehabilitating women offenders.

The first 15 prisoners—"the early settlers"—arrived at Alderson on April 30, 1927, even though the institution was officially opened on November 24, 1928. The institution earned accolades throughout the United States, and occasionally beyond, largely as a result of Harris's design ideas and regime. As one member of Congress asked during appropriation hearings: "Alderson: That is a

Ladies' Seminary?"[1] Harris instituted physical fitness (baseball games), farming, an inmate self-governing system, and educational and vocational training. She also held county fairs, nature hikes, individualized classification—without any serious disciplinary problems and with few escapes. In keeping with the values of the times, all of these activities were racially segregated.

Despite her successes, Harris's independence to do as she wished in the institution became increasingly challenged once the Federal Bureau of Prisons was established in May 1930. For the next 11 years, until her retirement in 1941, Mary Belle Harris used the Alderson Advisory Board, women's networks, relationships with important personages such as Eleanor Roosevelt, and the press to battle for the ideas she and others had fought for in distinguishing the treatment of women from that of men. Harris and Sanford Bates, the first bureau director, argued about staff selection, a variety of inmate management issues, management of the institution including the physical plant, and most intensively the battle over the role of prison industries and education. In the latter situation, the bureau wanted to increase the output and limit Alderson's ability to limit the amount of time women spent at the sewing machines so these inmates could go to class.

CONCLUSION

After reluctantly retiring from Alderson at the age of 66 in March 1941, Harris returned to Pennsylvania and served on the state's parole board until it was abolished in 1943. She moved to Lewisburg, home of Bucknell University and the First Baptist Church, serving as a trustee of each. In 1953, she traveled throughout Europe and Northern Africa returning to Lewisburg in July 1954. Mary Belle Harris died on February 22, 1957, at the age of 82.

NOTE

1. Rep. Kop asked this of the superintendent of prisons, Captain O'Connor, during the l929 appropriations hearings.

—Claudine SchWeber

See also Alderson, Federal Prison Camp; Sanford Bates; Cottage System; Katharine Bement Davis; Federal Prison System; History of Women's Prisons; Mabel Walker Willebradnt; Women Prisoners; Women's Prisons

Further Reading

Garrett, P. W., & MacCormack, A. H. (Eds.). (1929). *Handbook of American prisons and reformatories*. New York: National Society of Penal Information.

Harris, M. B. (1936). *I knew them in prison*. New York: Viking.

Lekkerker, E. C. (1931). *Reformatories for women in the United States*. The Hague, Netherlands: J. B. Wolters.

Strickland, K. G. (1968). *Correctional institutions for women in the United States*. Ph.D. dissertation, Syracuse University, New York.

Torrey, W. (1928, September 16). Women at Alderson prepare for useful careers. *Washington Star, 7*, 1.

U.S. House of Representatives. (1929, January 7–15). *Hearings before the Special Committee on Federal Penal and Reformatory Institutions.* 70th Congress, 2nd Session.

HAWES-COOPER ACT 1929

The Hawes-Cooper Act (H.R. 7729) was passed on January 19, 1929, and mandated that prison-made goods and merchandise transported from one state to another were to be subject to the existing laws of the importing state. The act took effect five years after passage and was repealed in 1978.

HISTORY

Work by inmates in the earliest American penitentiaries was initially justified by the idea that hard labor was reformative in nature. Whether by individual labor in a solitary cell (as in Philadelphia's Eastern State Penitentiary) or through congregate labor in enforced silence (as in the Auburn system), work was thought to be integral to the reformation of the criminal. Gradually, as a result of increased public and government attention to the costs of prison operations, many institutions began to examine ways whereby a prison could also achieve some degree of self-sufficiency.

During this time, many states begin to use prison labor in various ways. The "contract system," where

inmates worked within the prison manufacturing goods and merchandise for private concerns, was a popular way of making prisoners work. Under this system, the manufacturer supplied the raw materials and prison officials supervised the inmates. Because the private manufacturer purchased the goods at an agreed on price, this was also called the "piece-price system." Also common, particularly in the South was the "lease system," which began in Kentucky in 1825. In this system, prisoners were rented to contractors to work often outside the prison itself. They were generally poorly paid (if at all) and worked in unsafe and often squalid conditions.

Over time, it became increasingly clear that much of the free market labor could not compete with the lower cost of (and lower-priced) products manufactured in or outside of prison by forced inmate labor. By the late 1800s, prison reformers, who opposed the exploitation of inmates who were forced to work, and labor unions, fearing unfair competition, increased their opposition to prison labor and prison-made goods. In response, several states enacted new laws between the 1880s and 1920s to restrict or outright prohibit the sale of goods and merchandise made by inmates within their states. In 1887, for example, the New York Legislature, with the Yates Law, abolished all prison labor contracts and manufacturing, limiting prison industries to handicrafts that could only be sold within the state. New Jersey, Ohio, and Illinois eliminated these contracts as well and beginning in 1893, Pennsylvania passed a number of restrictive laws and by 1897, prison industry ceased to exist at all in that state.

With the increased use of the automobile by the average American and the necessity for more public access, road construction and maintenance provided other opportunities for inmate labor. Known as chain gangs in the South, prisoners were employed to build bridges, clear land, and repair buildings as well. By 1923, only Rhode Island prohibited inmates (primarily from the county jails) from working on public highways. The use of chain gangs diminished when soldiers returned from World War II and these jobs reverted to the public sector.

Prison labor became particularly controversial during the Depression, as prison populations increased dramatically and organized labor reasserted its influence in the American workplace, arguing that prison labor and prison-made goods held an unfair competitive advantage. While prison officials and others opposed any new restrictions on prisoner labor, nevertheless many states adopted legislation that severely curtailed the ability of prisons to effectively employ the huge labor pool of incarcerated offenders. Congress followed suit and, in 1929, passed the Hawes-Cooper Act, the first of what would be several federal laws regulating or restricting the production and sale of prison-made goods.

THE ACT

The act reads (in part): ". . . That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions, except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government, transported to any State or Territory of the United States and remaining therein for use, consumption, sale or storage, shall . . . be subject to the operation and effect of the laws of such State or Territory . . . and shall not be exempt otherwise by reason of being introduced in the original package or otherwise."

There were several other laws in this area passed by Congress placing restrictions on interstate commerce that made it increasingly more difficult to employ inmates in productive labor. For example, the Ashurst-Sumners Act, passed in 1935, made the shipping of prison-made goods to a state that prohibited the receipt, possession, sale, or use of such goods a violation of federal law. Although this strengthened the restrictions outlined in Hawes-Cooper, opponents were not satisfied because the prior act still relied on the states to ban such commerce. Five years later in 1940, the Sumners-Ashurst Act made it a federal crime to transport prison-made goods in interstate commerce for private use, regardless of whether the states involved had laws restricting it. Ultimately, 30 states also passed legislation restricting the sale of prison-made goods.

In addition to the restrictions placed on the shipment of goods made by state inmates, Congress addressed federal purchases and contracts with the Walsh-Healy Act in 1936. This basically banned prison labor on federal procurement contracts where the amount of the contract exceeds $10,000. During World War II, however, these prohibitions of inmate labor were temporarily suspended as prison industries produced much needed war materials. Some prisons became somewhat self-supporting and some even made profits, but after the war the restrictions were again imposed. This continued until the 1970s, when a general disillusionment regarding the purpose and effectiveness of prisons emerged and prison industry was once again identified as a mechanism to address these concerns.

THE ACT IS REPEALED

The Hawes-Cooper Act was repealed in 1978, and in 1979 Congress further relaxed restrictions on prison labor with the passage of the Justice System Improvement Act (or Percy Amendment). This permitted waivers of the Sumners-Ashurst and Walsh-Healy restrictions provided that (1) prisoners are paid the prevailing wage (sometimes union scale), (2) local labor unions are consulted and their approval given, (3) local nonprisoner labor is not affected, (4) participating prisoners must do so voluntarily, and (5) goods produced are in an industry where there is no local unemployment. The Justice System Improvement Act also created the Private Sector/Prison Industry Enhancement Certification Program (known as the PIE program), which began the process of allowing private companies to employ prison labor in many areas. The Comprehensive Crime Control Act of 1984 contained provisions that also encouraged the expansion of prison industries, and by 1985 the federal government and about half of the states had some private sector ventures.

By the end of 1994, the PIE program had 74 companies (e.g., J.C. Penney, Honda, Eddie Bauer) employing more than 1,600 inmates manufacturing a variety of goods, from bird feeders to circuit boards. Others were employed in service industries (e.g., Best Western Hotels and TWA) including data processing, airline reservations, and telemarketing. Of the $46 million in gross wages paid since 1979, inmate laborers have retained 56%, with the remainder going to room and board (19%), taxes (12%), victim restitution (6.6%), and family support (6.4%).

CONCLUSION: CURRENT INMATE LABOR

There are currently four basic program models of inmate-involved labor in use:

1. *Employer model.* Private company owns and operates a business that uses inmate labor to produce goods or services; business has control of hiring, firing, and supervision of the inmate labor force (e.g., telemarketing firms that train and employ inmates to do telephone surveys).
2. *Investor model.* The private sector capitalizes or funds a business to be operated by the state correctional agency; aside from the financing, the business will play no other role.
3. *Customer model.* Outside company purchases a significant percentage of the output of a state-owned and -operated business, which is located within the prison.
4. *Manager model*. Private sector manages a business owned by the correctional agency; the company does not supply any material or funding, nor does it purchase any of the products. This is a personnel-supplying system, which provides managers, supervisors, and technicians.

Critics of these and similar programs are quick to point out that this results in a prisoner being paid much less than the "prevailing wage" as mandated by the program. There is also the problem that many of these industries develop skills that are not transferable to the private sector upon the inmate's release. A number of supporters and prison reformers, however, are convinced that such programs are invaluable in teaching prisoners marketable skills, even though many prison industries involve labor-intensive, low-skill work, and that there is some rehabilitative success. An often-cited 1991 study of the U.S. Bureau of Prisons found that only 6.6% of federal inmates employed in prison industries reoffended or violated

parole compared with 20% for nonemployed prisoners. Whatever the perspective, it remains the case that more prisoners are idle than employed in prison industry, and the question of prison labor continues to divide the free and incarcerated worlds alike.

—Charles B. Fields

See also Ashurst-Sumners Act 1935; Chain Gangs; Convict Lease System; Federal Prison System; Hard Labor; History of Prisons; Labor; Prison Industry Enhancement (PIE) Certification Program; Privatization; Privatization of Labor; UNICOR

Further Reading

Lichtenstein, A. (1996). *Twice the work of free labor: The political economy of convict labor in the new South*. New York: Verso.

Schaller, J (1982). Work and imprisonment: An overview of the changing role of prison labor in American prisons. *The Prison Journal*, *62*(2), 3–12.

U.S. Department of Justice, Law Enforcement Assistance Administration. (1977). *Study of the economic and rehabilitative aspects of prison industry*. Princeton, NJ: ECON.

HAWK SAWYER, KATHLEEN

Kathleen Hawk Sawyer was appointed director of the Federal Bureau of Prisons by Attorney General William Barr (1991–1993) on December 4, 1992. The attorney general of the United States, as head of the Department of Justice, is the chief law enforcement officer of the federal government and represents the United States in legal matters generally. The office of the attorney general has responsibility for the Bureau of Prisons. The attorney general recommends a director of the Bureau of Prisons to the U.S. president, and upon approval by the president, Congress confirms the choice.

A career public administrator in the Department of Justice for the Federal Bureau of Prisons, Kathleen Hawk Sawyer was the bureau's sixth director since 1930. She has a doctorate of education in counseling and rehabilitation from West Virginia University. Preceding her career with the Bureau of Prisons, Hawk Sawyer was employed at the Sargus Juvenile Facility in St. Clairsville, Ohio, where she established a psychological counseling program for pre- and postadjudicated youths and their families.

FEDERAL BUREAU OF PRISONS TENURE

Hawk Sawyer began her career with the Federal Bureau of Prisons in 1976 when she became a psychologist at the Federal Correctional Institution (FCI) in Morgantown, West Virginia, which housed approximately 400 male juvenile offenders. In 1983, she was designated chief of psychology services. During that year, she also served as a senior instructor for the Bureau of Prison's Staff Training Academy in Glynco, Georgia, as a training instructor in vocational and occupational training programs.

In 1985, Hawk Sawyer became associate warden for programs at the FCI-Fort Worth, Texas. This facility was a co-correctional institution that housed 1,000 inmates. In 1986, the bureau appointed Hawk Sawyer as chief of staff training for three training centers: Glynco, Georgia; Aurora, Colorado; and Fort Worth, Texas. In 1987, she became warden at the FCI-Butner, North Carolina, which housed 800 male offenders.

Hawk Sawyer became the assistant director for the Program Review Division at the Central Office, Washington, D.C., in May 1989, which led to her appointment as director in 1992. In 1997, President Bill Clinton awarded her with the Distinguished Executive Award, the highest award offered to professionals in the Senior Executive Service.

CAREER GOALS

As director, Hawk Sawyer sought to reduce the recidivism rate by offering more work and education opportunities to federal prisoners. In her decisions, she was influenced by the Post Release Employment Project, a long-term evaluation of the impact of prison industrial work that found former prisoners who had worked in prison industries were 35% less likely to recidivate one year after release than comparison group members who had not. The report also found that prisoners who had worked in prison industries were more likely to be employed during the first year after release and earned higher wages during the first year of release than others

who had not had the same opportunities. In response to the study, Hawk Sawyer increased the number of inmates working for UNICOR (Federal Prison Industries) from approximately 16,000 inmates at the end of 1992 to 22,000 inmates mid-2003. She also focused on modernizing the educational opportunities offered to inmates by offering secondary education at every institution.

Hawk Sawyer also brought in a number of residential substance abuse treatment programs while director. Reflecting in part her background in psychology, these programs, which were available at 47 facilities in 2001, use a cognitive restructuring approach. They also incorporate a pro-social values program that focuses on inmates' emotional and behavioral responses to difficult situations and emphasizes life skills for respect of self and others. All federal prisons offer drug education programs.

CONCLUSION

During her distinguished career and as the first female director of the Bureau of Prisons, Kathleen Hawk Sawyer initiated major changes in the field of corrections, particularly in the fields of work, education, and treatment. She retired from the Bureau of Prisons as director in April 2003 and was replaced by Harley Lappin, the mid-Atlantic regional director for the bureau.

—Barbara Hanbury and John D. Brown

See also Sanford Bates; James V. Bennett; Drug Treatment Programs; Federal Prison System; Mary Belle Harris; Psychological Services; Mabel Walker Willebrandt

Further Reading

Anonymous. (1999). Federal prison official testifies before Congress. *Corrections Digest, 30,* 2–3.

Bureau of Prisons. (2001, July). Kathleen M. Hawk, director of the Federal Bureau of Prisons. Retrieved from www.bop.gov

Bureau of Prisons. (2004). *Federal Bureau of Prisons quick facts.* Retrieved from http://www.bop.gov/fact0598.html

Munley-Norris, T. (2001). Commission salutes corrections' finest (Commission on Accreditation for Corrections). *Corrections Today, 63,* 29.

Sabol, W. J., et al. (2000), *Offenders returning to federal prison, 1986–97* (Bureau of Justice Statistics special report). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

HEALTH CARE

Methods for diagnosing and treating illness are the same, whether the patient lives behind bars or in free society. No convincing legal or ethical argument can be made, on the basis of arrest, conviction, or sentence, to justify denying prisoners a level of health care that is equivalent to the community standard.

Though the principles and criteria governing medical practice for incarcerated persons are identical to community standards, the correctional context introduces important differences. Concern for safety and security is preeminent. Consequently, there may be compromises in privacy and confidentiality. Health care service delivery in correctional facilities is less efficient, given the need to secure all sharp items and medications from possible misuse. Movement and transport are necessarily controlled and restricted, resulting in downtime for health professionals between patients. Patients also have less freedom to choose among providers, though they remain autonomous and free to accept or reject treatment.

Caring for sick prisoners is challenging. Penal institutions were never designed for the purpose of providing health care. Their environment, regimentation, physical plant, and lifestyle are anything but therapeutic. Nevertheless, prisoners do become ill—sometimes quite seriously.

COURT-ORDERED REFORMS

Prior to the mid-1970s, prisons were virtually closed to public scrutiny, and convicts were accorded few rights. Most health care services were provided by other inmates—usually without formal training and with only rudimentary medications and equipment. Professional health care providers were few. Many of these had licensing, competence, or sobriety problems and could not find gainful employment elsewhere. As a result, abuses abounded. Sometimes medical care was denied as a form of punishment or because of the whim of an officer.

Few gave credence to prisoners' complaints. Judges ruled it was not the business of courts to meddle in the internal affairs of prisons and left these matters to the discretion of correctional managers. This state of affairs continued until the 1960s and 1970s, when white, middle-class, affluent, educated, and socially well-connected people were incarcerated for civil disobedience or other activities in civil rights and antiwar demonstrations. These activists generally had greater credibility than the typical inmate, whose only contact with a lawyer may have been with a public defender. Amid voters' rights rallies and Vietnam War protests, legal defense societies were quickly mounted to provide competent defense and advocacy.

Soon class action suits were filed, grouping similarly situated inmates together as plaintiffs seeking redress. Most were filed in federal courts and sought relief under 42 U.S.C. § 1983 of the Civil Rights Act from conditions of cruel and unusual punishment prohibited by the Eighth Amendment. In 1976, the U.S. Supreme Court in *Ruiz v. Estelle* ruled that "deliberate indifference to serious medical needs of prisoners constitutes the 'unnecessary and wanton infliction of pain' proscribed by the Eighth Amendment."

Following *Ruiz v. Estelle,* an avalanche of litigation ensued. Some suits were successful. Many resulted in court-ordered consent agreements and required defendants to implement sweeping changes under the watchful eye of court-appointed monitors. Besides medical and mental health care, reforms addressed overcrowding, brutality, nutrition, and access to courts. The most fundamental health arena changes required access to professional medical evaluation and prohibited interference with ordered medical treatment.

These improvements were costly, and some court-ordered reforms may have been excessive. In 1996, the Prisoner Litigation Reform Act swung the pendulum the other way, rendering access to courts much more difficult for inmate plaintiffs. These days, therefore, it is difficult for inmates to address health care problems through the court process. Instead, they must try to deal with any complaints they have at the institution where they are confined.

MEDICAL STANDARDS AND ACCREDITATION

Following public outcry over prison conditions, the American Medical Association formulated jail and prison health care standards in the late 1970s. These were subsequently adopted by the National Commission on Correctional Health Care. The American Correctional Association's facility-wide standards for various types of correctional institutions also addressed health care issues. Promulgation of standards was accompanied by development of accreditation mechanisms to assess voluntary compliance.

Correctional health care professionals credit the dual influence of court involvement and the standards and accreditation process for improving access to quality medical care for the incarcerated. Prison and jail clinics are generally staffed with an adequate number of competent health professionals; inmates no longer provide health care; treatment is documented in accordance with contemporary standards; many sites have viable quality improvement programs. The quality of health care typically available to prisoners today approximates that required by the standards and follows contemporary community practice. Glaring abuses and deficiencies are largely past.

The National Commission on Correctional Health Care endeavors to upgrade the quality of jail and prison clinical staff by encouraging them to become Certified Correctional Health Professionals and to join the Academy of Correctional Health Professionals. The American Correctional Health Services Association also sponsors programs to facilitate networking among correctional health care providers and raise their knowledge and professional awareness. Prisons and jails once were the refuge of questionably competent medical providers. Today, no stigma is attached to work as a prison doctor or nurse. Good—even outstanding—professionals are being recruited to this work.

RISING COSTS OF CARE

Partly because they are sicker, partly because they have little opportunity for self-care, and partly

Health Care

I have been incarcerated for close to five years now and have been in four different institutions. I was in a serious motorcycle accident when I was sixteen. I broke my left leg in three places, shattered my left ankle, suffered many internal injuries, and injured my back, which caused complete paralysis from the knee down on my left leg. I have had several operations because of these injuries. Since I have been in the federal prison system I have had to beg and plead with the medical staff to get even basic needs met.

I started my time at Carswell's Federal Medical Center in Ft. Worth, TX. I had three surgeries there, two on my back and one on my left leg and ankle. My back surgery was successful. The surgery, which was a fusion of my left leg and ankle, was a whole different story. The orthopedic surgeon that performed the surgeries set my cast crooked after the surgery.

Later, when I was transferred to FCI Dublin, still in my cast, the cast was removed. I was horrified because my foot was permanently crooked, turning inward. It looked deformed and remains that way today. I was devastated, as I still am. Before surgery I wore a leg brace (from the knee down), but my foot was straight. If I wore pants you could not even tell that anything was wrong with me. Now even with pants on it is quite evident that my leg is crippled. I am very self-conscious about it, but at this point there is nothing that can be done. I will try to get it corrected when I get out. I asked medical in Dublin if they could fix it. The head of medical there, told me that I would have to go back to Carswell for a procedure like that because they could not provide the aftercare necessary. Plus they did not want the liability. Needless to say, I decided not to go back to Carswell.

I do have to give credit, where credit is due. The physical therapy department in Carswell was real good, and I had a very caring and competent physical therapist. They also made sure I got my medications, my leg brace, and special shoes.

After FCI Dublin I went to Phoenix Prison Camp, and now I am currently at the Victorville Prison Camp in California. For the most part, with all the prisons I have been in it has been the same old story. There is no order and they are incompetent, with Phoenix and Victorville being the worst. I have been going to doctors for years before my incarceration, and I have never seen nothing like this. You rarely ever if at all, see a doctor. It is usually a physician's assistant or a nurse who cares for our medical needs; anything from a headache to terminal cancer, and it is usually the same treatment—Ibuprofen. I never once saw a doctor the whole time I was in Phoenix, which was over one year. I did write them up for negligence to their regional director, and I did win.

I have been in Victorville for three weeks now and have not yet seen a doctor. It is a task just to get your prescriptions filled here. When I asked the physician's assistant what the problem was, she told me that they were just overwhelmed with work because there are so many inmates. And that, I believe, is exactly it. They are all short staffed and don't have the time to spend on our individual medical needs. I am sure our medical care would improve considerably if there was enough medical staff for the inmate population. But until that happens, we will go without.

The Bureau of Prisons's sole function is not to simply warehouse inmates, but while in their custody, we have the right to receive health care in a manner that recognizes our basic human rights. Our eighth amendment right states that we are not to be subjected to cruel and unusual punishment. To be left sick or in pain is cruel and unusual punishment.

Tara Frechea
Federal Prison Camp Victorville, Adelanto, California

because confinement and idleness promote excessive focus on their bodies, prisoners tend to require more, rather than less, health care. The causes of their illnesses often predate their incarceration and include unhealthy lifestyles, trauma and injury, malnutrition, heavy use of drugs and alcohol, and generally poor access to the health care delivery system.

Following the huge increase in the number of incarcerated in the United States, the cost burden of health care services in corrections has reached staggering proportions. Medical costs are 9% to 12% of the total cost of corrections. In addition to the sheer number of inmates who need medical treatment, several other factors contribute to this high cost: (1) the growing number of elderly prisoners, (2) technological and qualitative improvements (e.g., new, costly medications and procedures), (3) focus of attention by courts and media, (4) communicable diseases such as AIDS and hepatitis C that are difficult and costly to treat, and (5) ravages of substance abuse. Each of these factors requires

increased staffing, pharmaceuticals, hospitalization, and liability insurance.

To cope with and attempt to reduce these costs, some correctional jurisdictions turn to privatization to divest themselves of the direct burden of managing and supervising health care programs and of the responsibility for controlling costs. This strategy has had mixed results. For smaller facilities, where acquisition of in-house expertise is often difficult, private companies bring the benefit of patterned approaches to policies and methods. Some large state systems also have gone this route, though they might do as well and at lower cost by employing competent managers and providers. On this point there are differing opinions.

KEY PROGRAMS

Correctional health care provides a number of key programs throughout a person's sentence. The most important of these are described below.

Intake Screening

Correctional facilities perform a brief health screening of each inmate immediately upon arrival to determine whether an emergent or serious health problem exists, whether there is significant risk of suicide or of alcohol withdrawal, and if medications are required. These needs should be attended to within the first few hours of arrival. Within the first 7 to 14 days, inmates undergo physical health assessment and mental evaluation to provide baseline information for their medical records.

Suicide Prevention

Health care providers and correctional staff should be trained in suicide prevention. Research indicates that individuals are most likely to try to take their own lives in the first hours of detention. Self-harm and suicide attempts can take place, however, at any time. Those determined to be at elevated risk for suicide require close supervision and, when clinically indicated, may have their property or clothing restricted. In rare instances, and despite literature criticizing this practice, brief use of restraints may occur. However, it often suffices to keep patients under observation in a setting where social interaction with others can occur, such as a day room, rather than secluding them in a cell. Isolation tends to exacerbate the loneliness, sadness, and depression already being felt.

Medication

Ensuring that outpatients receive their medications in the doses and at the times prescribed is one of the most important tasks of prison health care personnel. This is also often one of the most difficult jobs to do. Rules vary as to whether inmates are allowed to keep medications in their own possession. Prisons tend to be more lenient on this practice than jails because the inmates are better known to staff. National standards insist that medications be dispensed and administered in full compliance with state and federal pharmacy regulations.

Sick Call

"Sick call" refers to the scheduled opportunity for prisoners to see a health provider face to face. Patients generally initiate nonemergency requests by writing a note for review by a nurse, who subsequently schedules an appointment with an appropriate provider (nurse, physician, dentist, psychologist). All sick call encounters are documented in the medical record.

Segregation Rounds

The health and well-being of persons housed in segregated settings, apart from the general inmate population, pose special concerns. Standards require thrice weekly to daily visits from health care staff to ensure that health problems do not go undetected.

Emergency Response

Every correctional facility has a response plan or strategy for emergencies. If health care staff, typically nurses, are on site when a medical emergency occurs, they are summoned to the scene. However, officers are trained in First Aid and cardiopulmonary

resuscitation to serve as first responders until the nurse arrives. Serious illness or injury usually results in a call to the local ambulance and paramedic service, and the patient is taken to a hospital emergency room, accompanied by a correctional officer.

Many correctional facilities now include an automated external defibrillator in their emergency response kits and ensure that nursing staff and officers are trained in its use. This precaution enables fast response to cardiac victims among inmates, staff, or visitors.

Chronic Disease Management

When the number of patients with chronic illness is sufficiently large, it becomes efficient to schedule weekly or monthly chronic disease clinics apart from the times acute and new patients are seen. The appropriate provider calls chronic patients to the clinic for routine testing and follow-up according to the treatment plan. Especially in systems with multiple providers, use of approved chronic disease guidelines can help ensure consistency in treatment and avoid substandard care.

Contagious Disease Control

Close living quarters present elevated risk for spread of contagious illness. Consequently, correctional authorities must take systematic precautions to minimize transmission of infectious disease. AIDS, hepatitis B, hepatitis C, and tuberculosis are major concerns. These diseases abound among prisoners because of previous lifestyles, including needle sharing and substance abuse.

Mental Health Services

Since the 1970s, state mental hospitals have systematically deinstitutionalized (discharged) their patients to receive care in the community. Many of these women and men have been reinstitutionalized into prisons and jails. Such people generally cope poorly under the conditions that prevail in general prison populations. Many require a special intermediate-level mental health unit where antitherapeutic stimuli are minimized.

Dental Care

Prisoners are entitled to basic dental care. Such treatment usually provides them with fillings and routine endodontic and periodontal services. Gold crowns and extraordinary prosthetic or restorative measures are usually not allowed.

Detoxification and Withdrawal

Jails, especially, must identify new arrivals at risk of serious consequences of overdose or withdrawal from alcohol or drugs. Each new inmate is questioned about recent use of intoxicants and whether difficulty was previously experienced when discontinuing these substances. Mild to moderate symptoms can often be managed in the correctional facility, but severe symptoms of withdrawal nearly always require prompt admission to a hospital.

Off-Site Care

While smaller facilities refer all complex and specialty care to off-site providers, large correctional systems find it cost effective to schedule certain specialty clinics on site. Some even provide minor surgeries, dialysis, and inpatient care within the walls. When a prisoner requires medical care beyond the level available in the facility, services are arranged with a community provider or medical specialist. If necessary, the prisoner is admitted to a local hospital. Unless the hospital has a secure unit staffed by a cadre of officers, a correctional officer is assigned to remain by each prisoner's bedside to prevent escape or harm to other persons.

Pregnancy

Many pregnant prisoners are at high risk due to drug abuse, lack of prenatal care, AIDS, recent trauma, and other factors. They require close and specialized monitoring and care. Accommodations may be needed in diet, living conditions, and work assignments. Every effort is made to ensure delivery in a community hospital. Very few correctional facilities in the United States permit incarcerated mothers to be accompanied by their infant and

small children, though this practice is more common in other countries.

The Elderly and Disabled

To meet the special needs of the growing number of elderly and disabled inmates, some larger correctional systems are establishing dedicated housing units. These are barrier free, readily accommodate wheelchairs, and afford a more leisurely and less regimented and stressful routine. Like community homes for the aged, they make life more tolerable. Some chronic illness conditions can also be cared for in these units.

End-of-Life Care

Prison systems find it increasingly necessary to cope with dying inmates. Until recently, all but the most sudden and unexpected inmate deaths occurred in community hospitals. Wardens and jail administrators went to extreme lengths to ensure that nobody died in the institution. Instead of peaceful and reassuring surroundings, patients were unnecessarily subjected, during their final days and hours, to frightening sounds, commotion, and unfamiliar faces.

Dying prisoners experience the same kinds of disability, pain, anxiety, fear, confusion, incapacity, and needs as do free citizens who face old age and death. They, too, want closure, need to say farewell, desire to forgive and to be forgiven, appreciate kind words, crave companionship, require assistance, and fear dying alone. Separation from family and friends only exacerbates these problems. A few prisons have established special policies and programs to cover the final phase of life, relaxing visitation rules and other restrictions and utilizing the services of specially trained inmate volunteers to sit at the bedside, assist with activities of daily living, and provide companionship during the last days. Demonstrable benefits of this practice include redemptive and rehabilitative effects for the inmate caregivers themselves. Prisoners in these programs are allowed to die peacefully in a familiar environment and are appropriately permitted to refuse unwanted life-prolonging rescue methods.

Transitional Case Management

Transitional case management approaches have been successfully employed to assist terminally or seriously ill and disabled inmates to cope in the community after release from jail. Using case managers to prepare living and support arrangements prior to release and to afford follow-up guidance and assistance afterward, these programs can reduce recidivism and promote humane living conditions and should be implemented in collaboration with other agencies.

HOW MUCH CARE?

Medical care of inmates is subject to limits, just as it is in the community. Those whose care is paid by public funds or insurance policies cannot demand every expensive procedure, regardless of need. Cost must always be balanced with need so that there are sufficient resources for all.

Inmate status and nature or gravity of the crime—such as gender, race, color, creed, or ethnicity—have no bearing on such decisions. Even expensive procedures such as organ transplants ought not be denied solely because of inmate status. Age and expected years of life remaining, general health condition (including comorbidity), likelihood of successful response to treatment, and patient's wishes are relevant.

A jail or prison ought not deny or withhold a necessary treatment or diagnostic procedure because of lack of funds. Previous failure to access health services while in the community does not justify denial of care. Jails or prisons may defer treatment of short-term inmates until released from custody, provided a determination is made that this will not pose undue risk to the patient.

CONCLUSION

A healthy tension should exist between correctional authorities and the responsible health authority. If open and constructive discussion is repressed or discouraged, the differences in approach, policy, and mission can result in imprudent decisions.

There is no real contradiction between the principles and practice of good correctional programs and good health care programs. Each party needs to be familiar with the content and rationale of the other's policies. Health care professionals should never fail to be their patients' advocates.

—Kenneth L. Faiver

See also Dental Care; Doctors; Eighth Amendment; Gynecology; HIV/AIDS; Hospice; Mental Health; Prison Litigation Reform Act 1996; Psychiatric Care; Physicians' Assistants; *Ruiz v. Estelle*; Section 1983 of the Civil Rights Act; Suicide; Women's Health Care

Further Reading

Anno, B. J. (2001). *Correctional health care: Guidelines for the management of an adequate delivery system.* Washington, DC: National Institute of Corrections.

Faiver, K. L. (1998). *Health care management issues in corrections.* Lanham, MD: American Correctional Association.

GRACE Project. (2001). *A handbook for end-of-life care in correctional facilities*. Alexandria, VA: Volunteers of America.

National Commission on Correctional Health Care. (2003). *Standards for health services in prisons.* Chicago: Author.

Ort, R. S., & Faiver, K. L. (1998). Mental illness as a chronic condition: Coping with chronic mental patients in a correctional setting. *Corrections Compendium*, *23*(5), 1–6.

Puisis, M. (Ed.). (1998). *Correctional medicine*. St. Louis: C. V. Mosby.

Sanderford-O'Connor, V. (1998). Prerelease program for inmates with HIV: Cost-effective case management. In E. E. Rhine (Ed.), *Best practices: Excellence in corrections* (pp. 249–251). Lanham, MD: American Correctional Association.

Vitucci, N. (2000). Patient or inmate—Do these terms affect how we treat the incarcerated? *CorrectCare*, *14*(4), 1, 9.

Legal Case

Ruiz v. Estelle, 503 F. Supp. 1265 (1980).

HIGH-RISE PRISONS

Various architectural styles have been employed in prison design, from the first radial cells of the Pennsylvania model to the recent innovations of new-generation prisons. Classic models such as the Auburn style and the telephone pole design provided the blueprint for most facilities built in the late 19th and early 20th centuries. These facilities, which include Sing Sing and San Quentin, were designed to hold large numbers of men in single cells at night, and in congregate labor during the day. Although popular for most of the 20th century, they presented numerous obstacles for program implementation and delivery, as well as safety.

In response, prison administrators began looking for alternative styles of design to aid in the establishment of smaller facilities, or, at the least, for methods that could facilitate the establishment of smaller, distinct units within larger institutions. Recent design models also tend to rely on enhanced technology. High-rise prisons, also commonly referred to as skyscraper prisons, are just one solution to the problems posed by the early architectural designs described above.

HISTORY AND DESIGN CHARACTERISTICS

Experimentation with high-rise prison facilities began in the 1970s, when the U.S. federal government began to construct metropolitan detention centers for the purpose of detaining persons accused of federal crimes. Soon thereafter, many state and local jurisdictions began to employ the high-rise design in the construction of prisons and jails. Since this time, the majority of facilities built according to the high-rise plan tend to be located in urban areas, presenting accused persons and those charged with their care the unique advantage of proximity to court services and other municipal buildings housing criminal justice–related divisions and departments. The facades of many high-rise institutions are architecturally designed to blend in with the urban landscape in which they are built.

Most high-rise facilities detain offenders prior to trial and sentencing. Many hold women and men, as well as some juvenile offenders. To keep these populations separate, housing units are usually contained within one floor allowing for the housing of multiple security levels in one site (i.e., different security levels on different floors). Likewise, the functional units such as medical, education, or recreation are located on different floors, eliminating contact among subpopulations.

PROFILES OF HIGH-RISE FACILITIES

Several high-rise prisons that can be found in metropolitan settings in the United States are profiled below. Many details of these facilities conform to the theoretical plan originally developed for the building and use of these facilities. Nevertheless, each facility presents its own unique contribution to the inmates and neighborhood that it serves. A discussion of the pros and cons of high-rise institutions follows the profiles of these facilities.

Federal Detention Center–SeaTac

The Federal Detention Center–SeaTac is a 10-story, 502-cell facility. The physical plant is composed of a six-story cell tower, as well as a four-story base that houses administrative offices, health services, laundry facilities, a commissary, and food services. It also accommodates vehicle entry via a sallyport. Security is the main mission of the Federal Detention Center–SeaTac, and this function is represented in the placement of the physical plant, since the facility is removed from the intersection that provides access to the facility's parking and buildings. This remote physical placement of the facility minimizes visual contact between the inmates and the public.

Federal Detention Center–Philadelphia

Located in a historic district in the center of the city, the Federal Detention Center–Philadelphia's exterior is designed to be compatible with the buildings that surround it, visually incorporating the facility into the established fabric of the neighborhood. The physical plant is composed of 11 stories. Interestingly, several stories are below ground level, which facilitates secure transport of detainees via an underground passage to the Justice Byrne Federal Courthouse, which is located across the street from the detention facility. The base of the facility is composed of four stories and houses administrative offices, inmate services, U.S. Marshal offices, and access to the secure passage from the courthouse. The central control room is also located in the facility base, allowing for optimal surveillance of pedestrian, U.S. Marshal, and service personnel entry. In addition, the control room provides surveillance of vehicular entry via sallyports.

Federal Detention Center–Honolulu

The Federal Detention Center–Honolulu, which is the most recent federal institution to be built according to the high-rise plan, is located near the Honolulu International Airport. It is bound by airport facilities on the east and south, and residential housing from Hickam Air Force Base on the north. Thus, it is located on the fringe of industrial and residential areas of the city of Honolulu. The detention center is composed of 12 stories, with a 10-story main tower and a two-story administrative base. The administrative base houses the central control center, which provides surveillance for the main entrance, the waiting area, the service sallyport, and the main service corridor. The 10-story cell tower is L-shaped, with unit management offices centrally located between the two wings on each floor. The cell tower is composed of 496 general inmate housing cells and 62 special inmate housing cells, for a total of 558 cells and a rated capacity of 670 inmates. A one-story warehouse and receiving building is located adjacent to the main building. This component of the facility provides for storage of general supplies and food products, and also houses the central mechanical plant. The administrative base/cell tower and warehouse/receiving building are separated by sallyports used by service and U.S. Marshal personnel, and closed-circuit television monitoring controls access to the sallyports.

THE CASE FOR AND AGAINST HIGH-RISE PRISONS

High-rise prison facilities may be a viable means to increase penal capacity when space is limited. This is especially relevant when facilities are planned in urban areas. In turn, the building and opening of facilities along the lines of the high-rise model can help to relieve overcrowding at established, traditional facilities.

Nonetheless, many questions regarding the benefits of high-rise facilities remain. For example, although there is less geographic space to monitor, high-rise prisons may not be desirable in terms of optimal management and control. First, these facilities often require more staff as transport from housing units to service levels requires more detailed surveillance and potential problems that staff have not encountered at traditional facilities. Second, the surveillance of inmate activity within the facility is sometimes difficult in times of emergencies and disturbances. For these reasons, most guidelines for facility plans include a capacity of no more than 500 inmates, and a physical height of no more than five stories (inclusive of service floors and housing units).

When considering the interior details of a high-rise facility, the institution's purpose should be clearly assessed so that architectural accommodations can be made. For example, if the high-rise facility will house youthful offenders, one or several floors in the tower should be devoted to the building of classrooms. In turn, if the high-rise facility will house adult offenders, workshops should be included in facility plans.

Finally, individuals housed in high-rise prisons are rarely allowed outdoors. At most, inmates will be allowed to visit recreation areas on the roof. Such spaces have no greenery, or horizon to view. The long-term effects of such a sterile environment have yet to be assessed.

CONCLUSION

Over the past 30 years, the high-rise design has served to change the landscape of detention and corrections in the United States. These institutions have aided in the delivery of correctional services and programming for specific populations (i.e., maximum-security offenders, females, and juveniles) that are often housed together in these facilities. The facilities profiled above depict many facets of the high-rise prison as conceptualized in the mid-1970s. Nevertheless, the theoretical concepts related to the design of the high-rise prison have not been intricately developed or assessed since the mid-1970s, and the pros and cons of high-rise facilities must be considered before researchers begin empirical assessments related to the details of these unique facilities. Only until the questions surrounding the optimal use of such institutions is assessed can correctional researchers and planners begin to embrace the potential that the high-rise prison may have for detention and corrections in the United States.

—Courtney A. Waid

See also Auburn System; Campus Style; Metropolitan Detention Centers; New Generation Prisons; Panopticon; Telephone Pole Design; Unit Management

Further Reading

Johnston, N. (2000). *Forms of constraint: A history of prison architecture.* Chicago: University of Illinois Press.

Krasnow, P. (1997). *Correctional facility design and detailing.* New York: McGraw-Hill.

Spens, I. (Ed.). (1994). *Architecture of incarceration.* London: Academy Editions.

Waid, C. A., & Clements, C. B. (2001, November). Correctional facility design: Past, present, and future. *Corrections Compendium, 26*(11).

Witke, L. (Ed.). (1999). *Planning and design guide for secure adult and juvenile facilities.* Lanham, MD: American Correctional Association.

HIP HOP

Hip hop was created by youths of African American and Caribbean (including Latin-Caribbean) descent in the early 1970s. At the time, the counter-disco movement was developing, and gangs in the Bronx, New York, were becoming the subjects of books and films that depicted black and Latino youths as savage predators incapable of rehabilitation. Contradicting this stylized and oversimplified presentation of the Bronx as a site of decay was an artform that would emerge into international significance through expressions that include rapping/MCing, deejaying/ mixing, break-dancing, and graffiti. This artistic and cultural movement produced a generation of people—"hip hop America"—who would embrace not only its distinct language, music, and fashion but also its politics, vices, and other social realities.

Hip hop culture became popular during the same time that African Americans were responding to the aftermath of the politically charged civil rights movement of the 1960s. While hip hop was developing in basements of the Bronx, many African Americans were returning from the turbulent war in Vietnam, where 10% of American soldiers used heroin, and 5% were hard-core addicts. Many of these men brought their addiction back to their communities, generating a new kind of criminal—one who would supplement the existing criminal activity that included numbers running, prostitution, fencing, and robbery, and one who would later give way to the onslaught of crack cocaine in the 1990s. Ironically, the infusion of drugs and the accompanying drug economy employed many young black and Latino men and women who would otherwise not participate in the labor market. Thus, Sanyika Shakur (1993, p. 70) reports that in 1993 the gangs in Los Angeles recruited more people than the four branches of the U.S. Armed Forces, and crack dealers employed more than IBM, Clorox, and Xerox combined.

HIP HOP AND THE PRISON INDUSTRIAL COMPLEX

In large part a result of harsh new sentencing laws against drugs, prison populations have grown exponentially in the United States since the 1980s. Hip hop culture, particularly in its music, has lent a "bullhorn" to the prison experience that has become part of the life of so many young women and men of color. Many hip hop artists began to tell prison stories in their music, write prison poetry, wear prison "fashion," and adopt a mentality that embraced incarceration as a right of passage rather than as an experience that should avoided at all costs. When "gangster"/"reality" hip hop (typified by harsh, misogynist lyrics and tales of violence and victimization) began to gain momentum as the dominant expression of anger and resentment among disenfranchised urban youths in the late 1980s, their forms of expression, as well as that of the communities they spoke for, evoked punitive responses from the criminal justice system.

For example, in 2001, California passed Proposition 21, officially titled the Gang Violence and Juvenile Crime Prevention Act, which supported more juveniles being tried in adult court, required that certain youths be confined in local detention and in state correctional facilities, restricted the types of probation available to youths, increased existing penalties by requiring longer periods of confinement, and broadened existing three-strikes categories. On the ballot, Proposition 21 used crime data from the early 1990s and omitted the more recent crime statistics published at the time by the California Department of Justice in 1999, which showed significant declines in juvenile crime and delinquency. In addition to Proposition 21's use of outdated and misleading statistics, its implementation disproportionately affected the number of youth of color subjected to being processed in an adult court, with potentially more severe court sanctions than their white counterparts.

In essence, Proposition 21 built on the false belief that the youths were not able to be rehabilitated and that by relegating them to a slavery of another kind—lengthy incarceration, increased violence and abuse, unemployment, and perpetual disenfranchisement—California would be solving the "problem" of juvenile crime. This legislation was interpreted by many as being a particular assault on hip hop America by including language that allowed for broad interpretations of what constituted "dressing gang-like" (which often includes the prison-inspired sagging pants) as reason enough to be considered worthy of suspicion. Many viewed Proposition 21 as a clear association of California's black, Latino, and Asian youths, and by extension, hip hop culture and fashion, with prison culture and marked culpability.

The massive incarceration and subsequent return of youths from urban areas generated an acculturation of prison culture—wearing the "uniform," the rigid structure that fosters no critical thinking, as well as the divisive, punitive climate—that spread like a disease through much of hip hop America, creating an overexposure to and desensitization to the prison culture. This has led to many adults reenacting prison culture by engaging in abusive relationships and

other antisocial behavior, as well as many youths adopting prison mannerisms as a survival mechanism both within and beyond penal institutions.

Perhaps the most significant impact of hip hop's acculturation of prison culture is the acceptance of violence and incarceration as a normal part of the black and Latino youth experience. Most black youths, and the people living in their communities, are law-abiding citizens. Research has confirmed that only 6% of youths are actually chronic, violent juvenile offenders. Still, most stories that end up in commercial hip hop music or on screen are stories of "stick-up kids," "gangsters," and heists, which leads to an internalization, among those who absorb the culture, that these occurrences are normal.

The prevalence of violence and incarceration in rap music is a reflection of the economic, political, and social stratification in many urban communities. However, violence, as expressed through hip hop art, is grossly exaggerated relative to the degree of violence that really takes place within black and Latino communities. It is true that for black males, ages 15–24, homicide and legal intervention are the number one cause of death. However, it is not true that most communities of color are crime-ridden neighborhoods infested with violent youths. It is true that black people experience a disproportionate rate of incarcerated from their communities due to a number of factors that include high unemployment, poor housing, and easy access to guns, liquor, and drugs, and the absence of other resources that make them less vulnerable to these vices.

CONCLUSION

African American youth culture since the 1980s has shared a paradoxical and multilayered relationship with the criminal justice system. The roots of this problematic relationship between people of African descent and the American correctional system lie in the usage of slavery as a penal code from the 1600s through the late 1800s, subsequent Jim Crow laws of the antebellum South, and anti-immigration laws that left many people of color searching for alternative means of qualifying their existence. The generational psychological and emotional effects of enduring "justice"—punishments that included the whip, the stocks, the pillory, the brand mutilation, lynchings, and jail—has left a mark of distrust and suspicion that is difficult to dissipate within communities of color. The legacy of this brand of justice is reinforced by the societal inequities that continue to be a breeding ground for conditions that lead to racial profiling, disparate sentencing, lengthy incarceration, and the aftermath of this incarceration.

Many criminal justice policies and practices that lead to lengthy incarceration feed on the myth that dark-skinned youths, particularly those who are part of hip hop America, are criminal. Hip hop is not criminal. But hip hop America has been criminalized—unjustifiably perceived as suspect, considered unable to be rehabilitated, and labeled an overall menace to American society. For much of hip hop America, correctional facilities have become the literal and figurative spaces where, as sociologist Stephen Nathan Haymes (1995) once stated, they "develop self-definitions or identities that are linked to a consciousness of solidarity" (p. 35). This adaptation of prison culture as "normal" has placed a scarlet letter on the art and mindset of many youths who see their collective community's prison experience as a necessary part of their lives, which is dangerous and demeaning to their psychological, emotional, and physical development.

—Monique W. Morris

See also African American Prisoners; Drug Offenders; Hispanic/Latino(a) Prisoners; Prison Culture; Prison Music; Racial Conflict Among Prisoners; Racism War on Drugs

Further Reading

George, N. (1998). *Hip hop America.* New York: Penguin.

Haymes, S. N. (1995). *Race, culture, and the city: A pedagogy for black urban struggle*. Albany: State University of New York Press.

Kitwana, B. (2003). *The hip hop generation: Young blacks and the crisis in African American culture.* New York: Basic Civitas.

Sellin. T. (1976). *Slavery and the penal system.* Amsterdam: Elsevier Scientific.

Shakur, S. (1993). *Monster: The autobiography of an L.A. gang member.* New York: Atlantic Monthly.

HISPANIC/LATINO(A) PRISONERS

The terms *Latino/a* and *Hispanic* typically refer to people of Spanish origin. Latinos and Latinas are the fastest-growing minority group in the United States, growing seven times faster than the general population. Between 1980 and 1990, the Hispanic population had increased by half, while the white (non-Hispanic) population increased only 6%.

Such increases in the general population have also occurred behind bars. Between 1985 and 2002, the rate of Latino inmates in state and federal facilities increased from 10% to 18%. As for specific offenses, from 1995 to 2001, the number of Latino offenders incarcerated for property and drug offenses declined, but the rate for those incarcerated for violent crime increased by 81.5%. In 2001, the greatest portion of the 205,300 Latinos incarcerated in state prisons were sentenced for violent crime (50%), followed by drug offenses (23%), and property crime (16%). As for those under the sentence of death, approximately 12% are Latinos, most of them of Mexican origin.

The majority of Latino and Latina inmates are incarcerated in those states that contain a significant number of Latinos and Latinas: Arizona, California, Colorado, Florida, Illinois, Nevada, New Mexico, New York, and Texas. For example, based on the Bureau of Justice Statistics 1998 report, over 50% of New Mexico's inmate population is Latino/a, mostly Mexican. On the other side of the county, approximately one-third of all New York state prisoners are of Latino/a heritage, mostly Puerto Rican. SArizona, California, Colorado, Connecticut, and Texas and the federal prison system each has Latino/a inmate populations of more than 25%.

PRISON CONDITIONS IN THE PAST AND PRESENT

Spanish-speaking prisoners have long been subjected to differential treatment while inside prison walls. Many Hispanic prisoners are pressured to refrain from speaking their native language and also are denied the opportunity to learn the English language when such classes exist. Some have complained that their letters are not mailed out or allowed to be received unless written in English. Similarly, others allege that medical treatment is not given to Latino prisoners either because of the language barrier, discrimination by correctional officers, or use sometimes as punishment for certain behavior.

The 1971 Attica Prison rebellion represented a first crucial step in addressing some of the inequities Latino prisoners faced. On September 9, 1971, over half of the 2,243 prisoners at Attica Correctional Facility rebelled, holding 39 security and civilian personnel hostage. The rebellion ended four days later on September 13, claiming the lives of 29 prisoners and 10 employees, six of whom were guards, and wounding many others. Of the demands made by the prisoners, three in particular were geared specifically toward Latinos. These demands included adequate medical treatment for every inmate and if needed, Spanish-speaking doctors or an interpreter to accompany the inmate to the doctor. Also, Latinos requested a complete Spanish library and the institution of a program that would increase the number of Latino and African American correctional officers. The lack of Spanish interpreters, lawyers, books, and general services were and continue to be a large part of the Latino discontent. The Attica Prison rebellion also paved the way for Latinos(as) to form informal networks within prisons to continue the fight for equality and fairness.

One year after Attica, David Ruiz filed his pioneering *Ruiz v. Estelle* lawsuit, which revealed the unconstitutional conditions in Texas prisons. Though Ruiz claimed in a later 1989 court case that officers responded to his original suit by denying him medical care, interfering with his mail, and wrongly classifying him as a gang member, his action in 1972 dramatically changed prison conditions around the country for all inmates.

These days, many prisons have hired correctional officers who speak both Spanish and English. Some systems offer language training for existing staff. Some systems are exploring the possibility of developing language translation technology, which will automatically translate words and phrases in one language to computer-generated speech and/or

text in another language. Such technology may be useful during booking, informing individuals of their rights, screening, and emergency treatment and in large spaces to communicate with inmates during critical incidents.

PRISONER GROUPS

Both Latino and Latina prisoners tend to depend on each other for a sense of belonging and emotional support, and, more important, for physical protection from other inmates. For these reasons, since offenders typically come from the same geographic areas, Latino/a inmates often form informal groups composed of people they knew prior to being incarcerated. Informal networks sometimes provide supplies to their members such as clothing, cigarettes, and food. Furthermore, in some facilities in states such as California, New Mexico, and Texas, informal groups have become organized (and politically driven) in an attempt to challenge the correctional system to improve prison conditions.

The desegregation of some prisons during the 1960s led to the development of racial and ethnic gangs for socialization, protection, political motives, and deviant behavior (e.g., drugs). Some Latino prisoners, for example, joined gangs such as the Mexican Mafia, La Nuestra Familia, or Surenos. In an effort to weaken the power of racial and ethnic gangs, some states have actually separated specific racial and ethnic groups into certain cellblocks as a security measure. However, given the political economy of drugs and crime, gangs continue to present a serious problem to the correctional system.

WOMEN

In 2002, Latinos comprised 18% of all state and federal prisoners. Their incarceration rate of 1,176 per 100,000 residents was 2.6 times higher than the rate for Caucasian men. By contrast, in large part, due to increases in violent crime, lethality, and drug cases, Latinas are now the fastest-growing population of all prisoners. In 2002, Latinas comprised approximately 1% of all state and federal prisoners, and 6% of all Latino/a prisoners. Latinas are imprisoned at a rate of 80/100,000, which is significantly higher than the incarceration rate for Caucasian women (35/100,000). Also, incarceration rates are highest for Latinas between the ages of 30 and 34 (216/100,000). While incarcerated, Latinas not only confront some of the same issues faced by Latinos, but they also have to endure stereotypical and gender-specific pressures from the prison system and society in general.

CONCLUSION

Based on the existing literature, the Latino and Latina experience in correctional institutions across the United States not only differs from other racial groups such as African Americans and Caucasians, but there is significant variation within the Latino/a population. Even though certain improvements have been made, institutional gaps still remain. First of all, certain groups such as the Puerto Rican Nationalists, the Cuban Marielitos, Mexicans on death row, and South and Central Americans in Immigration and Naturalization Service facilities have received some of the most punitive sanctions in the history of the American criminal justice system. Second, Spanish interpreters, lawyers, and medical, technical, and educational services continue to be a significant concern for Latino/a prisoners. Considering the current situation of ethnic inmates (e.g., language barriers and illness), and the living conditions of some facilities (e.g., overcrowding; limited education, technical, and medical resources), the quality of prison life for Latinos and Latinas needs to be radically improved.

—Anthony B. Guevara

See also African American Prisoners; Attica Correctional Facility; Immigrants/Undocumented Aliens; INS Detention Facilities; Native American Prisoners; Puerto Rican Nationalists; Racism

Further Reading

Black, M. S. (1998). Keeping the promise: Research obligations for curriculum study and Latino schooling. *Journal of Curriculum & Supervision, 13*(4), 373–379.

Bureau of Prisons. (2004). BOP home page. Retrieved from http://www.bop.gov

California Prison Focus. (2004). California Prison Focus home page. Retrieved from http://www.prisons.org

Diaz-Cotto, J. (1996). *Gender, ethnicity, and the state: Latina and Latino politics.* Albany: State University of New York Press.

Eisenman, R. (2000). Characteristics of prisoners in the California Department of Corrections: Race, ethnicity, and other aspects. *Mankind Quarterly, 41*, 211–215.

Harrison, P. M., & Beck, A. J. 2003. *Prisoners in 2002.* Washington, DC: U.S. Department of Justice.

Irwin, J., & Austin, J. (1997). *It's about time: America's imprisonment binge* (2nd ed.). Belmont, CA: Wadsworth.

Mann, C. (1993). *Unequal justice: A question of color.* Bloomington: Indiana University Press.

National Institute of Corrections. (2004). NIC home page. Retrieved from http://nicic.org/

Rendon, L. I., & Hope, R. I. (1996). *Educating a new majority.* San Francisco: Jossey-Bass.

Schaeffer, R. T. (2000). *Racial and ethnic groups* (8th ed.). Upper Saddle River, NJ: Prentice Hall.

Skinner, C. (1990). Overcrowded prisons: A nation of crisis. *Crisis, 98*(4), 18–21, 45–46.

Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America.* New York: Oxford University Press.

Urbina, M. G. (2003). *Capital punishment and Latino offenders: Racial and ethnic differences in death sentences.* New York: LFB Scholarly Publishing.

Urbina, M. G. (2004). Language barriers in the Wisconsin court system: The Latino/a experience. *Journal of Ethnicity in Criminal Justice, 2*(1/2), 91–118.

U.S. Census Bureau. (2003). *The Hispanic population in the United States: March 2002.* Washington, DC: U.S. Department of Commerce.

U.S. Department of Justice. (2004). DOJ home page. Retrieved from http://www.usdoj.gov

Walker, S. (1980). *Popular justice: A history of American criminal justice.* New York: Oxford University Press.

HISTORY OF CORRECTIONAL OFFICERS

The vocation of prison officer has changed from that of *guard,* who is concerned only with matters of security, to the *corrections officer,* who must deal with human relations, institutional procedures, and legal requirements. This transformation has come about via three historical eras: politics, professionalism, and civil rights.

THE ERA OF POLITICS

The formative years of the prison occurred during the age of Andrew Jackson (1820s), whose presidential administration was marked by the spoils system. The basic idea—of rewarding political loyalty with public office—became federal practice, and state officials responsible for prisons adopted it with great enthusiasm. The political era for prison officers began in the early 1800s and continued until well into the 20th century.

In this system, the warden was a political appointee who, in turn, selected all his subordinates—assistant warden, turnkey, yardmaster, and guard. The law gave the warden complete control over the selection and retention of prison officers. Generally, prison officers were required only to be "men of good moral character and temperate habits"; Wyoming provided that guards "be quick to grasp a situation" and Utah specified they were to be "capable of handling men" (Knepper, 1990, p. 233). The superintendent of Arizona's prison at Yuma preferred unmarried men who could live adjacent to the prison and always be on hand in case of emergencies, a hiring "policy" likely in place elsewhere.

The only qualifications required to be a prison officer at San Quentin or Folsom in California were "the physical and mental and moral ability to perform the duties of the offices to which they are appointed and to the satisfaction of the wardens" (Knepper, 1990, pp. 232–233). Vague and minimal language concerning job qualifications ensured that wardens made their selections with few constraints and invariably chose personal and political favorites.

The political system provided one or more well-paid positions in prison governance, along with greater numbers of positions for prison officers that paid reasonably well. In Arizona, guards received $75 a month in 1876. By 1900, they earned $80 a month during their first year and $100 a month after that. At $100 a month, guards' wages compared to skilled positions in mine operations, such as blacksmiths, machinists, engineers, and electricians, and on the railroads, including brakemen and boilermakers. Common laborers in mines and on railroads received $50–$60 a month, while farmhands were compensated as little as $30 per month.

The relatively high salaries for prison work, plus the benefits of sleeping quarters and meals came, however, with long hours and challenging work rules. Arizona's codified rules of conduct for guards in 1895 made them subject to 40 rules—7 more rules than applied to prisoners. It was the guards' responsibility to keep prisoners to the work assigned to them, require personal cleanliness, and restrict movement to designated places. The rules required guards to wear side arms, walk a beat every 15 minutes, and maintain a state of "watchfulness and wakefulness at all times." The warden's expectations extended to the guards' private life as well: The rules prohibited them from "consorting with loud and vicious company," frequenting saloons, and gambling while away from the prison (Knepper, 1990, p. 235).

THE ERA OF PROFESSIONALISM

Professionalism came to prison administration during the Progressive era (1900–1917), decades marked by wide-scale social engineering for egalitarian ends. Progressivism led to growth in the role of government and to cadres of government professionals specializing in everything from civil engineering and landscape architecture to policing and firefighting. Social workers, psychiatrists, and other experts joined prison staffs, and prison officers responded by professionalizing their ranks. The process they initiated around 1900 and continued throughout the 20th century. In corrections, *professionalism* refers to the idea that prison officers do more than "guard prisoners." The profession of prison officer requires specialized knowledge and skills acquired through education, training, and apprenticeship.

By the 1930s, most states included prison officers on civil service lists so that party politics no longer resulted in wholesale turnover of staff. However, the vocation of prison officer faced severe challenges due to a long workday, little training, and what had become a fairly low level of pay.

At the majority of prisons, officers continued to work 10 hours a day or more. Prison officers received little or no formal training but were expected to deal with inmates by intuition and on-the-job experience. When the Wickersham Commission (1928–1931) turned its attention to penal institutions, it found the situation for prison officers to be problematic. Named after its chair, George W. Wickersham, the commission was appointed by President Herbert Hoover to investigate the administration of justice following problems of corruption that had occurred during prohibition. The commission determined that low pay for prison officers made the positions attractive only to those without options or ambition. At somewhere between $1,000 and $1,500 a year, annual pay for prison officers had slipped below the level of "the most incompetent mechanic" (Rothman, 1980, p. 147). Consequently, staff turned over rapidly. Individuals worked for a year or two, then left.

During the 1950s, prison administrators increasingly began to voice the need for staff training and introduced specialized courses for prison officers. State commissions with responsibility for prisons began requiring that prison officers complete training comparable to that of state law enforcement officers. Oklahoma's commissioner of Charities and Corrections, for instance, recommended that all guards at the state's penitentiary complete a training school comparable to the highway patrol and that no guards at the state reformatory should have less than a high school education. This development led in turn to creation of centralized training academies within states and to a national training academy. James V. Bennett of the U.S. Bureau of Prisons became known for his insistence on prison staff selection and training during his more than two decades as director. Early efforts within the federal prison system to train line staff, beginning in 1969, were followed by a national institute for training corrections personnel. The National Institute of Corrections was established five years later.

It was also during the 1950s that prisons began to be called "state correctional institutions," wardens were renamed "superintendents," and guards became "corrections/correctional officers." These name changes were meant to inform the wider public that prisons, and those working in them, did not exist simply to "lock people away" but carried out a significant and meaningful role in society: enabling lawbreakers to fulfill their responsibilities under the social contract. The American Prison Association changed its name to the American Correctional Association (ACA) at its 1954 Congress of

Correction in Philadelphia, Pennsylvania. Founded by prison reformers in 1870, the ACA became throughout the second half of the 20th century a leading proponent of professionalism among corrections workers.

THE ERA OF CIVIL RIGHTS

The civil rights era (1954–1968) concentrated unprecedented energy against racial segregation and discrimination. Marches, protests, boycotts, "freedom rides," "sit-ins," and other forms of nonviolent protest helped bring about federal legislation to extend the benefits of citizenship to more people. Beginning with Black Muslims, prisoners won a series of rights through litigation and defeated the "hands-off" doctrine in which the courts had refused to examine prison administration. When prisoners came to be seen as citizens with rights under the law, it became apparent that prison officers had important legal rights related to their employment and working conditions. During the era of civil rights, women and African Americans claimed the right to pursue corrections as an occupation. Opportunities in corrections employment became available to women and African Americans as never before.

Gender

The first prisons had been designed by men, for men, and no women worked as guards in them, but by 1850, states began providing matrons for growing numbers of women prisoners. Matrons were responsible for the "female ward," typically small numbers of women prisoners confined in the absence of a facility for women. Women were hired to minimize the threat of exploitation, and consistent with the "matron theory" of prisoner reformation, to serve as good examples for female lawbreakers. More often than not, women became matrons as part of a "package deal": The warden or superintendent lived on site and the warden's wife assumed clerical and other administrative responsibilities.

The women's reformatory movement, beginning in 1870, led to the establishment of separate institutions for women lawbreakers. Copying the model of juvenile institutions, these women's prisons were built in rural areas on the cottage plan; inmates lived in small units under the supervision of matriarchal matrons. The title of "matron" survived until the middle of the 20th century, when it was changed to "cottage officer" and "cottage warden."

Women began working in men's prisons following enactment of the 1972 amendments to the Civil Rights Act of 1964. The amendments to Title VII strengthened the antidiscrimination provisions of the act and extended the nondiscrimination provision to public as well as private employers. By the late 1980s, women supervised male inmates in every state prison as well as the Federal Bureau of Prisons. The notion that men and women may be involved in similar work had come to prevail, although correctional staff experienced tensions as women took up their role in the control of inmates. By 1987, there were more than 519 women in correctional officer positions within the Bureau of Prisons, and women began to claim increasing numbers of upper-level management positions. Margaret Hambrick, appointed in 1981 to head the Federal Correctional Institution at Butner, North Carolina, was the first woman superintendent of a federal prison for men.

Title VII also ended many of the restrictions on men working in women's facilities. By the 1990s, the majority of staff positions in women's prisons came to be held by men. In 1996, women inmates in Michigan filed a class-action lawsuit charging that corrections officials had violated the civil rights of women prisoners by allowing men to use staff positions for sexual misconduct against the women under their supervision. The state reached a settlement in which corrections officials agreed to avoid assignment of male corrections officers to women's housing units. While restrictions on male staff supervising women prisoners remain subject to litigation, courts have found that male officers' employment concerns must give way to protect women prisoners' safety and privacy.

Race/Ethnicity

The 1972 amendments, and federal court intervention, opened the doors of prison employment to racial/ethnic minorities as well. In the southern states,

African American correctional officers worked in segregated facilities; part of all-black staff in facilities with all-black populations. These conditions limited leadership positions to a few. In North Carolina, for example, Lewyn M. Hayes became the first black superintendent of a corrections institution. He took charge of the Raleigh Youth Center for Negroes in 1952. The right to work in integrated facilities, and aspire to leadership positions throughout state corrections, did not come until the 1970s. There were no black employees supervising white inmates at Mississippi's Parchman Penitentiary, which had become by 1972, the starkest example of the system of racial segregation practiced in the South. Under pressure of federal court intervention, the superintendent in 1973 attempted to redress racial imbalance among staff with the appointment of an African American assistant warden and promotion of Eddie Holloway, who became Mississippi's first black warden.

Women and African Americans organized their own professional associations to identify areas of concern, make the most of opportunities, and offer support for colleagues. In 1975, at the ACA's annual congress, a Women's Caucus met to address the concerns of women in corrections. As a result, the ACA president in 1978 appointed a task force as a standing subcommittee of the Affirmative Action Committee. The National Association of Blacks in Criminal Justice (NABCJ) organized in 1974 following a meeting at the University of Alabama, at which Bennett Cooper, director of Ohio's Department of Rehabilitation and Correction, called for creation of a permanent national organization to focus on the goal of achieving equal justice for African Americans and other minorities.

CONCLUSION

Significant changes have occurred in the vocation of the prison officer during the 19th and 20th centuries. During the era of politics, all prison staff served "at the warden's pleasure." The era of professionalism institutionalized training requirements. Finally, during the era of civil rights, women and African Americans claimed the right to work in institutional roles that had been denied them. Despite all the changes, however, prison officers are still grappling with many of the same issues as they ever have. Relatively low salaries combined with low educational levels and repetitive tasks contribute to the job's enduring stigma.

—Paul Knepper

See also American Correctional Association; Correctional Officer Pay; Correctional Officer Unions; Correctional Officers; Federal Prison System; Governance; History of Prisons; Legitimacy; Managerialism; Professionalizatuon of Staff

Further Reading

Farkas, M. A. (1990). Professionalization: Is it the "cure all" for what ails the corrections officer? *Journal of Crime and Justice, 13*, 29–54.

Hawkes, M. G. (1991). Women's changing roles in corrections. In J. Morton (Ed.), *Change, challenge and choices.* Laurel, MD: American Correctional Association.

Keve, P. W. (1991). *Prisons and the American conscience.* Carbondale: Southern Illinois University Press.

Knepper, P. (1990). *Imprisonment and society in Arizona Territory.* PhD dissertation. Tempe: Arizona State University.

Rothman, D. J. (1980). *Conscience and convenience.* Glenview, IL: Scott, Foresman.

Thomas, J. E. (1972). *The English prison officer since 1850.* London: Routledge and Kegan Paul.

Zimmer, L. L. (1989). Solving women's employment problems in corrections: Shifting the burden to administrators. *Women and Criminal Justice, 1*, 55–79.

HISTORY OF THE JUVENILE JUSTICE SYSTEM

See JUVENILE REFORMATORIES

HISTORY OF PRISONS

The presence of prisons is well documented in the annals of ancient history, mentioned in Greek philosophy, biblical sources, and the laws of Rome. The dominant forms of punishment in early times were execution, exile, fines, and the confiscation of property, and for debt, confinement until payment and debt bondage. The use of imprisonment as the major form of punishment, however, has a more recent history.

The difficulty of tracing the emergence of imprisonment itself as a form of punishment lies in the fact

that the prison—past and present—has had multiple functions. Prisons have served as places of custody for those to be tried, for those sentenced and awaiting their punishment, as sites for corporal punishment and execution, holding places for debtors, and (infrequently) in earlier times, as places for long-term or lifetime incarceration. For example, Rome's first-century B.C. Mamertine Prison, whose history can be traced back to the third-century B.C., was an underground chamber close to the seat of the courts, used both as a site of confinement and as a place of execution, as well as perhaps for punitive imprisonment. It is from these early beginnings and multiple functions that the contemporary use of imprisonment as punishment for crime can be traced.

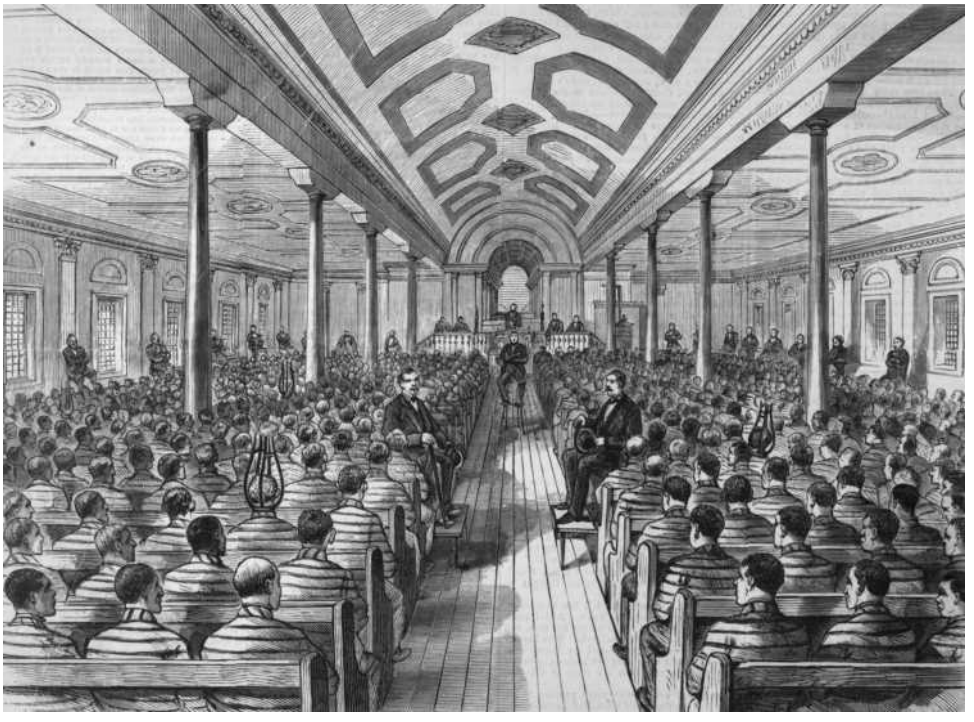

Photo 1 *Sing Sing convicts attending Sunday Service in the prison chapel*

EARLY EUROPE

In early medieval Europe, local prisons scattered across centers of population and seats of jurisdiction retained their multiple functions, while execution, exile, mutilation, enslavement, and fines remained the dominant forms of punishment. However, by the 13th and 14th centuries, canon law and ecclesiastical courts had developed with jurisdiction over lay persons as well as clergy. At the same time, monastic cells became a locus for penitential expiation within an institutionalized disciplinary system in a manner that foreshadowed the function of the prison as a site for moral correction.

In England, by the 12th century, the Tower of London, the Fleet, and other royal prisons held a range of occupants for both coercive and custodial purposes. People could be sentenced under common law or be placed there by the will of the sovereign for a range of activities, including incursion of debt. At the same time, towns and local nobles responsible for keeping the peace were required to provide local jails for those awaiting trial and sentencing. Jailors charged fees and sold food and clothing to the prisoners. Inmates had to pay any debts incurred during their confinement before they could be released. Conditions in these early jails ranged from relative comfort for those with means to a foul and death-threatening existence for those without.

The numbers of imprisonable offenses increased in England from the 13th century onward. By the 16th century, there were 180 such acts, including vagrancy, illegal bearing of arms, and morals offenses, which carried sentences of penal bondage. People sentenced for these crimes could be placed in "bridewells" or "houses of corrections" that sought to instill habits of discipline, hard labor, and religious observance in a domestic household model. London's Bridewell, the first of many in England, opened in 1556 for the confinement of women and men "idle, criminal and destitute."

For serious crimes, however, execution remained the primary punishment. The sheer number of

capital offenses, the severity of that punishment, and an increasing reluctance in the courts to enforce the penalty, led to the royal decree of 1615 that transportation to the colonies could be substituted for the penalty of death, with the stated purpose of combining "justice tempered with mercie" but reflecting economic interests as well. With the Transportation Act of 1718, penal bondage became the primary punishment for a range of offenses, predominantly those against property. Between 1718 and 1776, between 30,000 and 50,000 convicts, men and women, with sentences of bondage for 7 or 14 years or for life, were transported to America. By the 17th and early 18th centuries, the foundations were laid for the penal reforms that led to the development of the modern prison system.

THE RISE OF PENAL REFORM

Two currents were at work in England in the late 18th and early 19th centuries. One was a practical need to respond to the perceived rising crime and increasing disorder of a revolutionary time, to the loss of the American colonies for transportation, and to the increasing overcrowding and deteriorating conditions in local jails and houses of correction. The second was the changing views of the nature of punishment, inspired in part by Cesare Beccaria's essay *On Crimes and Punishments,* published in 1764. Beccaria's influence can be seen in the writings of men like Joshua Hanway and John Dornford, both of whom called for the care of both the body and the soul of the convicted, through solitary confinement, hard labor, and the ministrations of the chaplain.

Perhaps the most influential reformer of the time was John Howard, whose 1777 report on *The State of the Prisons in England and Wales* was widely read in England, Europe, and America. As the new sheriff of Bedfordshire, he was shocked with the conditions in the jails that were now his responsibility. Motivated by what he saw in his own county, he began to inspect all of England's prisons, decrying not only their filth, overcrowding, illness, lack of order and rules, but also the presence within them of acquitted persons unable to pay their jailor's fees. During his survey of the nation's prisons, he also visited the prison hulks at Woolrich, which were ships that had been pressed into convict service in 1776 as a "temporary expedient" after transportation to America ceased. Despite Howard's criticisms, the "temporary" use of the hulks as places of confinement supplying convict labor for the docks lasted until 1857.

Largely in response to Howard's exposé of prison conditions, England passed the 1779 Penitentiary Act. This act called for the construction of penitentiaries in each of the home counties, based on the principles of solitary confinement, religious instruction, and hard labor.

Millbank Prison, Britain's first vaunted national "penitentiary house," arose on the swampy banks of the Thames. In it, 1,200 convicts were to be housed in cells in six massive pentagons surrounding a central chapel rotunda. Though it was initially hailed as a humane and scientific experiment in the Christian redemptive value of hard labor in separate confinement, Millbank ultimately proved to be a failure. Inadequate pay rendered staff unreliable and hard to recruit, while small cells, built in a confusing maze made for unhealthy inmates, particularly when combined with a medically determined near-starvation diet, made inmates difficult to control. Begun in 1812 at the cost of nearly half a million pounds, and opened in 1816, Millbank had closed by 1844. Despite such initial setbacks in the design and running of penitentiaries, the movement for penal reform continued in England, and extended to the Continent as well as to the United States.

COLONIAL AND REPUBLICAN AMERICA

Like their counterparts in Britain, during the 17th and 18th centuries American colonists punished a wide range of conduct in a variety of ways, including fines, whippings, public shaming, banishment, and public execution. Influenced by Calvinism, the colonists believed that humankind was plagued by original sin that could not be corrected or rehabilitated. However, in some of the smaller, more intimate communities, offenders were viewed merely as wayward neighbors who could, through the use of the pillory and stocks, be cured through reintegrative shaming. If someone reoffended or committed a serious offense, they would be punished

harshly. Sanctions included public whipping and banishment and public executions.

Though for all of the colonies, as in England, public executions retained their central role, there was some variation in what conducts were proscribed and how they were punished. Thus for example, under Penn's "Great Law," Pennsylvania mandated hard labor in houses of correction for most offenses, while at the same time in New York about 20% of all offenses, including picking pockets, burglary, robbery, and horse stealing, were punishable by death.

The American Revolution and the repudiation of British rule brought about a reconsideration of the legacy of British justice. Deeply influenced by Enlightenment thinkers, and particularly by Beccaria's argument against the use of the death penalty, key reformers like Benjamin Rush in Pennsylvania and Thomas Eddy in New York advocated the deterrent use of incarceration. By 1820, almost all the new states had limited the use of the death penalty to first-degree murder or other serious crimes. In turn, following Pennsylvania's experiment in the Walnut Street Jail, most of the states, almost as their first public act, built state prisons with incarceration at hard labor as their primary punishment for crime.

As with the first penitentiaries in Europe, these early U.S. prisons were harsh and brutal places. Some, such as Newgate Prison in Connecticut, built in the 1770s, used an underground rock cavern that paralleled conditions in the ancient Roman Mamertine Prison. Repeating the troubles of the earlier houses of correction, inmates in the early state prisons were often inadequately supervised in overcrowded conditions. These prisons frequently spread disease and death but did little to deter crime in the new republic.

THE PENNSYLVANIA SYSTEM

Reflecting the same concerns that had influenced individuals like John Howard in England, reform groups lobbied for solitary confinement. One such influential group was the Philadelphia Society for Alleviating the Miseries of Public Prisons (1787). Following Howard's principles, the Philadelphia Society persuaded the Pennsylvania Legislature to authorize the construction of penal facilities that were based on a particular model of governance known as the Pennsylvania system. This system, as summarized by a contemporary, Robert Vaux, was based on five principles: (1) prisoners should not be treated with malice, their suffering should work to change their ways; (2) further corruption, or infection, within the prison can be prevented through solitary confinement; (3) solitary confinement can achieve penitence and repentance of the offender; (4) solitary confinement was a true punishment since people are social beings; and (5) solitary confinement was cost effective because it would not take long under isolation for inmates to become rehabilitated and fewer guards would be needed for their supervision.

The "separate system" was first implemented in Philadelphia in 1790, when part of the Walnut Street Jail was reconstructed into a penitentiary. Thirty-six solitary confinement cells were built for serious offenders. The policies of solitary confinement and mandatory labor implemented within the jail were designed to instill discipline and self-control. However, it soon became clear that this separate system was terribly expensive. The labor engaged in by the inmates did not cover the costs of the upkeep of the jail. Furthermore, overcrowding did not allow the administration to isolate inmates. Too many inmates spent time in idle waste so as to make the system virtually ineffective. In the end, the administration returned to hard convict labor and physical punishment in order to maintain control.

Despite the failures at the Walnut Street Jail, the state of Pennsylvania continued to experiment with the separate system, opening the Western Penitentiary in Pittsburgh in 1821 and in 1829 the Eastern Penitentiary in Philadelphia. Like the Walnut Street Jail, these prisons held inmates in isolation to work, read the Bible, reflect on their sins, and follow a code of silence. Cells were slightly larger than the typical cell of the day, and only a small amount of light shone within. Like the earlier Walnut Street Jail, by the 1860s overcrowding in the Eastern Penitentiary did not allow for solitary confinement. Once again, prison administrators returned to the old habits of leasing out convict labor and physically punishing rule breakers in order to maintain control. By 1833, the Western Penitentiary closed its doors.

THE AUBURN SYSTEM

While Pennsylvanian prison reformers advocated that prisoners should be held in solitary confinement for the duration of their sentence, New York prison reformers believed that inmates should labor together in order to minimize operating costs. The Auburn system, or the "congregate system," as it was called, held its inmates in solitary confinement only at night to allow them to contemplate on their sins but required that they labor in group workshops, engaging in factory-like labor. All activities followed strict schedules. Inmates were held to a code of silence from the moment they entered the prison to the moment they exited. In order to control movement, inmates were required to move in unison and in lockstep. During meals inmates sat backs straight, face to back. They were not allowed even eye contact with another inmate at any time. Each inmate wore a striped uniform. As informed upon their entrance to the prison, inmates for all intents and purposes were considered dead to the outside world.

However, as with the other prison reforms, overcrowding, budget concerns, and politics took over the administration of the Auburn Penitentiary. Soon inmate were housed two to three to a cell, segregation by offense or sex became impossible, and discipline was achieved through floggings, as in the past. While the congregate system was cheaper than the separate system, it still proved to be too expensive.

THE SOUTH

Though U.S. prison history is usually characterized as a battle between the Auburn and Pennsylvanian systems, it is important to realize that both of these models initially only influenced penal policy in the northern states. Life was very different in the South. Under slavery there were very few penitentiaries, and those that existed held only a handful of white offenders. South Carolina, for example, did not have a penitentiary until the late 1860s.

Following the Civil War and the abolition of slavery, southern prisons virtually doubled their inmate population as former slaves convicted under the notorious Black Acts were placed in prison or on chain gangs for any number of minor offenses. States also developed complex convict leasing schemes, where offenders were imprisoned in "portable prisons on wheels" as they labored for the state or for private entrepreneurs building roads, picking cotton, mining, or performing numerous other tasks to rebuild the shattered infrastructures of the South.

THE CINCINNATI DECLARATION OF PRINCIPLES

In 1870, the National Prison Association (now called the American Correctional Association) met in Cincinnati in order to address the harsh conditions of prisons throughout the country. The result of this meeting was the Declaration of Principles that set out a series of standards by which prisons should be governed. Most notably, the organization called for rehabilitation to become the primary purpose of the prison. The National Prison Association also declared that rehabilitation of the inmate should be achieved within the prison walls. Furthermore, time lapsed should no longer be the standard by which rehabilitation was determined. In essence, the Declaration of Principles called for the abolition of fixed sentences to be replaced by indeterminate sentences. In this way, the inmate had to prove he or she was rehabilitated before being released back into society.

THE ELMIRA REFORMATORY

The Elmira Reformatory, built in 1876, was the first prison to implement the Declaration of Principles set forth by the National Prison Association. Under the administration of Zebulon Brockway, the Elmira Reformatory sought to identify and treat the root causes of the individual's criminality. Believing in hard work as well as education, Brockway implemented a rigid program of work during the day and academic, vocational, and moral training during the evening. This program rested on a "mark" system of classification, based on earlier practices at Norfolk Island in Australia and in Ireland.

According to the mark system, an inmate could be placed in any one of three grades depending on his work and academic activities and behavior

within the reformatory. Inmates entered the Elmira Reformatory at grade two. If they earned nine marks a month for six months, they could move up to grade one, which was the grade required for release. However, if the inmate did not cooperate in his rehabilitation or violated rules, he was demoted to grade three. The inmate had to cooperate for three months before he could be considered for a higher grade. This classification system placed rehabilitation in the hands of the inmate.

PROGRESSIVE REFORMS: REHABILITATION AND THE MEDICAL MODEL

During the Progressive Era (1900–1930), prison reformers introduced many practices that remain today, including probation, parole, indeterminate sentences, the presentence report, treatment programs, and classification systems designed to identify the rehabilitative progressive of the inmate. The code of silence was eliminated, as were the lockstep and the separate system.

Progressive reformers believed in the medical model. They proposed that criminality was caused by individual social, biological, and psychological deficiencies. Hence the diseased inmate could be diagnosed and treated. The medical model ushered in a deepening reliance on indeterminate sentences; inmates were not released until the prison staff, often a social worker or psychologist, determined that they were cured. After World War II, new forms of treatment were introduced, such as group therapy, behavior modification, and counseling.

By the 1970s, the rehabilitation and medical models were losing favor. Rising crime, large-scale prison riots, and the publication of an influential article in 1974 by Robert Martinson that claimed that "nothing works" all contributed to a shift in penal policy. Liberal reformers began to call for the abolition of indeterminate sentencing and the reenactment of determinate sentencing in order to reduce the inconsistencies that had come to plague the penal system. Conservation reformers also lobbied to a return to determinate sentencing, arguing that the system was too lenient. Conservative reformers won the debate, ushering in a "get tough" on crime philosophy that resulted in habitual offender laws (i.e., three-strikes laws and sex offender laws), mandatory minimums, the reinstitution of the chain gang, and cuts in educational programs.

WOMEN'S PRISONS

Though much of prison reform in America, England, and Europe focused on the imprisonment of the male inmate, female inmates did get some attention. In the early 19th century, for example, fellow nonconformist Elizabeth Fry took over the mantle of John Howard. Unlike Howard, however, she mainly focused on the treatment of women. Fry in 1813 visited and publicized the disorderly conditions for women imprisoned at Newgate Prison in London. Confident of the role of faith, she taught and preached to the women and spoke and wrote widely, including her influential *Observations on the Siting, Superintendence and Government of Female Prisoners*, published in 1827. She stressed the need for the separation of women and children from male inmates, female prisons administered and staffed by women, and a focus on the needs of women for education and discipline. Quaker belief in the value of voluntary public action not only to curb abuse but to propose new reforms was instrumental in founding the Society for the Improvement of Prison Discipline in 1816, as well as stimulating women's prison associations.

In the United States, influenced by the work of Elizabeth Fry, the Women's Prison Association formed in New York in 1844 to improve the treatment of women and to separate them from men. The separation of female inmates was thought necessary because women were more delicate than men, had special needs including familial responsibilities, and were often victims of male inmates and guards. Though some, like Elizabeth Farnham, head matron of the women's wing at Sing Sing (1844–1848), attempted to improve conditions for female inmates fairly early in U.S. penal history, it was not until 1873 that the first female-run prison was opened in Indiana. In 1927, the federal government opened its first women's prison in Alderson, West Virginia.

CONCLUSION

These days, imprisonment has become an increasingly common method of punishment for all sorts of offenders in the United States. Though it has only been used as a punishment in its own right for little more than 200 years, the prison seems to be unassailable. Looking at the history of the development of this institution reminds us not only that it is of relatively recent origin, but also that many practices have been tried before and failed. Thus, as the nation turns to ever greater reliance on solitary confinement in supermaximum-secure prisons like Pelican Bay State Prison in California and ADX Florence in Colorado, we might do well to remember the failures of the Pennsylvania system and its concurrent expense.

—Venessa Garcia

See also Alcatraz; Auburn Correctional Facility; Auburn System; Cesare Beccaria; Jeremy Bentham; Bridewell Prison and Workhouse; Zebulon Reed Brockway; Child Savers; Convict Lease System; Corporal Punishment; Cottage System; Flogging; Michel Foucault; Elizabeth Fry; Elmira Reformatory; History of Correctional Officers; History of Women's Prisons; John Howard; Irish (or Crofton) System; Juvenile Reformatories; Alexander Maconochie; Newgate Prison; Panopticon; Parchman Farm, Mississippi State Penitentiary; Pennsylvania System; Philadelphia Society for Alleviating the Miseries of Public Prisons; Plantation Prisons; Quakers; Nicole Hahn Rafter; Slavery; Supermax Prisons; Walnut Street Jail

Further Reading

Foucault, M. (1977). *Discipline and punish: The birth of the prison.* New York: Pantheon.

Johnson, R. (1996). *Hard time: Understanding and reforming the prison.* Belmont, CA: Wadsworth.

Martinson, R. (1974, Spring). What works? Questions and answers about prison reform. *Public Interest,* 25.

Morris, N., & Rothman, D. (Eds.). (1995). *Oxford history of the prison.* New York: Oxford University Press.

Rafter, N. H. (1990). *Partial justice: Women, prisons, and social control* (2nd ed.). New Brunswick, NJ: Transaction.

Rothman, D. J. (1971). *The discovery of the asylum: Social order and disorder in the new republic.* Boston: Little, Brown.

Rothman, D. J. (1980). *Conscience and convenience: The asylum and its alternatives in progressive America.* Boston: Little, Brown.

HISTORY OF RELIGION IN PRISON

"Sin No More," the motto of the New York Prison Association, founded in 1844 and still active as the Correctional Association of New York, evocatively illustrates the religious origins and concepts that laid the foundation of the modern prison. An individual could redeem his or her sin through punishment. Although secular society institutionalized the criminal justice system, religion and religious discourse, whether sincere or formalist, has remained a key part of the correctional realm.

PENITENTIARY

The belief that it was possible to absolve sin through penance was the guiding principle of the early religious prisons and the origin of the term *penitentiary.* Jean Mabillon, a 17th-century French Benedictine monk, was the first to make use of the term penitentiary to designate the monastic prison in which the inmate was to spend his sentence for self-reform through spiritual contemplation and work in silence. Many of the early penitentiary practices, such as flogging and solitary confinement, were used in these religious prisons.

Quakers were the first to advocate prison reform in the United States based on religious principles. In 1787, the Philadelphia Quakers founded the Philadelphia Society for Alleviating the Miseries of Public Prisons. Philadelphia's Walnut Street Jail opened in 1790 where religious services were an integral part of the program for prisoners. Although a number of states built prisons on this model, by the early 19th century atrocious conditions, including overcrowding and congregate living arrangements, prompted reformers to look to new methods and models of confinement. The modern penitentiary was born with the Eastern State Penitentiary in Philadelphia (1829) and the Auburn Prison in New York (1819). Both prisons originally made use of solitary confinement for prisoners and were directed by rigid moralists and religious disciplinarians. Throughout the 19th century, most wardens of these prisons manifested at least outwardly a

deep spiritual commitment. Moral instruction was primarily, if not solely, religious, and the prison directors waged a continuous war on sin and social evils.

Through the second quarter of the 19th century, the major champion of the Auburn system of congregate labor and solitary confinement was the puritan New Englander Louis Dwight. Dwight founded the Boston Prison Discipline Society in 1826. The membership of the society was composed largely of Congregational and Baptist ministers. Dwight believed firmly in stern discipline and the inculcation of religious ideas in convicts. Most prisons in the United States until the post–Civil War period followed this model, a model infused with a stern Calvinist idea of the wages of sin.

After the Civil War, American prisons were subjected to the methodology of the social sciences and the professionals who became practitioners in social engineering. But in no way was religion and especially religious rhetoric banished from the corridors of the prison. In fact, Enoch Wines, one of the leading lights of post–Civil War prison reform, who helped compile the ground-breaking *Report on the Prisons and Reformatories of the United States and Canada* (1867), was a Protestant minister. Wines was one of the driving forces behind the National Prison Congress, held in Cincinnati in 1870. The congress, as summed up by Wines, strongly believed in the prison's role in the reformation of character. To accomplish this end, the congress recommended more productive labor, education, and religion in the prisons. The stated principles of the congress propounded reform through religion, education, and industrious work habits. The congress advocated social science methods, but methods still firmly based in religious belief.

THE RISE OF EVANGELISM AND THE SOCIAL SCIENCES

While it is clear that religion was a driving, defining force in prisons through the penitentiary's formative period in the 19th century, faith also found a central place in the prisoner's life during the Progressive period of the prison (1890–1950). It was not the stern Calvinism of olden days, but the Christian evangelical, social uplifting fervor of the social gospel movement. The character of prison reform during this period mirrored that of free-world society. The majority of Progressive reformers were middle-class Protestants who advocated applying Christian precepts to social problems. Moral fervor infused the Progressive prison reform movement with this Protestant spirit. But if the spirit was evangelistic the means were firmly rooted in a misdirected social science methodology that claimed to predict and reform criminal behavior.

As more and more social science professionals and methodologists took the reins of the vast American correctional edifice, official religious rhetoric became more formalist and even less efficacious than in the heyday of Calvinist influence. Though each prison usually had a chaplain, religion itself became more of an individual endeavor among the convicts. Self-reformation became the key for religious change. The increasing secularism that accompanied social science brought an end to institutionalized religion as a tool of reform. In addition, liberal theology advocated a more personal mode of devotion. Religion became just one more individual strategy of survival for the inmate.

THE INFLUENCE OF NON-CHRISTIAN RELIGIONS

Throughout most of the history of the American penitentiary, Christian principles molded the prison. However, as the racial demography of the prison changed during the 20th century so too did its religious makeup. With the great migration of southern blacks to the north and west in the first half of the 20th century, many northern prisons found themselves holding a black majority of prisoners. The militantly nationalistic Black Muslim movement converted many of these convicts. Giving converts discipline, protection, and a sense of purpose, the sect grew rapidly. Perhaps the most famous of these convicts was Malcolm X, who, as Malcolm Little, became a convert to Islam in a Massachusetts penitentiary in the 1950s.

Initially, prison official did not allow Muslims to observe many of the precepts of their religion,

including special diets and places and times to hold religious services. In response, a number of convicts asserted their rights and went to the courts, demanding, among other things, copies of the Koran, special meals, and to hold religious services. The U.S. Supreme Court, in 1964, in *Cooper v. Pate* reversed a lower court's dismissal of Black Muslim complaints, recognizing the Black Muslims as a legitimate religious group. This landmark case allowed prisoners for the first time to sue state officials in a federal court. The question of religion in prison thus opened the doors for countless prisoner lawsuits for the remainder of the century.

CONCLUSION

The history of religion in prison illustrates the condemned's quest for self-improvement and salvation. Institutionalized religion is a reflection of a society intent on the moral reformation of character. Religion gave the prisoner a framework in the quest for moral balance. Religion, however, could also be used as a retributive tool. Punishment as penance perhaps best sums up this history.

In the late 20th and early 21st centuries, prisons and prison reform have lost their bearings. The idea of rehabilitation and reformation, which was based on religious principles, fell out of favor in the 1970s and resulted in harsher, truth-in-sentencing laws, the abolishment of parole, and "no frills" prisons. Even so, at the end of the 20th century militant religion has made a comeback in prison in an attempt to resurrect the idea and practice of the ethical transformation of character. A number of moral and penal philosophers have taken up again the concept of religious repentance as an integral ingredient of punishment. Most controversially, a number of Christian prisons have sprung up in various states under the aegis of the Prison Fellowship Ministries, begun in 1976 by Charles Colson, the ex-convict former aide to President Richard Nixon. By many accounts, "graduates" of these prisons fare much better on release, have lower recidivism rates, and lead more productive lives than other ex-convicts. The reasons for these results are still unclear, as are the constitutional questions, but there is no doubt that religious activity has found a central place once again in the life of the prison.

—Larry E. Sullivan

See also Auburn System; Chaplains; Contract Ministers; Islam in Prison; Pennsylvania System; Quakers; Religion in Prison

Further Reading

Corringe, T. (1996). *God's just vengeance: Crime, violence and the rhetoric of salvation* Cambridge, UK: Cambridge University Press.

Etzioni, A., & Carney, D. (1997). *Repentance: A comparative perspective.* Lanham, MD: Rowman & Littlefield.

Fliter, J. A. (2001). *Prisoners' rights: The Supreme Court and the evolving standards of decency*. Westport, CT: Greenwood.

Skotnicki. A. (2000). *Religion and the development of the American penal system.* Lanham, MD: University Press of America.

Sullivan, L. (1990). *The prison reform movement: Forlorn hope.* Boston: Twayne.

HISTORY OF WOMEN'S PRISONS

Women throughout history have been imprisoned with men in refuges, workhouses and houses of correction, jails, debtor's prisons, chain gangs, penitentiaries, reformatories, and correctional institutions. Even so, their presence, and not infrequently that of their babies as well, was (and is) often overlooked in official documents and historical accounts. When it has been noted, often their imprisonment has been a source of concern and controversy. Above all, the numbers of incarcerated women and the conditions of their imprisonment have reflected not only wider socioeconomic realities and changing definitions of crime and forms of punishment but also the perceived nature and position of women at the time.

While there is a long history of women's imprisonment in Europe, Great Britain, and the American colonies, only in the 19th century did women begin to be incarcerated for long periods of time in facilities built for that purpose. Earlier, women and their children could be found in local almshouses and workhouses provided for the care and correction of

the poor and the vagrant; in crowded jails awaiting trial and sentencing; or, after sentencing, facing the penalty of death or its alternative, transportation and service in bondage. During the 18th and 19th centuries, Great Britain shipped thousands, women as well as men, initially to the American colonies and, after the American Revolution, to Australia.

HOUSES OF CORRECTION, LOCAL JAILS, AND TRANSPORTATION

During the 16th and 17th centuries, numerous "houses of correction" were established to house women and men found wandering, begging, or engaged in petty thievery or prostitution, for corrective discipline and productive work. London's Bridewell, the first of many in England, opened in 1556 for the confinement of "idle, criminal and destitute women and men." In 1602, the work of all the inmates in the Bridewell was leased to "three gentlemen," who then proceeded to sell the "labor" of the women as prostitutes. The first house of correction constructed specifically for women was Amsterdam's *Spinhuis*. Opened in 1645, it was hailed for its order, cleanliness, and productivity. The women's spinning and sewing was overseen by a warder and his wife in a paternalistic setting whose motto rejected vengeance but affirmed "a compulsion for good," and concluded: "My hand is stern, but my heart is kind."

In Great Britain, men and women were housed together in overcrowded and diseased local jails for many years. In 1813, Elizabeth Fry began visiting the women in London's Newgate Prison with other Quaker women. Most efforts to segregate prisoners by sex are usually traced to this time, and the subsequent public outcry caused by the reformers' reactions to what they saw. Reporting that nearly 300 women—"blaspheming, fighting, dram-drinking, half-naked"—with "their multitudes of children" were crowded into two wards and two cells while they awaited trial or after sentencing, faced death or transportation, Fry and her associates demanded changes in penal policy (Smith, 1962, p. 102). Ten years later in 1823, Parliamentary legislation required the separation of women, the appointment of a matron for their supervision, and no admission of men into their quarters unless accompanied by a woman officer.

While the 18th century's widening death penalty statutes, primarily for the protection of property, brought an increasing number of condemned women into the jails, the substitution in Great Britain of transportation for its actual use sent women, usually for theft, into the convict ships. Before the American Revolution, more than 30,000 men and women were sent to the colonies. From 1787 to the cessation of transportation in 1852, almost 25,000 women were shipped to Australia. Under the assignment system they were available for service as domestics or laborers, but the government reported in 1812 that they were "given to such of the inhabitants as demanded them, and were in general received rather as prostitutes than as servants" (Dobash, Dobash, & Gutteridge, 1986, p. 33). In response, a "Factory" prison was opened in Parramatta in 1821 to provide shelter and work for women who had not obtained jobs in service. While the original Factory and two others opened later served as a "marriage market" for interested settlers, women also viewed them as a place of protection rather than punishment. The final cessation of transportation forced the government of Great Britain to consider the alternative of long-term imprisonment as a replacement for the transportation that had regularly relieved their jails of women.

PENITENTIARIES OR REFUGES

In the legislatures of the new United States, as earlier in Great Britain's Parliament, there was awareness that capital punishment did not successfully produce a "terror" sufficient to deter an increasing number of property crimes. Influenced by a range of factors, including the writings of Cesare Beccaria, who argued that loss of freedom and public slavery were more effective a punishment than death, the new states built their penitentiaries. During the first part of the 19th century, disputes raged between those who supported complete solitary confinement and others who believed that the congregate silent system was best. Ultimately, the silent system won

out, since it enabled prison administrators to put prisoners to work in factory-like conditions, rather than leaving them alone in their cells all day furnished only with a Bible.

Another factor influencing where female offenders were placed can be found in legal scholar William Blackstone's assertion that under English common law a woman's legal existence as a person was suspended in marriage. In particular, under the "protection and influence" of her husband, who may restrain her "of her liberty" for misbehavior, a wife may be excused "in some felonies and other inferior crimes," though not for murder or treason (Blackstone, Sharswood's 1859 ed., Vol. I, pp. 442–444). Courts of the day, in America and Britain, were thus advised to recognize that a wife's criminal actions might occur under the influence of her husband or her need to provide for herself and her children absent her husband's "protection." Within the context of common law, the state as *parens patriae* could assume responsibility to "care and protect" as well as to "restrain" both children and "dependent" women. The state or "benevolent societies" assumed that paternal responsibility and control through the provision of refuges, almshouses, and houses of correction.

However, adult women who as *femme-sole* were legally persons were morally responsible for their actions when charged in a criminal court. Many urban and rural poor women, including freed slaves, had no "civil union" and the men and children in their lives were without legal "existence." As a consequence, they appeared in the courts as fit subjects for penitentiary discipline, as did those women convicted of murder or treason.

In 1833, in the Introduction to Gustave de Beaumont and Alexis de Tocqueville's famous report *On the Penitentiary System in the United States,* Francis Lieber argued that women needed the discipline of the penitentiary even more than men, since a woman in the courts as a *femme-sole* was not only "like a man" but according to "all criminalists" even more dangerous after "renouncing honesty and virtue" (Beaumont & Tocqueville, 1833, p. xiii). Confident that isolation from family, evil companions, and fellow convicts and the use of terror, silence, and work was of value, an inspector at Sing Sing reported that "no doubt is entertained, but the same discipline which now controls and subdues the male convict may be made equally serviceable with the female" (Beaumont & Tocqueville, 1833, p. xii). In the 1820s, the members of the Boston Prison Discipline Society praised the matron of the women's department of the Baltimore Penitentiary for developing a "system of industry, instruction and religious duty" for her 60 female convicts that saved them from sickness, made them "profitable for the State," and taught them "useful arts" for employment after release (Lewis, 1965, pp. 161, 162).

The reality, however, was revealed in the reports of the congregate penitentiaries where the unwanted women were placed in upper floors, inner rooms, or areas of the penitentiaries where, in competition with the larger numbers of male prisoners, they were deprived of exercise yards, windows, or fresh air. Indeed, just as its value for women was being hailed, the chaplain at the "model" Auburn Penitentiary protested that while the men's conditions were tolerable, for the 20 or 30 women, isolated and left to themselves in a securely locked attic room, it was "worse than death." Similarly, back in England, the governor of the newly constructed Millbank Prison in London reported that women held in solitary confinement in this model penitentiary "became liable to fits" that could be controlled only by the threat to shave and blister their heads. The assumption that women required less food, and thus could be given a reduced diet, had led to an outbreak of scurvy, illness, and death.

WOMEN'S VOICES ON REFORM

At Sing Sing, confident of the value of penitentiary discipline for women, a separate building named Mt. Pleasant, which included a nursery, was built in 1822. Its stormy history reflected the growing tension within prison reform movements between the male members, administrators, and legislators, who were increasingly supportive of solitary confinement, silent systems, and hard labor, and the middle-class women "visitors," who were not.

Predominantly Quaker and Evangelical, these women instead thought that kindness rather than terror was the key to submission and, reflective of women's nature, homelike communal settings rather than solitude were the locus of reformation.

Elizabeth Fry's *Observations on the Siting, Superintendence and Government of Female Prisoners,* published in 1827, became the influential guide for an increasing number of middle- and upper-class women who created their own reformist organizations. The Association of Women Visitors and the British Ladies Society for Promoting the Reformation of Female Prisoners in England and parallel societies in Philadelphia and New York sought control over imprisoned women, while attempting to follow Fry's advice to be "at once wise as serpents and harmless as doves" when facing male administrators and legislators. Fry's vision required a site separated from contact with male inmates or officers, managed by full-time "pious and benevolent" female staff with the assistance of lady visitors who would, through "kind superintendence" and "tender" treatment, develop their system of control and supervision. Her recommendations included classification with progressive motivational stages of privileges, provision for religious instruction, basic education, and continuous useful labor to create both orderly habits and training for later employment as domestics or seamstresses.

After a series of disturbances in Sing Sing's Mt. Pleasant Women's Prison, in 1844 the newly appointed matron, Elizabeth Farnham, influenced by Fry, was determined to transform the discipline that unsuccessfully "subdued" the female convict into one reflecting a "women's world," including the provision of flowers, curtains, a piano, women visitors, and a reading circle. After two years, Farnham was fired for her lack of "discipline."

However, critical changes were beginning to occur that would bring the opportunity for the views of Fry and others on the reformatory management of women prisoners to affect public policy both in Great Britain and the United States. While the penitentiary developed in the United States as the alternative to the "terror" of death, with the refusal of Australia to accept Great Britain's convicts, England's use of transportation for women ended in 1852. The resultant Penal Servitude Act of 1853 provided that all the rules and regulations for men would also apply to women.

PENAL DISCIPLINE

The heads of both England's and Ireland's prisons attempted to develop integrated systems of penal discipline for their male and female convicts, but Crofton's Irish system, more centralized, coordinated, and well publicized, became the model most influential in the United States. The system incorporated the concept of the "ticket of leave" or parole developed in Australia to release well-behaved convicts into the community before the end of their sentence, and elements of a "mark" system of incentives, not dissimilar to Fry's earlier recommendations, that were associated with the short-lived efforts of Alexander Maconochie to shift from a punitive to a reformative regime in the Australian Norfolk Island penal colony. Crofton's system, viewed positively in the 1850s by members of American prison reform societies, claimed to combine both punishment and reformation within the 3- to 15-year penal servitude sentences through the use of three stages. First, inmates had to endure a punishment period of solitary confinement (shortened for women) to ensure reflective submission and incentive for subsequent reformative discipline. Then they entered a second period of congregate work and successive levels of classification and earned privileges. Finally, they participated in an "intermediate" period of "individualized" supervised work in community settings, prior to early release under the surveillance of the constabulary.

For women, a wing of Dublin's Mountjoy Prison under the supervision of a matron and women officers provided the first two stages. Initially placed in cells for four months of solitary confinement, the women later moved through the levels of classification and increasing privileges in the second stage when they were allowed to participate in a congregate sewing room, schooling and religious instruction, a nursery, and provision for regular "lady

visitors." The successful completion of the second stage led to release to two refuges, one for Catholics managed by the Sisters of Mercy and one for Protestants, for work and placement in the community. The Irish system's well-publicized "success stories" tended to obscure the overt and covert resistance of women convicts to their well-disciplined "reformation."

However, viewed and praised by Rhoda Coffin and other influential American reformers, the Irish "reformatory system" became a model for prison management in the United States in the famous 1870 National Prison Association's "Declaration of Principles." The principles reflected the increasingly active role of "benevolent women" in social reform and embodied Fry's earlier vision that there should be separate facilities under "the agency of women." Reformer Coffin and others successfully won legislation in 1869 for the first separate prison for women in the United States, in the wake of sexual scandals at the Indiana Prison and the willingness of the warden to relieve himself of the burden of women. The Indiana Reformatory Prison for Women and Girls opened in Indianapolis in 1873 with women from the state prison and the juveniles housed in separate wings in what was described as a "homelike atmosphere." By 1877, the goal of full administration of the institution by women was achieved when Coffin was appointed head of the board and, in the words of the superintendent, the state "assigned to women the privilege of caring for, elevating and reforming her own sex" (Rafter, 1985, pp. 30–31).

Initially, efforts by women reformers in other states to place women with felony convictions in separate facilities were resisted by legislators and wardens of congregate penitentiaries and prisons who argued that the women inmates' domestic work—sewing, washing, and cooking—were management essentials. Their position was strengthened by the continuing reality that smaller numbers of imprisoned adult women made the provision of a separate system a serious economic burden, starving attempted facilities of needed resources, or in some cases, bringing under one roof all the women supervised by the state.

THE RISE AND DECLINE OF WOMEN'S REFORMATORIES

A critical element of the Irish system of reformative discipline brought to the United States was the administrative use of the incentive of parole to lessen sentence length. Parole was first introduced legislatively in Michigan in 1869 for women, but not men. The Michigan "three years law" for prostitution provided an indeterminate sentence of up to three years in place of a much shorter jail sentence, justified by the need for a longer period to "reform" prostitutes. Based on their good behavior women were released on parole to a newly formed House of Shelter, where they were prepared in a domestic setting to live a "true good womanly life." This gender-specific legislation for "fallen women" legitimized longer sentences for offenses that would not bring men to prison and assumed that women would benefit from differential sentencing and treatment. The result essentially set up a dual system with women with felony convictions remaining in the corners of state prisons while women whose lives did not conform to the dominant beliefs regarding their sexual and domestic responsibilities were brought under the supervision of the state. The House of Shelter combined what historian Nicole Rafter describes as the later model program for women's reformatories, one of a "relaxed prison discipline" combined with that of a "protective home" within a "family-setting," as the appropriate domestic model for the reformation of "fallen women."

The first "women's reformatory" opened in Massachusetts in 1877. After considerable political activity, unsuccessful starts, and persistent resistance, Hannah Chickering, Ellen Cheney Johnson, and others proudly celebrated the construction of the Reformatory Prison for Women at Sherborn (later called Framingham) for women who were "convicted of being vagrants, common drunkards, lewd and wanton and lascivious behavior, common nightwalkers, and other idle and disorderly females" (Lekkerkerker, 1931, pp. 92–94). With large work and school rooms, a chapel and nursery, individual rooms and dormitories and yards for recreation and farming, its founders assured the legislature that by

a "direct appeal" to the "self-interest" of these "idle and disorderly females," through the disciplinary use of classification, progressive privileges, shared wages, and conditional release, "voluntary industry, frugality and self reliance may be encouraged and promoted." Echoes can be heard of 16th- and 17-century "houses of correction."

New York followed suit through the politically astute efforts of Josephine Shaw Lowell and Abigail Hopper Gibbons, the first a commissioner of the State Board of Charities and the latter the active head of the Women's Prison Association. The significantly named House of Refuge opened at Hudson in 1887, followed in 1893 by the Western House of Refuge in Albion, New York. With Albion's cottages, including a nursery cottage, the model architecture for a women's reformatory emerged. Cottages promoted "the ideal of family life" with kitchens, dining rooms, and living rooms where, as a report notes, "the family assemble in the evening for diversion" (Rafter, 1985, p. 35). In the rationale for these new institutions, Lowell included not only an affirmation of the Irish system's goal of reformation but also the eugenic need to limit the "unrestrained liberty allowed to vagrant and degraded women" (Rafter, 1985, p. 44).

At the turn of the 20th century, with the emergence within the Progressive movement of professionally educated women, there were new efforts, predominantly in the Northeast and Midwest, to develop reformatories for fallen women. Opened in 1901, New York's Bedford Hills was headed by Katharine Bement Davis. With a doctorate from the University of Chicago, she stressed the scientific study of the backgrounds, characteristics, and methods of treatment for women. The placement of the Rockefeller-funded Laboratory of Social Hygiene at Bedford Hills and the formulation of model legislation for women's reformatories by the National Social Hygiene Association reflected the increasing Progressive concern with the social effects of prostitution. With the outbreak of World War I, fear of venereal disease among the troops led to the first gender-specific federal legislation prohibiting prostitution near army bases and providing federal support for the incarceration of women. Historian Estelle Freedman estimates that the legislation played a role in the development of at least 20 state women's institutions.

The subsequent passage of federal legislation criminalizing alcohol and narcotic use as well as providing suffrage for women, the appointment of Mabel Walker Willebrandt as assistant attorney general, and the presence of women's organizations active in prison reform brought mounting pressure for the construction of a model federal women's reformatory. The federal government, up to that point, contracted with states to house federal women prisoners. With the exposé by Kate Richard O'Hare, as a federal prisoner convicted under the Espionage Act, of conditions for women in the Missouri State Prison and the reluctance of states to house increasing numbers of women with federal convictions, the groundwork was laid for the significantly named Federal Industrial Reformatory and Industrial Farm for Women at Alderson, West Virginia. Opened in 1927 and staffed by women, the reformatory had, segregated by race, 14 cottages that included a nursery cottage and one named for Elizabeth Fry, as well as a working farm and garment factory, educational programs, forms of self-government, and extensive classification. Eugenia Lekkerkerker, in her classic study *Reformatories for Women in the United States* (1931), described Alderson as "undoubtedly the largest and best equipped reformatory that exists" (p. 127). Alderson was developed, organized, and defended by Mary Belle Harris, a fellow graduate with Davis of the University of Chicago, through 16 conflicted years with the male-administered central office of the Federal Bureau of Prisons (Lekkerkerker, 1931, p. 127).

By the 1930s, the women's reformatory movement had come to an end. States financially unable during the Depression to maintain a dual system brought the women housed in the corner of the state prison to the grounds of the "refuges" or "homes" for women imprisoned primarily for their sexual behavior. At the same time, the administration of both state and federal prison systems became increasingly centralized. While many states accepted the necessity of a separate prison for women, the prisons no longer functioned to serve women, but

supported and adopted the custodial values of the male-dominated prison system.

PATRIARCHY, SLAVERY, AND THE NEW SOUTH

While the Northern states developed reformatories for men and women, during the same period in the postbellum South, the passage of the Thirteenth Amendment in 1865 reaffirmed the belief that slavery or involuntary servitude as "punishment for crime" was a "terror-producing" alternative to death. For black women and men freed from domestic slavery, the rapidly developed Black Codes and vagrancy laws legitimated a state slavery that, through the use of convict leasing, provided the labor of both women and men to build the mines and railroads of the New South. In time, Southern states developed their own plantations, exemplified by Mississippi's Parchman Penitentiary, opened in 1900, where the women, most of whom were black, were segregated but vulnerable to sexual assault by male guards and trusties. They canned food, did laundry, sewed clothing, and in time of harvest, worked the cotton fields, reproducing women's roles under domestic slavery. At the same time, white women, with the exception of those *femme-sole* deemed dangerous "like men," were likely to be acquitted or if convicted, in a form of *parens patriae,* pardoned by the governor.

CONCLUSION: EQUAL RIGHTS AND INTEGRATION

In the 1960s, women reformers, often working within the civil rights movement, directly and indirectly shaped women's prisons. Legislation supporting equal employment opportunities had a double effect. Women whose employment options had previously been limited to the world of women's prisons were now able to move into men's prisons and central administration, while men were entitled to guard and administer women's prisons. As racial segregation based on the principle of "separate but equal" was questioned and challenged in the schools, women in the 1970s challenged gendered disparities in sentencing and the absence of or unequal programs and services for women.

Facing the cost of maintaining separate-but-equal programming for smaller numbers of women, one response at the state and federal level was the "coed" integration of facilities. Driven more by space needs than by programmatic concerns, however, the stated purposes included sharing educational, occupational, and medical resources, as well as "normalizing" relationships. In the face of resistance from staff, divergent disciplinary traditions and controversy on how "normalized" or "sexually exploitive" the relationships became, the reality of increasing numbers of women entering the system at the end of the 1970s curtailed the "experimentation" of co-corrections.

Ironically, the assumed "equality before the law" of sentencing guidelines, mandatory sentences, "three strikes" legislation, and the rejection of indeterminate sentences and parole disproportionately affected women. Like the earlier "war on prostitution," the "war on drugs" that began in the 1980s and still continues brought increasing numbers of women into prison. But rather than the earlier development of differential sentencing and treatment, the response has been increasing uniformity of treatment duplicating, for women, men's facilities and deterrent discipline. "Correctional institutions" may now be separated by gender or be "cogendered," but both are administered and staffed by women and men under the same disciplinary rules. Nevertheless, legacies of the past still remain in buildings, programs, and policies.

—Esther Heffernan

See also Alderson, Federal Prison Camp; Auburn System; Australia; Bedford Hills Correctional Facility; Bridewell Prison and Workhouse; Zebulon Reed Brockway; Classification; Co-correctional Facilities; Cottage System; Katharine Bement Davis; Discipline System; Dorothea Lynde Dix; Elizabeth Fry; Framingham, MCI (Massachusetts Correctional Institution); Mary Belle Harris; History of Prisons; Indeterminate Sentencing; Irish (or Crofton) System; Josephine Shaw Lowell; Alexander Maconochie; Newgate Prison; Kate Richards O'Hare; Parchman Farm, Mississippi State Penitentiary; Pardon; *Parens Patriae*; Parole; Plantation Prisons; Prison Nurseries; Quakers; Nichole Hahn Rafter; Sing Sing

Correctional Facility; Slavery; Thirteenth Amendment; Truth in Sentencing; Miriam van Waters; Mabel Walker Willebrandt; Women Prisoners; Women's Prisons

Further Reading

Beaumont, G. de, & Tocqueville, A. de. (1833). *On the penitentiary system in the United States* (F. Lieber, Trans.). Philadelphia: Carey, Lee and Blanchard.

Dobash, R. P., Dobash, R. E., & Gutteridge, S. (1986). *The imprisonment of women.* Oxford, UK: Basil Blackwell.

Freedman, E. B. (1981). *Their sisters' keepers: Women's prison reform in America, 1830–1930.* Ann Arbor: University of Michigan Press.

Fry, E. (1827). *Observations on visiting, superintending, and government of female prisons.* London: John and Arthur Arch.

Heffernan, E. (1994). Banners, brothels, and a "ladies seminary": Women and federal corrections. In J. Roberts (Ed.), *Escaping prison myths: Selected topics in the history of federal corrections* (pp. 37–79). Washington, DC: American University Press.

Lekkerkerker, E. C. (1931). *Reformatories for women in the United States.* Batavia, Netherlands: J. B. Wolters Uitgevers-Maatschappij.

Lewis, W. D. (1965). *From Newgate to Dannemora: The rise of the penitentiary in New York, 1796–1848*. Ithaca, NY: Cornell University Press.

Rafter, N. H. (1985). *Partial justice: Women in state prisons, 1800–1935.* Boston: Northeastern University Press.

Rafter, N. H. (1990). *Partial justice: Women, prisons, and social control* (2nd ed.). New Brunswick, NJ: Transaction.

Smith, A. (1962). *Women in prison.* London: Stevens.

Zedner, L. (1995). Wayward sisters: The prison for women. In N. Morris & D. Rothman (Eds.), *Oxford history of the prison: The practice of punishment in Western society* (pp. 329–361). New York: Oxford University Press.

HIV/AIDS

At the end of 2000, around 2.2% of all state inmates (24,000 people) and 0.8% of all federal inmates (1,000 people) were infected with HIV. Among state and federal inmates, 0.6% and 0.2%, respectively, had AIDS. According to the Bureau of Justice Statistics (BJS), the rate of confirmed AIDS cases among the nation's prison population in 2000 was about four times the rate in the general population of the United States. Thirteen in every 10,000 persons in the United States general population had confirmed AIDS compared to 52 in every 10,000 prison inmates.

HIV INFECTION AND AIDS

The human immunodeficiency virus (HIV) does not kill a person directly. Instead, it destroys the immune system and makes people infected with HIV vulnerable to infections that are rarely seen in people with normal immune systems. After a person becomes infected with HIV, it may take years for symptoms to develop. During this latency period, many people are unaware they are infected but can still transmit the virus to others. Acquired immunodeficiency syndrome (AIDS) is diagnosed by a physician using certain clinical criteria (e.g., blood test results, AIDS indicator illnesses).

HOW HIV IS AND IS NOT TRANSMITTED

HIV can be spread by oral, vaginal, and anal sex with an infected person. The risk of HIV transmission through oral sex is much smaller than that associated with vaginal and anal sex. HIV is also transmitted by sharing needles or syringes with someone who is infected. Babies born to women infected with HIV may become infected before or during birth, or after birth through breast-feeding. Health care workers may be infected with HIV after being stuck with needles containing HIV-infected blood, or after infected blood gets into a worker's open cut or a mucous membrane (e.g., the eyes or inside of the nose). There has been one case of HIV transmission from acupuncture.

Most HIV-positive inmates became infected prior to their incarceration. HIV transmission through sharing injection equipment and unprotected sex does occur within correctional facilities, although not very frequently. A 1997/1998 article published in *The Canadian HIV/AIDS Policy & Law Newsletter,* for example, described a 1993 study of an HIV outbreak in a Scottish prison, which revealed that 13 inmates who engaged in extensive syringe sharing had become infected in prison. A study of an Australian prison found that at least four injection drug-using inmates had become infected in prison.

Correctional officers and inmates are often afraid of HIV being transmitted through a bite or a sneeze. Neither a small amount of blood being exposed to intact skin nor exposure to sweat, tears, saliva, or airborne droplets has ever been shown to result in HIV transmission. Biting or needlestick injuries pose a low threat of HIV transmission. According to the Centers for Disease Control and Prevention (CDC), 99.7% of needlestick/cut exposures do *not* lead to infection. Biting presents even less of a risk of HIV transmission than does a needlestick. Typically, a biter is more likely to come into contact with the victim's blood than vice versa. The medical literature has reported cases in which HIV appeared to have been transmitted by a bite but all of these cases involved severe trauma with extensive tissue tearing and damage, and the presence of blood. The CDC knows of cases where the hepatitis B virus has been transmitted through tattooing or body piercing, but no instances of HIV transmission through these practices. In the United States, blood is routinely screened for HIV antibodies. Consequently, HIV is very rarely transmitted through transfusions of infected blood or blood clotting factors. HIV is not spread by insects nor through casual contact such as sharing food utensils, towels and bedding, telephones, or toilet seats.

HIV AND AIDS IN PRISONS AND JAILS

The number of HIV infections and AIDS cases dropped from 1999 to 2000; however, this trend was not present in all states. The decrease in the number of confirmed AIDS cases was the first since data collection began in 1991. During 2000, 18 states reported a decrease in the number of HIV-infected inmates while 29 states reported an increase. Nearly one in four inmates known to be infected with HIV are incarcerated in New York; at least 6,000 inmates are infected with HIV in New York. New York also has the highest percent of the custody population that is infected with HIV (8.5%) followed by Maryland (with 4.3% or 998 inmates infected), Florida (with 3.7% or 2,640 inmates infected), and Texas (1.9% or 2,492 inmates infected).

The quality and effectiveness in HIV/AIDS care has improved with the introduction of protease inhibitors and highly active antiretroviral therapy (HAART). As a result, AIDS-related death rates in state prisons have been dropping, from 100/100,000 inmates in 1995 to 14/100,000 in 2000. AIDS-related illnesses are now the third leading cause of death in state prisons (after natural causes and suicides), having been the second leading cause of death since 1991. Death rates vary widely from state to state, however. For example, in 2000, the District of Columbia, Florida, New Jersey, Connecticut, New Hampshire, Pennsylvania, South Carolina, and Alabama all had AIDS-related death rates at least twice the national prison average of 14 deaths/100,000 inmates.

At mid-year 1999, 1.7% of jail inmates (8,615 inmates) were reported to be infected with HIV. Jails in the South and the Northeast account for 80% of all jail inmates known to be infected with HIV. The south held the largest number of inmates infected with HIV, followed by those in the northeast (3,822 and 3,105, respectively). Forty-three of the 50 largest jail jurisdictions held nearly 4,000 inmates who were known to be HIV-positive. Of these, almost one-third were held in New York City jails.

HIV/AIDS raises a number of issues for correctional administration, including those related to testing, housing, education, medical care, confidentiality, and the greater rates of HIV infection among women. Each of these issues is discussed briefly below.

HIV Antibody Testing

HIV infection is diagnosed by an ELISA test that is confirmed by a Western Blot test. Both of these tests detect HIV antibodies rather than HIV itself. It may take as long as several months for antibodies to develop to detectable levels. During this time, an infected person may still pass the virus on to others. All correctional systems provide HIV antibody testing on some basis. In 2000, the most common circumstances under which jurisdictions test inmates are: upon inmate request (46 jurisdictions), upon clinical indication of need (46), upon involvement in an incident (41), or upon intake (41).

Fifteen states test inmates in specific "high risk groups," and a handful of states test inmates upon their release, test all inmates currently in custody, or test inmates selected at random.

Housing

In 1985, 16% of state and federal facilities segregated prisoners with HIV and 75% segregated inmates with AIDS, on the grounds that it would reduce rates of HIV transmission. No reliable studies support this assertion. By 2003, Alabama was the only state to isolate inmates infected with HIV from all other prisoners in both its housing and its prison programs. Most states integrate inmates with HIV infection with the rest of the prison population and permit them to access some, if not all, prison programming. Some states house prisoners throughout the system until their medical condition warrants their transfer to a clinic that provides specialized care. Others—including programs in California, Texas, Florida, and South Carolina—group prisoners known to be infected with HIV into a single facility in an effort to provide state-of-the-art medical care. Some experts are concerned that a quarantine model may give prisoners in the general population a false sense of security and lead to greater transmission within the facility. Also, even in states with special HIV units, the demand for beds may exceed the supply, resulting in a lack of uniformity of care and expertise.

Education and Prevention

Incarceration provides an important opportunity to educate inmates about HIV, sexually transmitted diseases (STDs), and other communicable diseases. A 1997 National Institute of Justice/Centers for Disease Control and Prevention (NIJ/CDC) study found that HIV/STD education and prevention programs were becoming more common in correctional facilities. Few systems, however, had implemented comprehensive and intensive HIV prevention programs in all of their facilities. For example, while over 85% of prison and jail systems provided basic HIV information and explained the meaning of HIV test results, less than half offered education on more controversial topics such as how to negotiate safer sex or engage in safer injection practices. The NIJ/CDC study found that only 10% of state and federal prison systems and 5% of jail systems offered comprehensive programs in correctional facilities that included instructor- and peer-led programs, pre- and posttest counseling, and multisession prevention counseling.

Correctional administrators in the United States have resisted measures such as condom distribution that might reduce the spread of HIV and other STDs in the facility, citing concerns that condoms might be used as weapons (by filling them with sand or using them to strangle someone) or to conceal contraband. Another concern is that condom distribution implies that sexual activity is permitted when, in fact, it is prohibited behavior. In 2001, only 4% of U.S. jails and 10% of U.S. prison systems permitted condom distribution. Most other industrialized countries (including Canada and most European prison systems) make condoms available to inmates and report few problems.

Medical Care

The introduction of protease inhibitors and HAART in 1996 revolutionized the treatment of HIV/AIDS. These new HIV therapies have reduced morbidity and mortality in the general population, and they are widely available in correctional systems. Still, the treatment of HIV in a correctional setting presents many practical challenges as well as legal and ethical questions.

Barriers to Medical Care

Barriers to medical treatment of inmates remain such as high medication costs; inmate reluctance to seek testing and treatment out of fear, denial, and/or mistrust; and uneven medical competence and treatment standards. Features of correctional facilities such as strict schedules, definitions of "contraband," inmates' extremely limited ability to self-treat even minor medical ailments without reporting to sick call, and the need to constantly balance security concerns over the medical needs of inmates pose several challenges to the delivery of medical services to

inmates. Many inmates who are not adequately warned about the complicated drug regimens and the potential side effects may discontinue the treatment. Prison regulations and routines may interfere with inmates' attempts to comply with instructions regarding when and how to take the medication. If an antiretroviral regimen is pursued but fails, it may lead to resistance to other drugs of the same class thus limiting future treatment options and adding to the economic burden HIV imposes on society. Inmates with HIV infection often seek access to therapeutic clinical trials in hopes of obtaining good-quality care from knowledgeable university staff. Because of past abuses, federal regulations discourage—but do not prohibit—research conducted on inmates. Inmates seeking access to clinical trials may be accommodated by research protocols that recognize the importance of voluntary and uncoerced consent for research taking place in a prison setting. To determine the best treatment for the HIV-positive inmate, a clinician must take into account what will work best biologically, what will be most tolerable to the inmate-patient, and what will gain his or her maximum adherence to the treatment plan.

Legal and Ethical Considerations

The U.S. Supreme Court ruled in *Estelle v. Gamble* that inmates have a right to be free of "deliberate indifference to their serious health care needs" under the provisions of the Constitution's Eighth Amendment. According to the National Commission on Correctional Health Care (NCCHC), "deliberate indifference" often takes the form of denied or unreasonably delayed access to a physician for diagnosis and treatment, failure to administer treatment prescribed by a physician, and the denial of a professional medical judgment.

NCCHC identified some specific legal and ethical considerations associated with the provision of medical care. Maintaining rights to privacy has also been proven to be very difficult in a correctional setting where HIV infection is still feared and stigmatized; where medical information may be deduced from an inmate's movement, a cell search, or a pattern of scheduled visits; and where differing opinions may exist regarding who has a "need to know" someone's HIV status. Correctional staff and inmates have been implicated in breaches of confidentiality in many institutions. These breaches suggest a need to hold prison administrators more accountable for their confidentiality policies. Additional issues relate to the nature of the provider-patient relationship in a prison—the inmate cannot seek treatment elsewhere and the provider cannot refuse to treat the patient-inmate—and the right of a mentally competent adult to refuse treatment.

Women With HIV Infection

Factors such as drug use, race, poverty, having a partner who uses drugs, and having a history of sex work or physical or sexual victimization that place women at increased risk for incarceration also put women at increased risk for HIV infection. HIV infection rates are higher among women prison inmates than men inmates; 3.6% of all female inmates in state facilities were HIV infected compared to 2.2% of men. At the end of 2000, around 20,000 male inmates and 2,200 female inmates in state prisons were known to be HIV-positive. In six states and the District of Columbia, more than 5% of all female inmates were known to be HIV-positive. In two jurisdictions, more than 15% of all female inmates were known to be infected: the District of Columbia (41%) and New York (18.2%). As in the United States as a whole, women of color are overrepresented among those incarcerated who are infected with HIV.

Men and women HIV-positive inmates face similar problems such as the violation of their privacy rights, discrimination and stigma, unsanitary housing conditions, and difficulty accessing quality medical care. In addition, the HIV Education Prison Project reports that women inmates face the additional challenges of receiving HIV care from a doctor who not only has expertise but also recognizes the women-specific issues, such as gynecologic complications of HIV infections, management of the HIV-positive pregnant woman, and monitoring for toxicities of antiretroviral therapy. For example,

women who are infected with HIV have high rates of STDs and cervical neoplasia; thus physical examinations should include pelvic exams (with Pap smear and STD screening), and laboratory evaluations should include screening for other bloodborne infections (e.g., hepatitis B and hepatitis C, tuberculosis), and other tests. Around one-quarter to one-third of all untreated pregnant women infected with HIV will pass the infection to the fetus during pregnancy or birth. If a woman can safely take AZT or Retrovir during pregnancy, labor, and delivery and she has a cesarean delivery, infection rates can be reduced to 1%.

Discharge Planning

In 1996, inmates comprised 35% of the U.S. population infected with tuberculosis and 17% of those infected with HIV. Releasing sick inmates—including those infected with HIV—with proper treatment and arrangements for follow-up care not only improves their health status but also reduces the potential threat they pose to public health. Inmates with HIV benefit most from a "continuum of care" encompassing early detection, effective medical and psychosocial support, prevention and risk-reduction counseling, hospice care and substance abuse treatment when appropriate, prerelease planning, and linkage to community-based services. Ideally, discharge planning for inmates with HIV disease and other health problems helps to ensure prisoners will be able to obtain their medications and adhere to their regimens. A 1997 NIJ/CDC study of discharge planning services found that inmates in most correctional systems are given referrals for services. Far fewer systems actually make appointments for inmates and provide additional support and assistance to ensure that inmates make contact and receive the services they need. For example, although 82% of state and federal systems made referrals for HIV medications, fewer than one in three made an appointment. Continuity of care is particularly difficult in jail settings since the time of discharge is often unanticipated and many jail inmates enter and exit the system frequently.

CONCLUSION

HIV/AIDS poses a complex set of legal, ethical, and practical challenges for prisons and jails, particularly in the areas of housing, medical care, education, and discharge planning. While many medical advances have been made in the treatment of HIV infection, efforts are still needed to ensure that inmates' privacy rights are protected and that the correctional system's response to HIV is based on the best epidemiological information available rather than prejudice and fear.

—Jeanne Flavin

See also Doctors; Eighth Amendment; *Estelle v. Gamble*; Health Care; Hospice; Physicians' Assistants; Solitary Confinement; Women's Health Care; Women Prisoners

Further Reading

AIDS Education and Global Information System (AEGIS). (2004). Retrieved form http://www.aegis.com

Anno, B. J. (2001). *Correctional health care: Guidelines for the management of an adequate delivery system*. Washington, DC: National Institute of Corrections.

The Body: An AIDS and HIV information service. (2004). Retrieved from http://www.thebody.com/whatis/prison.html

Centers for Disease Control and Prevention. (2001). *Providing services to inmates living with HIV.* Retrieved from http://www.cdc.gov/idu

Dolan, K. (1997/1998). Evidence about HIV transmission in prisons. *Canadian HIV/AIDS Policy & Law Newsletter, 3*(4)/*4*(1), 32–35. Retrieved from http://www.aidslaw.ca/Maincontent/otherdocs/Newsletter/winter9798/26DOLANE.html

Hammett, T. M., Harmon, P., & Maruschak. L. M. (1999). *1996–1997 update: HIV/AIDS, STDs, and TB in correctional facilities.* Washington, DC: National Institute of Justice.

Maruschak, L. M. (2001). *HIV in prisons and jails, 2000.* Washington, DC: Bureau of Justice Statistics.

Maruschak, L. M. (2002). *HIV in prisons, 2000.* Washington, DC: Bureau of Justice Statistics.

National Commission on Correctional Health Care. (2001, November 11). *Management of persons with HIV infection.* Chicago: Author.

Onorato, M. (2001). HIV infection among incarcerated women. *HEPP News, 4*(5). Retrieved from http://www.thebody.com/hepp/may01/incarcerated.html

Peiperl, L., & Volberding, P. (Eds.). (2003). *HIV InSite Knowledge Base*. San Francisco: University of California San Francisco and San Francisco General Hospital. Retrieved from http://hivinsite.ucsf.edu/InSite?page=KB

HOME ARREST

Home arrest is a form of intermediate sanction that is used as an alternative to incarceration. This practice is known by many different names, including house arrest, home confinement, home detention, home incarceration, or home curfew. It comes in many forms and is used throughout the country for a diverse range of offenders. Typically, the decision to place someone on home arrest sentence is based on risk prediction involving factors such as the offender's past criminal record, the nature and circumstances of the current offense, history of good conduct, community and family witnesses, personal and family history, and drug or alcohol abuse history.

Home arrest allows the criminal justice system to reduce costs and some harmful effects of incarceration while allowing the offender access to rehabilitative opportunities in the community. Offenders under home arrest often serve their sentence (or some part of it) in the community, while remaining in their residence during certain defined hours of the day and night. As a result, they are often able to maintain employment. Where possible they are also required to pay some of the costs of monitoring house arrest, in addition to any restitution they may owe to victims.

Home arrest is administered at the frontend of the criminal justice system as a form of sentencing, but it can also be used at the backend of the criminal justice system as part of parole. It may be used for nonviolent offenders in lieu of prison or for violent offenders and/or repeat offenders as a form of intensive supervision after prison. In some instances, home arrest is used prior to conviction in the criminal justice system for pretrial release of offenders who cannot afford bail or for offenders who pose increased risk of flight or danger to the community.

HISTORICAL USE

Although some may think that home arrest an invention of the late 20th century, it was used as early as the 16th century when church authorities placed Galileo under house arrest for his heretical assertion that the earth revolved around the sun. In very early applications, an armed guard was placed outside the residence to enforce home arrest.

The first widespread use of home arrest in the U.S. criminal justice system occurred almost simultaneously in 1983 in two states, Florida and New Mexico. At the time, New Mexico's criminal justice system predominantly administered home arrest sentences to driving under the influence (DUI) and white-collar offenders, while Florida mainly sentenced DUI offender. Research from Florida indicated that 80% of offenders on home arrest were employed and half participated in restitution and community service programs. After Florida's success, the federal government started using home arrest in 1986 in concert with its early release and parole programs. The federal government in fact has made the most use of home arrest sentencing options.

CURRENT HOME ARREST PRACTICES

Home arrest is used in the United States in the pretrial phase of the criminal justice system, postconviction as a noncustodial sentencing alternative to incarceration, and postincarceration as an additional sanction after release from time served in a jail or prison facility. Offenders on home arrest are frequently required to stay within a few hundred feet of their residence. Some are mandated to remain at home 24 hours a day, while others are assigned curfew with authorization to leave during certain hours. Curfews are determined on a case-by-case basis by criminal justice officials according to the goals of supervision. Offenders typically are allowed to leave for work, medical appointments, appointments for rehabilitative programming, and other preapproved appointments. Compliance with curfews is verified by regular and random visits to the offender's residence and place of employment typically by a probation or parole officer.

Due to advances in cost and technology, electronic monitoring devices have become commonplace in home arrest sentencing to ensure compliance with curfew hours. Private companies, in contract with government or nonprofit agencies,

generally make and operate electronic monitoring systems. Offenders are required to wear a monitoring device on their person, such as a bracelet on their ankle or wrist; these devices are often noticeable, but advances have been made so that some appear to be an ordinary watch or pager. Some advances have been made to detect tampering and to ensure compliance such as voice recognition devices and visual verification through video cameras connected to computers, which allow offenders and criminal justice officials to meet without traveling to the offenders' residence.

Modern technology advances have increased reliability of monitoring devices where initially telecommunication and radio signals were used; now some devices have the ability to track the exact location of the offender by using global positioning satellite (GPS). This is used particularly as an enhancement for dangerous offenders, such as sex offenders who are restricted from going near victims, schools, day care centers, and parks. There has even been discussion of surgical implantations of monitoring devices, although due to the intrusive nature of these devices it is unclear that this would be constitutionally permissible.

There are two types of electronic monitoring systems—passive monitors and active monitors. Passive monitors respond only to inquiries; for example, the offender responds to an automated call and then places the monitoring device near the monitoring receiver to verify his or her location. Active monitors send continuance signals to the monitoring device worn by the offender to a monitoring receiver. The monitoring company notifies criminal justice officials if there is any break in the signal or any curfew violations. Typically, probation or parole officers will review the logs of violations at a later date. Violations may be due to unauthorized absences from the residence or place of employment, failure to return to residence, late arrivals, early departures, equipment malfunctions, loss of electrical power or telephone service, or device tampering. Penalties or sanctions for violations vary and commonly rely on criminal justice officials' discretion; however, they can range from increased monitoring to incarceration.

BENEFITS OF HOME ARREST POLICIES

Home arrest policies were originally designed to reduce costs of incarceration and to alleviate overcrowding in jails and prisons. The average cost of incarceration in jail or prison ranges from $10,000 to $25,000 per person per year, while the average cost to administer home arrest ranges from $2,000 to $7,000. Even when electronic monitoring is added to home arrest the average cost ranges from $3,000 to $10,000. The savings appear to be plain and simple. In addition, offenders are often required to pay a portion or the entire cost of monitoring devices.

Home arrest may be particularly advantageous for offenders with special needs. People with physical or developmental disabilities, communicable diseases, terminal illnesses, or mental illness, along with pregnant women and elderly offenders, may benefit from this strategy because they are able to use family and other community resources.

Proponents attest that home arrest is more humane than jails and prisons and minimizes the trauma and stigma of incarceration with hardened criminals. This is particularly true for juvenile offenders. By design, home arrest policies for juveniles comply with federal legislation that requires juveniles to remain outside of sight and sound of incarcerated adult offenders. Home arrest also helps juveniles because it allows juveniles to stay in their current school and education programs, while the home arrest curfews keep juveniles out of trouble and reduce influence of delinquent peers.

Home arrest provides more rehabilitation opportunities, such as job/skill training, drug/alcohol treatment, mental health counseling, self-improvement programs, and general equivalency diploma (GED)/education programs. These types of programs are in more abundance in the community than in jails or prisons and provide a better opportunity to rehabilitate offenders, increasing their likelihood of not returning to a life of crime. Proponents go so far as to claim that even after a period of incarceration home arrest provides an easier transition or reintegration back to community because it provides more structure than regular probation or parole.

PROBLEMS WITH HOME ARREST POLICIES

The critiques of home arrest fall into four general categories. First, critics argue that home arrest results in increased punishment. Second, they contend that home arrest is actually more costly. Third, they suggest that home arrest is actually ineffective in terms of surveillance and public safety, while finally, some argue that home arrest violates offenders' civil rights.

Combining arguments one and two, critics point out that home arrest policies are often used for low-level offenders who otherwise would merely have been sentenced to probation. Due to the restrictions that are part of home arrest, such as curfew and victim restitution, it may be, in fact, more punitive than traditional sentencing particularly since those offenders who receive home arrest frequently need surveillance and rehabilitation opportunities the least. According to this argument, home arrest policies actually increase or "widen the net" of the criminal justice system because offenders on home arrest are monitored more intensively. Violations of conditions are more likely to be detected, which results in more jail or prison terms.

Others point out that for pretrial detainees or for those who violate conditions on home arrest, the time served on home arrest does not count toward time served once they receive their sentencing. In other words, pretrial offenders still have to serve their entire sentence with no credit for the home arrest program time. Last, in terms of cost, home arrest can be expensive to start because equipment must be purchased, monitoring companies must be paid, and probation or parole officers still have to be paid.

For some, home arrest is not effective in terms of surveillance or public safety. Some critics believe that home arrest does not ensure incapacitation of criminal activity, and it does not effectively punish offenders. In general, the purpose of home arrest is incapacitation with some rehabilitation programming, but critics contend that if life goes on as normal without severe consequences this punishment may not deter criminals from violating the law. Others point out the lack of reliability in monitoring systems due to false alarms, battery failures, interruptions in service, and general lack of adequate technology. Offenders are able to commit crime while at home or in the community without violating any curfew and without the detection of a probation or parole officer. Offenders may keep associating with other criminal offenders and allow them to mastermind, control, or direct others to violate laws. Offenders may be able to continue drug sales, drug and alcohol abuse, conspiracy, and fencing of stolen property in their home. Also, because offenders are locked in the house with their family, home arrest may actually increase certain crimes such as assaults on family members including domestic violence and child abuse.

Despite the fact that staying at home may be somewhat of a luxury, offenders may come to hate their monitoring devices and surveillance officers. There is some concern, in other words, that home arrest may increase the likelihood of criminal activity due to "cabin fever," in which the desire to tamper with the monitoring device may become overwhelming. The effectiveness of home arrest may be reduced as some offenders become "stir crazy" and try to leave the residence. For this reason, many argue that home arrest should not last more than three to six months after which time the general effectiveness tends to wear off. Others contend that home arrest sets unrealistic goals and expectations of success because home arrest requires some level of self-discipline, but most criminals are impulsive by nature.

As mentioned above, concern exists about civil liberty issues in home arrest policies. By extending prison and punishment into the offender's own residence, criminal justice officials are said to be turning the offender's community into one big detention facility. Therefore, home arrest is unduly oppressive and grossly disproportionate to the criminal violations. Home arrest and electronic monitoring are likened to an Orwellian invasion with "big brother" watching over them in the privacy of their own homes. Opponents assert that home arrest is an abuse of monitoring that is so intrusive that it violates Fourth Amendment civil rights—especially those of family members in the same house who did not break any laws. In response, law enforcement

points out that home arrest is voluntary and because they have violated laws and victimized others, offenders have diminished civil rights especially in terms of Fourth Amendment waivers.

RACE AND GENDER

The racial and class bias of home arrest policies was evident early in its administration process. In the beginning, house arrest sentences primarily involved mostly male, mostly white, and mostly middle-class offenders because criminal justice officials eliminated offenders with long criminal histories, violent criminal histories, no employment, and no ability to pay for monitoring devices or restitution to victims. In addition, offenders on home arrest often need to provide references from the community to testify as to their good character. As a result of other factors in society and in the criminal justice system, young urban, minority males often have long or violent criminal histories, often lack employment, lack good character witnesses, and lack ability to pay for monitoring or restitution, and many do not have a telephone, which is a requirement for some of the monitoring devices. Because of the policy decision to use house arrest mainly for DUI, white-collar, and other low-level offenders, poor and minority offenders are often excluded. Along with minorities, a larger percentage of unmarried females also lack employment and ability to pay for monitoring and restitution compared to middle-class males. One can imagine the amplified bias young, unmarried, poor, urban, minority females face.

Some criminal justice jurisdictions attempt to address the inherent bias by using a sliding scale for offender income, although this cannot help those who have no employment at all. Some jurisdictions also provide telephones to offenders who do not have them. Community service may be substituted in place of monetary restitution to victims.

CONCLUSION

Although there have been no large-scale studies of the effects of home arrest, some research suggests that those who are confined to their houses for first offenses generally reoffend at lower rates than those who receive other forms of punishment. Some say this success is mostly due to the fact that those offenders had employment, and because home arrest is often given to those offenders who posed little risk anyway.

Home arrest has been used internationally throughout Europe, Canada, and Australia, and it has been used in all 50 U.S. states and the federal system including Guam, Puerto Rico, and the Virgin Islands. It became particularly popular in the United States during the 1980s as a sentencing alternative to combat prison and jail overcrowding, although its popularity waned somewhat in the "get tough on crime" era of the 1990s. At the time of writing, home arrest is on the ascendancy once more because of budget crunches, jail and prison overcrowding, and a national trend of philosophy changes in community corrections from rehabilitation to surveillance. The general public tends to approve of home arrest policies because of the inherent accountability, victim compensation, and offender payment for costs of supervision while maintaining relative community safety.

—Darcy J. Purvis

See also Actuarial Justice; Community Corrections Centers; Electronic Monitoring; Intermediate Sanctions; Parole; Prisoner Reentry; Probation; Work-Release Programs

Further Reading

Ball, R. A., Huff, C. R., & Lilly, J. R. (1988). *House arrest and correctional policy: Doing time at home.* Newbury Park, CA: Sage.

Brown, M. P., & Elrod, P. (1999, Summer). Citizens' perceptions of a "good" electronic house arrest program. *Corrections Management Quarterly, 3*(3), 37–42.

Chicknavorian, E. D. (1990, Winter). House arrest: A viable alternative to the current prison system. *New England Journal on Criminal and Civil Confinement, 16*(1), 53–66.

Courtright, K. E., Berg, B. L., & Mutchnick, R. J. (1997, September). Cost effectiveness of using house arrest with electronic monitoring. *Federal Probation, 61*(3), 19–22.

Courtright, K. E., Berg, B. L., & Mutchnick, R J. (2000). Rehabilitation in the new machine? Exploring drug and

alcohol use and variables related to success among DUI offenders under electronic monitoring—Some preliminary outcome results. *Criminology, 44*(3), 293–311.

Gainey, R. R., & Payne, B. K. (2000, February). Understanding the experience of house arrest with electronic monitoring: An analysis of quantitative and qualitative data. *International Journal of Offender Therapy and Comparative Criminology, 44*(1), 84–96.

Walker, J. L. (1990, June). Sharing the credit, sharing the blame: Managing political risks in electronically monitored house arrest. *Federal Probation, 54*(2), 16–20.

HOMOSEXUAL PRISONERS

Current demographic estimates figure that approximately 3% to 9% of the general U.S. population are gay. Similar numbers are thought to live in the nation's penal system. As a result, at any given moment, there are believed to be anywhere from 60,000 to 180,000 gays being detained in U.S. prisons and jails. Though no longer subject to the harsh sodomy laws of the past, these men remain targets of discrimination, hate crimes, and sexual assault, inside and outside prison walls.

INCARCERATING HOMOSEXUALS

Until recently, sexual acts considered to be particularly associated with homosexuality have been against the law in many states. In Oklahoma, for example, persons found guilty of engaging in sodomy faced a maximum prison sentence of 20 years. This law and others like it tended to discriminate against gays as heterosexuals engaging in the same activity were rarely punished. This disparity continued until the landmark case *Lawrence and Garner v. Texas* (2003), in which the U.S. Supreme Court ruled 6–3 that sodomy laws were unconstitutional.

GENDER ROLES

Within single-sex environments such as prisons, normative gender role systems become complicated. For instance, because women are not housed with male prisoners, traditional divisions of gender do not exist there. Instead, interaction between inmates serves to establish a unique cultural hierarchy based on gender roles rather than gender itself. Researchers have attempted to understand the existing gender role system in prisons and to ascribe meaning to three specific observed roles. The roles of "men," "queens," and "punks" serve to stratify inmates into a power structure that is partly based on perceived gender roles from outside the institutional setting.

Men, Queens, and Punks

The majority of male prisoners are classified as "men," meaning that they uphold most traditional norms of masculinity. Regardless of their behavior, most other inmates and guards do not consider them to be homosexual. Most "men" exhibit heterosexual behavioral patterns before and after incarceration and it is only within the confines of the penal system that they may act out what outwardly appear to be homosexual acts. Conversely, "queens," also known as "bitches" or "ladies," are homosexuals whose behavioral patterns inside prison are similar to their actions on the outside. Within the prison subculture, they are essentially considered to be females and are strictly receptive in terms of penetrative sex.

"Queens" are generally submissive to the "men," and are usually not allowed to hold positions of obvious social power. In many correctional facilities, queens are systematically separated from the rest of the population to protect them from violent attacks and to reduce the occurrence of sexual activity and assault. This partitioning sometimes leads to discrimination against queens, and they are often denied inmate privileges, such as library and yard exercise rights. Effeminate gay men who enter the prison system are often pressured to assume a role because overt homosexuality is believed to be socially unacceptable. However, men are able to exist as openly gay without having to subscribe to these specific gendered identities. A small percentage of homosexuals pass as "men" by assimilating into this dominant subculture.

"Punks" are typically young, nonviolent, middle-class offenders. Because of these factors, they often find themselves as minorities in position of conflict within the social hierarchy. The relationships between queens and punks are often very tense, as punks usually far outnumber queens. More important, since the most coveted position is in partnership with a "man" who will protect his allies from the

dangers of prison life, queens resent being passed up for punks. However, punks are also at higher risk of being raped by "men" and therefore occupy a marginalized role of their own.

SITUATIONAL HOMOSEXUALITY

Often mistakenly equated with homosexuality, situational homosexuality happens when heterosexual inmates participate willingly in homosexual relationships. Though it can simply be a response to loneliness and/or desire, situational homosexuality is often formulated around a hierarchy of power based on the sexual status of individual prisoners and the particular role they play within that hierarchy. This system is sometimes the source of sexual violence within prisons, when rape and assault are used as tools to maintain positions of authority among the prison population. Unfortunately, there is scant writing on situational homosexual activity before the 20th century, limiting attempts to trace its historical development. However, some evidence documents situational homosexuality, both consensual and coercive, in 19th-century prison systems.

Though difficult to gauge, researchers have been attempting to understand the prevalence of sexual activity within the penal system. One prominent recent study suggests that at least 80% of inmates perceive themselves to be heterosexual, whereas 8% report being homosexual. Of these, just under 19% are believed to have had a steady male partner. With regards to specific sexual acts during incarceration, 24% reported having touched or allowing their penis to be touched; while 23% had participated in oral sex. Twenty percent admitted to having had anal sex, and 8% had kissed or had been kissed by a fellow inmate.

THEORIES ABOUT SITUATIONAL HOMOSEXUALITY

A range of different explanations exist for why men who otherwise self-identify as heterosexual take part in homosexual activities remains unclear. For example, former inmate and prisoner rights activist Steven Donaldson has suggested that when a "man" sexually penetrates another inmate it is generally not viewed as a homosexual act. Instead, it serves to reinforce the "man's" masculine identity and power within the social hierarchy. Thus, within the confines of the prison, penetrating a "queen" or a "punk" is still considered to be heterosexual and to a certain extent, normal.

In contrast, proponents of the deprivation theory argue that prison homosexuality is specifically caused by the "pains of imprisonment." Based on the work of Gresham Sykes, these authors identify five specific pains prisoners face: the deprivation of liberty; deprivation of goods and services; deprivation of autonomy; deprivation of security; deprivation of physiological and emotional gratification associated with heterosexual relationships. Loss of these outside world comforts are then thought to cause inmates to seek gratification through alternative sources, usually through sexual relationships. Thus, prisoners can justify their transition to homosexual behavior because they are bored, needy, or lonely. Critics of this theory argue that sexual relationships established within the system often result in further victimization and exploitation. They also argue that it is difficult to measure deprivation because the individual inmates' perceptions of personal deprivation may not coincide with individual researchers' conceptualizations.

In contrast, followers of the importation theory believe that the behavior, both sexual and otherwise, of inmates is brought to the prison system from the outside. According to this theory, previous homosexual experience external to the prison setting is significant in predicting homosexual behavior while in prison. Thus, proponents of this theory suggest that inmates are sexually expressing themselves as they really are. Critics of this theory argue that most inmates' previous homosexual experience took place in jails, other reformatories, or incarceration programs. Thus, there is something unique about same-sex settings that seem to foster situational homosexuality.

HIV/AIDS

Individuals who participate in high-risk drug use, tattooing with dirty needles, unprotected sex, and sex work are at risk of contacting HIV/AIDS.

Specifically, those who engage in anal intercourse are at highest risk of contracting the deadly disease. Even though sexual activity is generally prohibited among inmates, it is undoubtedly a part of prison life. Prison officials are often tolerant of sexual relationships among inmates, and view them as an issue of minimal importance. Whether consensual or not, unprotected sexual relations put inmates at high risk for contracting HIV/AIDS. Despite the fact that sexual activity is acknowledged as a fact within prisons, in a majority of settings, condoms are considered to be contraband.

Not surprisingly, then, the current rate of confirmed HIV/AIDS cases is five times higher in state and federal prisons than among the general U.S. population, with African Americans and Hispanics being disproportionately affected. Because prisons have the nation's highest concentration of individuals with HIV/AIDS and are the population at highest risk for contracting it, heath experts refer to the circumstances as of epidemic proportions. Despite this, current research suggests that HIV transmission among prisoners is low and that most HIV-positive prisoners contracted the disease prior to incarceration. Regardless of these findings, any individual who engages in sexual activity, whether consensual or not, is at high risk for contracting the fatal illness while in prison.

VIOLENCE AGAINST GAY MEN

Violence against gay men is prevalent inside and outside of the prison setting. The torture and murder of Matthew Shepard in 1998 made national headlines and created widespread awareness of hate crimes against gays. Meanwhile, the prison setting has not been immune to such brutal attacks. In one well-known case, *Gregory v. Shelby* (2000), a known homosexual inmate was sexually assaulted and then murdered by a fellow prisoner.

SEXUAL ASSAULT

Sexual aggressors act out assaults for power rather than for sexual gratification. In men's prisons, inmate rape is generally committed by a "man" or group of "men" as an act of assertion of authority against one who wishes to preserve his heterosexual or homosexual autonomy. It is believed that sexual assault in male prisons reinforces the stereotypes associated with traditional societal gender roles. Thus, the largest influence of sexual assault is attributed to the "men," who are believed to be the ringleaders of social politics within the confines of prison.

Based on what is currently known about sexual assault in male prisons, race, class, and age appear to be significant factors for victimization. Middle- and upper-class prisoners are often more susceptible to sexual attacks because they are usually nonviolent and inexperienced in the prison's subculture. In addition, younger male inmates tend to be assaulted most often, as well as whites. In women's prisons, inmates tend to be assaulted by male prison guards, as opposed to other female inmates. Regardless of gender, victims are often discouraged from seeking help out of fear or shame. Even when sexual crimes are reported, disciplinary action is more likely to be imparted on known homosexuals than on known sexual aggressors.

Human rights groups have raised awareness of this sexual violence for both male and female prisoners, calling for significant policy changes. Proposals for reform include a tighter classification system based on the level of security needed to protect individual inmates, the legalization of consensual homosexual activity while still punishing rape, and the allowance of conjugal visits. Some institutions have abolished cell sharing, some house all "queens" and "punks" apart from the "men," and others punish any and all sexual activity. Others are developing educational campaigns to train guards to better handle situations of reported sexual assault. Perhaps most important, in 2003, the federal Prison Rape Elimination Act (HR 1707) was enacted calling national attention to the seriousness of sexual assault in prisons.

CONCLUSION

Just as a portion of the general population are homosexual, so also is a segment of the prison population.

While traditional homosexuality and situational homosexuality are often confused, same-sex intercourse can and does occur among both homosexuals and heterosexuals. However, gender roles and prison norms decidedly influence how each act is perceived by participants and by other inmates. For this, among other reasons, sexual assault within the penal setting is believed to be commonly used as a tool for reinforcing the hierarchical social order. Even consensual sexual relations can prove threatening as HIV/AIDS has become a more significant threat to inmates than to members of the outside population. Academics, activists, law enforcement agents, families, and inmates are all working toward creating sustainable solutions for these specific problems, and toward reaching out to homosexual inmates.

—Amy E. Desautels and Melissa J. Klein

See also Deprivation Theory; Stephen Donaldson; HIV/AIDS; Homosexual Relationships; Importation; Lesbian Prisoners; Lesbian Relationships; Prison Culture; Rape; "Stop Prisoner Rape"; Gresham Sykes; Violence

Further Reading

Donaldson, S. (1993). *A million jockers, punks, and queens: Sex among American male prisoners and its implications for concepts of sexual orientation.* Retrieved from www.spr.org

Hensley, C. (2000). Consensual homosexual activity in male prisons. *Corrections Compendium, 26*(1), 1–4.

Hensley, C. (Ed.). (2002). *Prison sex: Practice and policy.* Boulder, CO: Lynne Rienner.

Maruschak, L. M. (2001). HIV in prisons and jails, 1999. *Bureau of Justice Statistics Bulletin.* Retrieved from www.ojp.usdoj.gov/bjs/

U.S. Department of Justice. (2004). Bureau of Justice Statistics: Prison statistics. Retrieved from http://www.ojp.usdoj.gov/bjs/prisons.htm

West, D., & Green, R. (Eds.). (1997). *Sociolegal control of homosexuality: A multinational comparison.* New York: Plenum.

Legal Case

Gregory v. Shelby, 220 F. 3d 433 (6th Cir. 2000).

Lawrence and Garner v. Texas, 539 US 558 (2003).

HOMOSEXUAL RELATIONSHIPS

In American prisons, heterosexual sexual activity is restricted. While regulations vary across states, some inmates may have access (either legally or through contraband) to pornographic materials. In a small number of jurisdictions, others may participate in conjugal visits. Finally, still others satisfy their heterosexual sex drives by engaging in sexual activity with prison staff, both consensually and nonconsensually. However, many inmates who seek sexual experiences are limited to homosexual encounters. These occur in both male and female correctional institutions, although there are gender differences in how these homosexual relationships develop. This entry will specifically examine homosexuality in male prisons; other entries in this volume address sexuality in female prisons.

Research on sex in prison has been limited. Studies in male correctional institutions have focused mainly on coerced sex, while much recent research has stressed the prevalence of sex in prison and the problems associated with the human immunodeficiency virus (HIV). However, much remains unknown about sexuality in prison, including how often voluntary sexual activity between two or more inmates occurs and how many prisoners actually engage in homosexual relationships.

It is important to conceptualize two types of homosexual activity. The first is dispositional homosexuality, best described as individuals who self-identify as gay or lesbian. Self-identified gays and lesbians are rare in prison. Those who are incarcerated are often at risk. In male prisons especially, homosexuals hold a low status in the prison culture and sometimes require protection. The second type of homosexual activity is situational. This occurs when the individual self-identifies as straight, but turns to homosexual activity due to a lack of heterosexual opportunities. Situational homosexuality comprises the majority of prison sex.

Research regarding bisexual or transgender inmates is scarce, but no doubt a study of them would further develop the topic of prison sexuality. A recent study of jail inmates in protective custody found that there were some differences between bisexual

and gay inmates. Gay and bisexual prisoners reported feeling disrespect from their peers and from officers. However, gay inmates were less likely than bisexuals to change their behaviors while in jail, and were more likely to be harassed.

HOMOSEXUAL RELATIONSHIPS IN MALE PRISONS

Very little research has focused on consensual sex in male prisons, much less on relationships that form behind prison walls. However, there is a limited body of literature about the practice of exchanging sex for protection in what can amount to long-term relationships between male inmates. Anecdotal evidence, for instance, in Pete Earley's (1992) treatment of Leavenworth Penitentiary, *The Hot House,* is the most descriptive of this type of relationship. Essentially, a new, generally weak inmate (or "punk," in prison argot) makes the choice to partner with a stronger, more established man. The punk provides sexual favors, completes errands, and does other tasks as assigned by his partner. In return, he receives protection, so that it is understood that a conflict with the punk is tantamount to a conflict with his partner.

Whether or not these arrangements are consensual is debatable. On the one hand, some inmates choose to enter into these relationships. However, others may be pressured, by threat, intimidation, or actual force. Some individuals may feel as though becoming a punk is necessary for their own protection, so they do so voluntarily but without a true desire to be partnered with another man.

Entering into a relationship as a punk has long-term implications for an individual. Even if the initial relationship is short in duration, that inmate will carry the punk label and its implications of weakness with him throughout his prison stay. If the relationship ends, the prisoner may find it necessary to enter into a new relationship, or he may be physically coerced into doing so. If a relationship lasts, it is possible that the two inmates will transcend the simple exchange of sex for protection. Some men have reported caring relationships that have developed between the punk and his protector. However, others may perceive the relationship as an undesirable necessity. It appears that the transaction of sex for protection is a key characteristic of these relationships, with other forms of emotional intimacy being secondary.

ATTITUDES REGARDING HOMOSEXUALITY IN PRISON

There is a small body of research concerning attitudes toward homosexual activity in prisons. This section will briefly address the attitudes that inmates, correctional officers, and gay activists organizations hold toward prison homosexuality.

A study of inmates examined what characteristics were related to feelings of homophobia. Being female, African American, or having previous homosexual sexual experiences were associated with lower levels of reported homophobia. These findings are consistent with research regarding attitudes toward homosexuality outside prison walls, lending support to importation theory—the idea that inmates bring their existing attitudes into prison.

Research on correctional officers has found that most believe that prison sexuality is motivated by situational homosexuality (as described above). Officers were less likely to discover incidents of rape than they were to happen upon incidents of consensual sexuality. However, an overwhelming majority of officers acknowledged that they found it difficult to determine whether acts were consensual or coercive by nature. As reported above, the line between consensual and coerced sexuality in prison is a blurry one. While a majority of officers felt that both consensual and coerced sexual acts should be prevented, they rated preventing consensual sexual activity as less important.

Finally, while there has not been specific research regarding the role of gay advocacy organizations in issues of prison sexuality, it is possible to note some trends. It appears as though groups on the outside of prison are willing to become involved through advocacy and public awareness with issues of prison homosexuality in a very limited way. Namely, such groups appear to become involved

only when there are reports of abuse or failure to protect inmates. However, these circumstances appear to be rare—there does not appear to be much in the way of a permanent linkage between gay inmates and gay interest groups on the outside.

CONCLUSION

Homosexual relationships occur in all correctional institutions. However, there is limited research on consensual sex in prisons. Future scholars must work to clarify the nature of sexual activity, and attitudes toward it, within prisons.

—Stephen S. Owen

See also Argot; Bisexual Prisoners; Conjugal Visits; Contraband; Homosexual Prisoners; Importation; Lesbian Prisoners; Rape; Sex—Consensual; Sexual Relations With Staff; Transgender Prisoners; Women's Prisons

Further Reading

Alarid, L. (2000). Sexual orientation perspectives of incarcerated bisexual and gay men: The county jail protective custody experience. *The Prison Journal, 80,* 80–95.

Corrections Compendium. (2002, August). Inmate privileges and fees for service. *Corrections Compendium, 27,* 8–26.

Donaldson, S. (1996, August). The deal behind bars. *Harpers Magazine, 293,* 17–20.

Earley, P. (1992). *The hot house: Life inside Leavenworth Prison.* New York: Bantam.

Eigenberg, H. M. (2000). Correctional officers and their perceptions of homosexuality, rape, and prostitution in male prisons. *The Prison Journal, 80,* 415–433.

Gordon, G., & McConnell, E. H. (1999). Are conjugal and familial visitations effective rehabilitative concepts? *The Prison Journal, 79,* 119–135.

Hensley, C. (2000). Attitudes toward homosexuality in a male and female prison: An exploratory study. *The Prison Journal, 80,* 434–441.

Hensley, C., Struckman-Johnson, C., & Eigenberg, H. M. (2000). Introduction: The history of prison sex research. *The Prison Journal, 80,* 360–367.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison.* Princeton, NJ: Princeton University Press.

Tewksbury, R., & West, A. (2000). Research on sex in prison during the late 1980s and early 1990s. *The Prison Journal, 80,* 368–378.

HOOCH

Hooch, a term used to describe a fermented drink traditionally made by Native Americans of the Northwest, refers to any illicit alcohol manufactured by prisoners. As in the civilian world, alcohol or hooch is one of the common ways people deal with the boredom of their prison lives. Normally, hooch is made through a fermentation process of some combination of yeast, fruit, or sugar, but it can be made in many other ways, all of which are relatively easy, inexpensive, and can take from a few hours to a week. Fermented hooch requires only the basic ingredients of a fruit or starch base, a means of fermentation, a container, and a secure location to store the products away from staff or other inmates.

HOW IS IT MADE?

Although hooch can be made from any grain or fruit, the easiest and most common way of making it is with fruit juice, which can be obtained from sympathetic staff, kitchen personnel, or the commissary. Either by using yeast as a starter or by the more difficult way of attempting a natural fermentation, the concoction is distilled for a few days and then immediately consumed because of the short shelf life. This process requires practice and patience to perfect the timing and proportions of ingredients. Once some has been made to satisfaction, the starter can be saved for future batches. The fruity syrup in canned cherries or berries provides one of the best sources of making hooch. The heavy sugar content and fruit residue in the hands of a skilled practitioner provide a flavorful wine-like beverage with high alcohol content. Staff who have tested hooch made from this syrup during shakedowns claim that it contains as much as 10% alcohol, far higher than the more common 2% to 5% in hooch made from fruit juice or sugar-enhanced Tang.

A second way of obtaining alcohol is by filtering commissary or kitchen items, such as mouthwash or artificial food flavorings, through bread. The filtering helps remove impurities and concentrate the alcohol. Prisoners with access to refrigeration may also take mouthwash or similar products, freeze

them several times, and pour off the alcohol, which does not freeze. If done successfully, this produces a high-content alcoholic liquid that can either be consumed directly or mixed. Although this method can produce some exemplary high-quality alcohol, it requires access to a freezer that is relatively secure from staff scrutiny for at least a few days to allow freezing. It is also expensive because of the costs of obtaining commissary items. However, because of the high alcohol content, it can be more easily stored, and its manufacture does not produce the fermentation odor that can alert staff.

Hooch can be made in any container, including individual-sized milk cartons or the preferred plastic gallon containers. Although open containers such as large cans be used, those with lids are far better in order to prevent impurities or insects from contaminating the product, and to reduce odor. Inexperienced hooch makers often ignore the need to make the product in sanitized, or at least clean, containers. Neglecting this detail risks disrupting proper fermentation and decreases the potability.

CONCEALMENT

Outsiders often wonder how prisoners can make alcohol in a controlled and tightly monitored correctional environment. Although there is considerable risk of discovery, which can lead to severe disciplinary sanctions such as segregation, loss of "good time" credits, and increased long-term surveillance by staff, the rewards of making hooch generally outweigh the costs of discovery, especially for long-term prisoners.

Most commonly, prisoners produce hooch in their cells, despite the risk of discovery either due to the occasional fermentation odor or during a shakedown. There are, however, some limitations to this method. In institutions that restrict prisoners' property only to that which can be contained in designated property boxes, there is little opportunity for hiding contraband in the cell. The confined area of a cell also limits the quantity that can be produced at one time. As a result, some hooch manufacturers hide the alcohol in concealed areas within the prison that staff and other inmates are unlikely to find. This strategy often requires collusion with sympathetic staff or with trusted peers who will help secure the area and not sample the beverage before completion. Workshop areas, secluded vegetation, or rarely used storage facilities are ideal.

HOOCH AND PRISON CULTURE

Hooch serves secondary functions beyond consumption. If made in quantity, it can be a valuable commodity in the prison economy, sold or traded for other scarce resources. Skilled producers also receive a measure of respect from other prisoners, which is also a valuable asset. On occasion, staff can use it as a control mechanism by gaining compliance or compromise from producers in return for allowing discrete production. When this occurs, there are generally tacit rules that, if violated by prisoners, lead to shakedowns, discipline, and temporary halt of production.

It is not necessarily the actual production or consumption of hooch that creates problems, but the derivative consequences created by competition over scarce and highly valuable resources. Although not as valuable as drugs, yeast is also a marketable commodity, and it can be easily smuggled in or obtained in-house and bartered. Some inmates who may not themselves make hooch are able to traffic in yeast smuggled in from the outside. Producers can take part of their fermentation and give it to others who are less skilled. But this also creates the risk of competition for "markets." This, in turn, may lead to turf conflicts or other disputes, because as a valuable commodity, hooch distribution—as it was outside prison during Prohibition in the 1920s—becomes profitable for those who control it.

CONCLUSION

Contrary to some observers who claim that prison hooch is invariably foul tasting, skilled prisoners can produce a potent and pleasant-tasting libation that ranges in taste from homemade beer to an after-dinner aperitif. Regardless of taste, prison hooch is a mainstay of the prison culture both for prisoners and—on occasion—staff.

—Jim Thomas

See also Commissary; Contraband; Deprivation; Governance; Importation; Prison Culture; Resistance

Further Reading

Cardozo-Freeman, I. (1984). *The joint: Language and culture in a maximum security prison*. Springfield, IL: Charles C Thomas.

Jones, R. A., & Schmid, T. (2000). *Doing time: Prison experience and identity among first-time inmates*. Greenwich, CT: JAI.

Marquart, J. W., & Roebuck, J. B. (1987, January). Institutional control and the Christmas festival in a maximum security penitentiary. *Urban Life, 3*(4), 449–473.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison*. Princeton, NJ: Princeton University Press.

HOSPICE

> Death is not the worst possible outcome of medical care. Death is not even the worst possible outcome of incarceration. Dying alone, in pain, without social, familial, and spiritual supports is the terrifying end that many prisoners and, indeed, most people fear. Unfortunately, it is too often the reality they experience.
>
> *—Nancy Neveloff Dubler and Budd Heyman (1998, p. 355)*

WHAT IS HOSPICE?

Hospice is a form of end-of-life care that emphasizes palliative care services. *End-of-life care* refers to supportive services for individuals with advanced and potentially fatal illnesses. These services may include curative, life-prolonging, and palliative treatments. *Palliative care* includes comfort services designed to provide relief from symptoms without necessarily addressing or resolving underlying health problems. The intent is to provide relief from symptoms associated with serious, chronic, or terminal illness to improve quality of life, not to either extend or hasten the dying process. Hospice programs differ from other end-of-life care and palliative programs by specific patient enrollment requirements; they are limited to terminally ill patients with limited life expectancy. In addition, to be recognized as a hospice program, formal licensure or accreditation according to state regulations is required.

Hospice provides palliative or comfort care only to patients who have been diagnosed with terminal illness. Eligibility for inclusion in a hospice program varies by state and institution, but generally requires that the patient not only have a terminal diagnosis, for example, cancer or AIDS, but also a prognosis or life expectancy of less than six or 12 months to live. Determining a specific prognosis is very difficult and has proved to be a problem in hospice enrollment. Physicians are often reluctant to suggest that a patient has such a limited life span. Rather than requiring a definitive prognosis, enrollment in hospice may be based on a reasonable belief that a patient is likely to die within the next six months or year.

In addition to these eligibility requirements, patients may be required to have a "do not resuscitate" (DNR) order. This is a statement that allows health care professionals to forgo cardiopulmonary resuscitation (CPR) in the event that the patient's heart stops or other advance directives that limit life-sustaining treatment, for example, the use of ventilators, feeding tubes, or antibiotics. To be enrolled in a hospice program, patients must consent to the treatment approach and specific requirements. For those who are unable to consent themselves, for example, unconscious, comatose, or mentally incapacitated patients, a surrogate decision maker, usually a close family member, may consent on the patient's behalf.

Hospice is considered a concept or philosophy of care rather than a place. The concept dates back to medieval times and symbolizes care designed to comfort travelers and the sick. While hospice care may be provided in a particular place such as a unit in a hospital or a free-standing facility, it is more often provided in a patient's home or care setting (e.g., nursing home or assisted living facility), wherever it is most appropriate for the patient. The concept is one of comprehensive, interdisciplinary care for patients approaching the end of their lives. The emphasis is on palliative or comfort care rather than curative treatment, and usually includes emotional, spiritual, and practical support as well as physical treatment. Some curative treatments, such as hip replacement surgery or radiation therapy for cancer, may be offered to increase the patient's comfort. The goal is to offer personalized services

to support patients comfortably through the dying process.

The services are designed to create a caring environment in which the biological and other aspects of care are integrated to enhance meaningful existence in the final phase of life for both the patient and his or her family. Palliation addresses distressing physical symptoms such as pain, shortness of breath, and fatigue; social, psychological, emotional, or spiritual issues such as grief, fear, and loneliness; and other needs identified by patients and their families. Services extend to grief counseling after the patient's death.

An interdisciplinary care team, usually directed by a physician, addresses the needs of the patient and family. These teams may consist of various arrays of physicians, nurses, health professional assistants, therapists, social workers, case managers, clergy, dietary professionals, pharmacists, psychologists, and administrators. Trained volunteers provide companionship and other nonmedical care and when possible, the family is involved. Hospices often coordinate with other services within the community, including inpatient medical services, ancillary medical services, and social service programs such as counseling. All services are readily available to patients based on identified needs. The total package of services is covered by Medicare for patients who qualify for Medicare (note, this does not include inmates) and meet the hospice eligibility requirements. The requirement for a limited prognosis stems from Medicare and other third-party payer coverage restrictions.

HISTORY OF THE CARE OF DYING INMATES

Health care practices within prisons generally became a matter for public concern and litigation in the 1970s, after a series of prison uprisings and public advocacy forced the issue. A landmark federal court decision, in *Newman v. State of Alabama,* addressed living conditions in the entire prison system. With regard to the adequacy of prison medical services, the court recognized conditions it deemed constitutionally impermissible, including the use of unlicensed caregivers and instances of neglect and abuse. Other federal courts attempted to articulate a constitutional standard of care until the U.S. Supreme Court in the 1976 case of *Estelle v. Gamble* offered the basic constitutional standard of adequate health care:

> Deliberate indifference to the serious medical needs of prisoners constitutes the unnecessary and wanton infliction of pain . . . proscribed by the Eighth Amendment [in its protection against cruel and unusual punishment]. This is true whether the indifference is manifested by prison doctors in their response to the prisoner's needs or by prison guards in intentionally denying or delaying access to medical care or intentionally interfering with treatment once proscribed.

The provision of health care services, or lack thereof, is not to be used as part of an inmate's punishment. Since *Estelle v. Gamble,* other cases have provided substantive content to the requirement for adequate health care in prisons and jails, extending services available in the community to inmates. For example, the courts have ruled on the meaning of deliberate indifference, requirements for the provision of psychiatric care, inmate hospitalization, special medications or diets, emergency medical service training, contagious disease screening, and appropriate health care professionals. These rulings have been translated into standards for correctional health services, although such standards are limited to issues pertaining to specific legal cases and do not offer comprehensive guidelines.

The American Correctional Association (ACA) policy supports hospice services and mandates that health services provided within prisons be consistent with community health care standards. Historically, end-of-life care had not been a regular concern of correctional facilities. However, the development of hospice and palliative care programs in prisons was prompted by institutional changes, recognition of the needs of dying inmates, specific requests from prisoners, and the infrequency of compassionate release. Corrections officials began to recognize and respond to the need for

special services to care for the dying among its aging prison population in the mid-1980s.

The early development of prison hospice may be traced to the work of a paraplegic, wheelchair-bound prisoner at the U.S. Medical Center for Federal Prisoners in Springfield, Missouri, in 1987. This inmate, Fleet Maull, was living on a hospital ward and recognized the increasing number of dying inmates, especially those with AIDS, and their special needs. He noted that they often died alone without support from family or friends either outside or within the prison. He began to visit a few dying inmate-patients and felt that the close relationships they developed with him in their final weeks and months made a significant difference in their lives. Based on this experience, he developed a formal proposal for an inmate-staffed hospice volunteer program. Maull went on to found the National Prison Hospice Association.

Institutional changes provided impetus for the continued development of prison hospice. These changes included an influx of seriously ill inmates, especially those with HIV/AIDS; the use of determinant sentences; "three strikes" laws; and limited compassionate release programs. The combination of increased numbers of seriously ill inmates and longer sentences ensure more deaths in prisons. Compassionate release or medical furlough programs, while available in the majority of states and the Federal Bureau of Prisons, are rarely used, also ensuring that inmates will die while incarcerated. Compassionate release refers to the release of seriously ill or dying inmates through procedures including the commutation of sentences through the department of corrections, executive clemency, or commutation; reduction of sentence through the courts; administrative leave or furlough; and parole. The judges, administrators, governors, and parole boards must weigh the needs of the ill and dying inmate against society's need for protection, retribution, and deterrence. The expense of providing the medical services an inmate needs may also affect the consideration. Despite the humanitarian goals of compassionate release programs and the limited threat to society from a terminally ill inmate, mandatory sentencing requirements may make compassionate release impossible.

The first national survey on hospice and palliative care was conducted by the National Institute of Corrections in 1998. According to that study, the U.S. Bureau of Prisons and 11 states were operating prison hospice programs at one or more of their penal institutions. In addition, four more states, one municipal prison system, and the Correctional Service of Canada were developing formal hospice programs; nine states offered palliative care outside of a hospice program; and 11 states were considering the development of hospice programs. Further study since 1998 indicated that the numbers of palliative care and hospice programs continues to grow.

INMATE PALLIATIVE CARE AND HOSPICE PROGRAMS

Prison palliative care or hospice services mirror those available in community programs. Common program goals include the provision of appropriate and holistic care for dying inmates consistent with hospice philosophy, enhancement of the care available at the institution, and the assurance of "death with dignity." Palliative or hospice care services are provided to patients maintained within the general prison population, within prison hospital facilities, in special hospice beds, within independent licensed hospices, or in community hospitals (with prison supervision). Inmates are often transferred from one institution to another to gain access to these services.

Inmate eligibility for these services generally are they same as for community hospice; the inmate-patient must be terminally ill and have a prognosis of six months or less to live though some allow for a longer prognosis or require only physician referral or recommendation. Inmates, like other patients, are asked to consent to receive palliative services and may be required to sign DNR orders to participate in palliative care services. Palliative care or hospice services are available to all prisoners, male and female, where programs exist throughout the country.

Licensure or accreditation for hospice may be obtained from state agencies or national

organizations. Prison hospices may be licensed by the same agencies as community hospice. To be licensed or accredited, an outside agency assesses a program for compliance with particular standards. Correctional health care is accredited according to standards from organizations such as the Joint Commission on Accreditation of Healthcare Organizations, the National Commission on Correctional Healthcare, and the ACA. These organizations are developing standards for prison hospice licensure. Until these are implemented, assessment is done according to community hospice standards.

Little is known about the cost of palliative care and hospice programs in total, per service, or per inmate, but existing programs report that their costs are covered by the general prison health care services budget. The average length of stay or use of palliative care services appears to be longer for inmates than for patients who are not incarcerated. The requirement for a limited prognosis may be relaxed in the prison setting as inmate health care is not affected by Medicare and other third-party payer restrictions.

The available services vary among existing programs but contain some consistent elements. Special visitation arrangements for friends, family, and fellow inmates are a key aspect of existing programs. Other elements include advance care planning; pain and symptom management (with adequate formularies); companionship from family, volunteers, or pastoral care services; bereavement services; and funerals or memorial services.

Interdisciplinary care teams are similar to those in community hospice programs, but in prisons also include security officials. Community hospices are involved with many of the programs in some capacity, such as program development, technical assistance, working with families, or discharge planning.

Programs may also use community volunteers, inmate family members, and prisoner volunteers. The inmate volunteers provide supportive services and companionship, but usually cannot be employed by the program and cannot provide medical services. Inmate volunteers can provide companionship; conversation; assistance with eating, hygiene, telephone calls, letter writing, and movement; reading and activities; and spiritual support. The use of inmates remains difficult and controversial. Problems include concerns about protecting inmate-patient confidentiality, the potential for healthy inmates to victimize the weak, inmates violating or financially exploiting visiting family, unregulated inmate movement around an institution, and concerns about diversion or narcotics and other drugs used to treat the dying inmates. However, with careful screening, training, and supervision, institutions with inmate volunteer programs report success.

Through training, the inmates learn about the value of the program, the importance of confidentiality, and the consequences of any abuses. Including security personnel in the interdisciplinary team assists in the prevention of problems. Rather than creating problems, the inmate volunteers often become model prisoners, develop skills that will be useful when they are released from prison, experience increased compassion for others, work to protect the integrity of the program, feel comforted about the possibility of their own deaths in prison, and report appreciation for participation in the program. Prison personnel also report satisfaction with prison hospice programs and the use of inmate volunteers.

PRISON HOSPICE PROGRAM EVALUATION: BEST PRACTICES

The GRACE (Guiding Responsive Action in Corrections at End-of-Life) Project began in 1998 with the support of a grant from the Robert Wood Johnson Foundation. This collaborative of a number of correctional, research, and philanthropic organizations collected information on the state of end-of-life care organizations, aided in facilitating palliative care program development, and developed a set of best practices. Best practice program components include the use of

- interdisciplinary teams, including physician, nurse, chaplain, and social worker, at a minimum;
- increased visitation for families, including inmate family;

involvement of inmate volunteers;

comprehensive plan of care;

training in pain and symptom management;

advance care planning;

bereavement services; and

environmental adaptation for comfort.

SOME PROBLEMS WITH PRISON HOSPICE

Several characteristics of America's prisons combine to pose enormous challenges to achieving quality palliative or hospice care. Problems generally include balancing care and correction, notifying inmates about the availability of services, managing the program, and security concerns. Public opinion may not be supportive of programs to comfort inmates when prisons are designed to punish. Inmates are often in facilities far from home and may need to be transferred to access palliative services, making family involvement difficult. Prisons operate according to scale and promote conformity so that individual preferences and needs are difficult to address. Overcrowding interferes with the provision of services. Treatment plans are also be frustrated by inmate classification. Concerns about drug abuse and diversion constrain efforts to provide state-of-the-art pain management and symptom control. Pressure to avoid liability and litigation may result in the use aggressive treatment despite an inmate-patient's preference for palliative care. Communication and service delivery are complicated by the need to involve correctional personnel who must emphasize security and institutional efficiency.

In addition, a number of management problems are unique to older inmates, defined as those inmates at least 50 years of age. The geriatric population in prisons counts individuals younger than those in the outside population. Poor socioeconomic status, lack of access to medical care, lifestyle choices, and prison life combine to prematurely age inmates before and during incarceration. Management problems specific to this population include vulnerability to predatory abuse, difficulty mixing with younger inmates, need for accommodation for individual disabilities, requirements for special programming, and disproportionate consumption of health care services. Accessibility, safety, modified confinement conditions, classification procedures, and security are among the greatest challenges for those caring for elderly inmates and prison administrators.

End-of-life care programs in jails face many of the same difficulties as in prisons, but difficulties are exacerbated by short-term stays, rapid turnover, limited staff time and other resources, inadequate formularies, volunteers shortages, and security concerns. Yet some jail facilities are developing end-of–life care programs and transitional services. They are partnering with local hospices and working with prisons and community service providers.

CONCLUSION

Prison palliative care and hospice programs are growing throughout the United States in recognition of the needs of the increasing number of dying inmates. The programs reflect community-based hospice programs but are tailored to the unique needs of inmates, the physical setting of the prison, and security concerns. Overall, palliative care and hospice programs have overcome a number of difficulties and help many prisoners, correctional personnel, and institutions. Reported benefits for inmate-patients include increased comfort, appreciation, control, companionship, and family involvement. Inmate workers or volunteers also describe personal growth and appreciation for their participation in the programs. Benefits for institutional staff include help with workload, positive feelings toward the institution and inmate-patients, increased awareness of hospice and personal mortality, and improved care delivery. As standards for prison hospice develop, a number of health care and prison organizations continue to increase the quality of health care prisoners receive as they approach the end of life.

—Felicia Cohn

See also American Correctional Association; Compassionate Release; Determinate Sentencing; Elderly Prisoners; *Estelle v. Gamble*; Furlough; Health Care; HIV/AIDS; Increase in Prison Population; Women's Health Care

Further Reading

American Correctional Association public correctional policy on correctional health care, ratified by the American Correctional Association Delegate Assembly at the 117th Congress of Correction in New Orleans, LA, August 6, 1987, reviewed and amended at the Congress of Correction in Nashville, TN, August 23, 1996.

Dubler, N. N., & Heyman, B. (1998). End-of-life care in prisons and jails. In M. Paises (Ed.), *Clinical practice in correctional medicine* (pp. 355–364). St. Louis, MO: Mosby.

Faiver, K. L. (1997). *Health care management issues in corrections.* Lanham, MD: American Correctional Association.

GRACE, End-of-Life Care Standards of Practice in Correctional Settings. (2004). Retrieved from http://www.graceprojects.org/graceprojects/standards.htm

Maull, F. W. (1998). Issues in prison hospice: Toward a model for the delivery of hospice care in a correctional setting. *Hospice Journal, 12*(4), 57–82.

National Institute of Corrections. (1998). *Hospice and palliative care in prisons: Special issue in corrections.* Longmont, CO: Author.

Ratcliff, M. (2000). Dying inside the walls. *Journal of Palliative Medicine, 3,* 509–511.

Legal Cases

Estelle v. Gamble, 97 S. Ct. 285, 290, 429 U.S. 97, 104–105 (1976).

Newman v. State of Alabama. 349 F. Supp. 278, 503 F. 2d 1320, 5th Cir. (1974), *cert. denied* 421 U.S. 948 (1975).

HOWARD, JOHN (1726–1790)

The origins of contemporary prison reform in the United States can be traced to an 18th-century English sheriff, John Howard. Howard, who was both a nonconformist and a social reformer, perhaps single-handedly changed the administration of English gaols and many of the habits of their inmates, rescuing prisoners from the conditions of neglect and filth in which they had long been held. Though Howard died more than 200 years ago, his legacy lives on. In the 21st century, his ideas are carried on through the work of several influential prison reform organizations in North America that currently bear his name, including the John Howard Association of Alberta, Canada, and the John Howard Association in Chicago, Illinois.

BIOGRAPHICAL DETAILS

At first glance, Howard seems an unlikely champion of prison reform. Born in 1726 in Enfield, England, to a comfortable middle-class family, Howard's childhood was disrupted by his poor health and by the death of his mother when he was 5 and of his father when he was 16. His subsequent years were spent in travel. On a trip to Portugal in 1756, his ship was captured by French privateers. Howard shared the sufferings of his fellow countrymen while on the ship, receiving little food or water while the ship sailed to a dungeon located in Brest, Belgium. Howard spent six days in the dungeon where treatment of prisoners was not much different than on the ship. He was further imprisoned at Morlaix, France, but was soon exchanged for a French officer. When he returned to England, he reported his experience to the Commissioner of Sick and Wounded Seamen of the British Royal Navy and was successful in receiving action to alleviate the conditions of the other English seamen.

After release, Howard married Henrietta Leeds, became a vegetarian, and turned to managing his landed estate. He also provided partial funding for a school for children that resided on his estate.

INSPECTOR OF PRISONS

In 1773, Howard was appointed sheriff of Bedford. One of his duties, neglected by his predecessors, was to inspect prisons. He soon found that in the three regional prisons for which he was responsible, prisoners were ill-treated. He also found that large numbers of men were confined simply because of their inability to pay various fees. For example, prisoners were required to pay their jailer, who received no other salary and, as a result, had little incentive to use any funds to improve conditions or to provide basic amenities. A previous unsuccessful attempt had been made to introduce legislation changing

how jailers were paid. However, it was not until Howard made his case to the English Parliament that two Gaol Acts were passed in 1774. The first set all prisoners free who were held for nonpayment of jailer fees and authorized jailer salaries. The second bill addressed health in prisons by encouraging improvement of sanitary conditions.

At his own expense, Howard began touring the prisons of Europe for the purpose of promoting reform. He focused especially on prison architecture, noting that water, circulation, and light were generally inadequate. Combined with lack of fuel, inadequate clothing, poor hygiene, and lack of food, prisons were badly in need of reform. Howard especially drew attention to many prisons having inadequate water. Drawing from his observations in British and European prisons, in 1777 he published a pamphlet, *The State of Prisons in England and Wales,* which radically changed penal policy in England and abroad.

Shortly after publishing his second and final book, *Lazarettos,* in 1789, John Howard set off once more to inspect prisons in eastern Europe. After tending to a prisoner with typhus, he became ill and died in the Crimea on January 20, 1790.

REFORM

John Howard put forward a series of general and specific reforms in his writings and public lectures. In particular, he was concerned with reducing the filth that characterized most penal facilities of the time. He argued that prisons should improve sanitation, by removing human waste, keeping cells and other living areas clean, and providing prisoners with clean water, soap, and bathing opportunities. The proper circulation of fresh air, he asserted, would reduce outbreaks of contagious diseases that characterized early-modern penal establishments. Likewise, Howard advocated separation of sick prisoners and for providing health care facilities for them.

In addition to his concerns about the cleanliness of facilities and the health of their inmates, he urged classification of prisoners so that the more violent offenders, youths, and other special populations not be housed together. As with other penal reformers, he strongly believed that prisoners should be kept occupied, rather than lying idle, and so he recommended various forms of penal labor. Finally, Howard advocated education to inform the public of the state of prisons.

CONCLUSION

Howard's works changed prisons in North America in several ways. First, his writings were widely read by reformers in Europe and North America. Second, the English reform acts based on his work provided model legislation for other countries including the United States. Reformers such as Jeremy Bentham drew from Howard's writings in redesigning prison architecture, and integrated Howard's emphasis on sanitation, air circulation, and natural light in their design. In the United States, Quakers drew heavily from Howard's writings in advocating humane prisons, in designing the Eastern State Penitentiary in Philadelphia. Finally, Howard's emphasis on making the public aware of prison conditions continues to be a primary goal of prison reform groups in the 21st century.

—Chris Schneider

See also Abolition; Bridewell Prison and Workhouse; Corporal Punishment; Critical Resistance; Angela Y. Davis; Elizabeth Fry; History of Prisons; Prison Monitoring Agencies; Pennsylvania System; Quakers; Walnut Street Jail

Further Reading

Forsythe, B. (Ed.). (2000). *The state of prisons in England 1775–1905.* London: Routledge.

Guy, W. A. (1875). John Howard's true place in history. *Journal of the Statistical Society of London, 38*, 430–437.

John Howard Society of Alberta. (1991). *John Howard: Portrait of a hero*. Retrieved from http://www.johnhoward.nf.ca/org/jh_hstry.HTM

Johnston, N. (2000). *Forms of constraint.* Chicago: University of Illinois Press.

Lewis, B. R. (1998). *John Howard*. Retrieved from http://www.britannia.com/history/biographies/jhoward.html

Sweeting, R. D. R. (1884). The experiences and opinions of John Howard on preservation and improvement of the health of inmates of schools, prisons, workhouses, hospitals, and other public institutions, as far as health is

affected by structural arrangements relating to supplies to air and water, drainage, & c. *Journal of the Statistical Society of London, 47,* 25–141.

HUNTSVILLE PENITENTIARY

Since 1849, Huntsville has served as the headquarters of the Texas state prison system, which is currently the largest in the United States. An imposing red-brick fortress known as "the Walls," Huntsville gained national prominence not only for hosting the spectacular Texas Prison Rodeo but for its grim history of conflict, including perennial scandals, endemic abuse, and prisoner uprisings. Today, the Walls is home to America's busiest death chamber.

FOUNDATION

Although Texans considered building a prison under Mexican rule, construction did not begin until after U.S. annexation in 1848. Its model was the industrial penitentiary at Auburn, New York, dedicated to regimented labor rather than solitary penitence. Through most of the 19th century, Huntsville's rule books required prisoners to march in drills, eat in silence, and put in long hours at the textile factory and other workshops. During the Civil War, Huntsville became a vital source of cloth for the Confederacy, so much so that officials imported runaway slaves to staff the mill.

CONVICT LEASING

The end of slavery transformed Huntsville. Before the Civil War, the prison confined only whites, as Texas law stipulated that free blacks and slaves were to be punished only by whipping, hard labor, or hanging. After emancipation, however, a rapid influx of African American prisoners—many of them convicted of petty offenses such as "stealing a cap"—soon crowded the Walls. Pressed for cash and reluctant to build another penitentiary, lawmakers responded in 1867 by hiring out prisoners to the highest bidder. Thus, like other southern states, Texas adopted the convict lease system—the most ignominious punishment regime in American history.

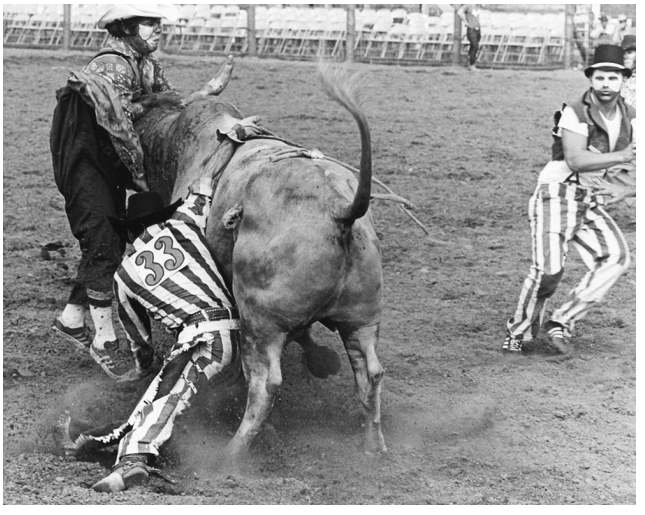

Photo 2 *Huntsville rodeo clowns*

As Texas's flagship institution, Huntsville provided a safer, generally less brutal punishment environment than other sites. While the state shipped out most black and Mexican convicts to isolated mining, railroad, and agricultural camps, Huntsville remained largely white and devoted to skilled industry. Moreover, enlightened administrators such as Thomas Jewett Goree, superintendent from 1877 to 1891, as well as a succession of physicians and chaplains, kept a close eye on its operations, ensuring that modest education and recreation programs developed.

Nevertheless, convict leasing generated its share of turmoil at Huntsville. In the 1870s, investigators discovered that juveniles as young as seven were languishing in its filthy cells and that lessees were engaging in "lascivious conduct" with black women prisoners. A group of federal soldiers held briefly at the Walls complained of spirit-breaking toil and a crude genital torture device called "the horse." Partly because Huntsville housed a number of well-educated prisoners, these wretched conditions engendered a literary protest movement around the turn of the 20th century. One convict writer complained that he was held in an "abject manner as a slave," while another described his time at the Walls as "fourteen years in Hell."

REFORM AND RETRENCHMENT

Huntsville underwent another dramatic transformation in 1910, when legislators abolished leasing after

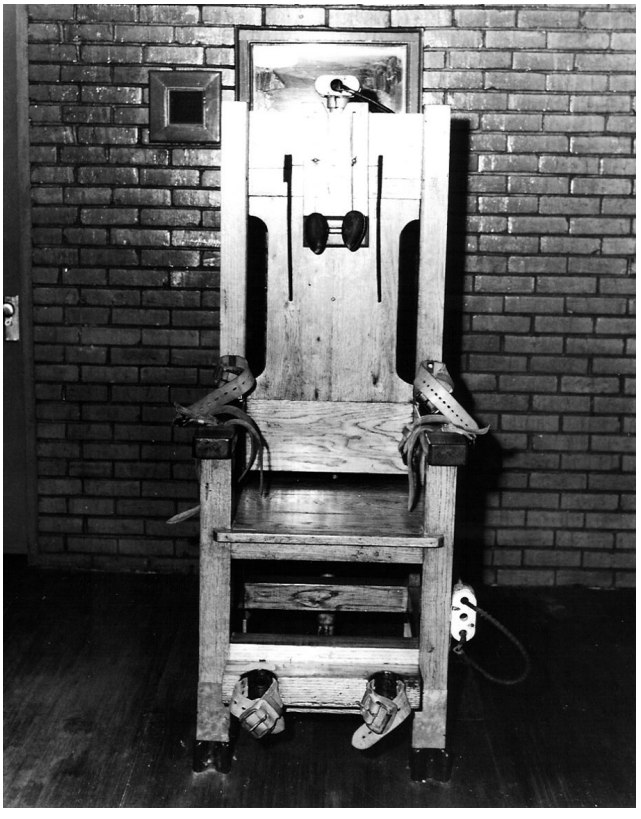

Photo 3 *Huntsville electric chair*

a protracted campaign by labor leaders, muckraking journalists, and progressive clergymen. A new team of administrators dedicated to "order" and "humane treatment" reasserted state control and enacted far-reaching changes: new shower and laundry facilities, a new reformatory for women, convict wages, and the abolition of whipping. Within three years, however, budget cuts, combined with uncooperative guards and mutinous convicts, precipitated a fierce backlash and swept away many of these reforms.

This grim cycle of reform and retrenchment would forecast much of Huntsville's 20th-century history. In 1927, former suffragists and other Progressives seized leadership of the prison system and tried to implement the tenets of scientific penology, turning the Walls into the testing ground for a new classification scheme, medical program, and work regime. Borrowing from Thomas Mott Osborn's experiments with prison democracy at Sing Sing, authorities also allowed Huntsville prisoners to organize a Prison Welfare League, which attracted thousands of members, as well as an award-winning prisoner newspaper, *The Echo,* which remains in publication today. As during the 1910s, however, parsimonious politicians and obstructionist guards, combined with a surge in prisoner escapes, ensured that most of these efforts were short lived.

More lasting changes were enacted after World War II under the leadership of Oscar Bryon Ellis (prison chief from 1948 to 1961), who came to power after an epidemic of prisoner self-mutilations. With a more generous budget than his predecessors, Ellis renovated Huntsville, modernized prison industries, and systematized education efforts. By enforcing rigid discipline and staff loyalty, Ellis and his protégés also made Texas's prison system into a national model of economy and order. Many believed the price of order was too high, however. In the 1960s, prisoners at Huntsville and nearby units began filing lawsuits, and in 1980 a federal judge declared Texas prisons unconstitutional. Thus began another reform effort that itself unraveled at the close of the 20th century.

HUNTSVILLE'S NOTORIETY

Through all of this administrative upheaval, Huntsville gained notoriety as a site of fierce conflict and public spectacle. Chronic conflagrations and periodic uprisings—including a death row breakout by members of the Bonnie and Clyde gang in 1934 and a bloody hostage crisis in 1974—kept the Walls in the news. More enduringly, the Texas Prison Rodeo, founded at Huntsville in 1931, evolved into one of Texas's major tourist attractions. Until 1986, tens of thousands of visitors streamed into Huntsville's stadium each fall to watch convicts get banged up in "the world's fastest and wildest" rodeo and to be entertained by celebrities, ranging from Tom Mix to Loretta Lynn. Between 1938 and 1946, a national radio show, "Thirty Minutes Behind the Walls," added to Huntsville's fame, while numerous Hollywood film productions, from *The Getaway* (1972) to *The Life of David Cole* (2003), have chosen Huntsville as their setting.

CAPITAL PUNISHMENT

Huntsville is also famous for its association with the death penalty. Executions began there on

February 8, 1924, when five young African American men were killed in the state's new electric chair. Texas executions had previously been handled at the county level. Huntsville's warden resigned, complaining that "reforming men and killing them can't be the same job," but his protest did little to slow the work of "Old Sparky," which dispatched 361 convicts between 1924 and 1964. The Walls's busiest execution era, however, began in 1982, when the state pioneered the technology of lethal injection. Since then, more persons have been executed at Huntsville than in any other state: 297 as of October 2002.

CONCLUSION

Although the exponential growth of Texas's prisons since the late 1960s has decreased its importance (in 2001, the Walls was but one of 105 Texas prisons and it housed just 1,544 of 144,981 inmates), Huntsville remains the centerpiece of the state's penal system. Top administrators live and work nearby. Because Huntsville operates a discharge center, many prisoners spend their last night in custody at the Walls. An assemblage of weather-worn brick fortifications and modern surveillance cameras, the prison stands as a monument to Texas's tortured past of enslavement, convict leasing, and arrested reform, even as it plays a key role in the state's colossal, bureaucratized punishment regime of our own time.

—Robert Perkinson

See also Auburn Correctional Facility; Auburn System; Capital Punishment; Convict Lease System; Death Row; Deathwatch; Plantation Prisons; *Ruiz* v. *Estelle*; Sing Sing Correctional Facility

Further Reading

Crouch, B. M., & Marquart, J. W. (1989). *An appeal to justice: Litigated reform of Texas prisons.* Austin: University of Texas Press.

George, A. L. (1893). *The Texas convict: Thrilling and terrible experience of a Texas boy.* Austin, TX: Ben C. Jones.

Hallinan, J. T. (2001). *Going up the river: Travels in a prison nation.* New York: Random House.

Lucko, P. (1999). *Prison farms, walls, and society: Punishment and politics in Texas, 1848–1910.* Unpublished doctoral dissertation, University of Texas, Austin.

Lyons, G. (1977). Stars and stripes. *Texas Monthly, 5*(2), 88–95, 143–148.

Marquart, J. W., Ekland-Olson, S., & Sorensen, J. R. (1994). *The rope, the chair, and the needle: Capital punishment in Texas, 1923–1990.* Austin: University of Texas Press.

Simmons, L. (1957). *Assignment Huntsville: Memoirs of a Texas prison official.* Austin: University of Texas Press.

Walker, D. R. (1988). *Penology for profit: A history of the Texas prison system, 1867–1912.* College Station: Texas A&M University Press.

I

ICE DETENTION FACILITIES

See INS DETENTION FACILITIES

IMMIGRANTS/ UNDOCUMENTED ALIENS

Many migrants attempt to enter foreign countries illegally every year. In a separate but often interconnected system, most countries have processes to enable refugees to remain in their country through claims of political asylum. Known as "asylum seekers," these refugees petition the government for protection from their native countries' oppressive political system and, if granted, they are allowed to stay.

The majority of countries hosting undocumented immigration have generally dealt with the problem through detention and/or deportation. Illegal immigrants are processed in the correction and prison system either when they are detected entering the country without authorization or when they are arrested for committing some other crime. Depending on jurisdiction, apprehended immigrants are either detained to serve out an imposed criminal sentence, returned to their native country, or a combination of both.

Although most developed countries face similar problems of unauthorized immigration, the nature of occurrence and particular methods of dealing with undocumented aliens vary. This entry focuses specifically on the U.S. experience. As is common, the terms *undocumented aliens*, *undocumented immigrants/migrants*, *unauthorized aliens*, *unauthorized immigrants/migrants*, *illegal aliens*, *illegal immigrants/migrants* are used interchangeably.

HISTORICAL TREATMENT OF ALIENS IN THE UNITED STATES

Over the course of the 20th century, the United States increasingly supervised and penalized illegal aliens, depending in part on their racial or ethnic background. At the beginning of the 21st century, laws surrounding immigration and asylum have become very restricted indeed.

Prior to the late 1800s, the United States maintained an open immigration policy. Most free people could come and claim a piece of land for settlement thereby taking citizenship. By the early 1900s, America began to codify immigration laws through the establishment of quota acts. Cycles of economic depressions in 1870, 1907, and later in 1921 fueled concerns of immigrants displacing Americans in the labor force. In response, the

federal government began to restrict the number of immigrants allowed in the United States by setting limits on the number of legal entries. Fears of mass migration of the Chinese to the United States adding to labor shortages prompted the passage of the Chinese Exclusion act of 1882. This act prohibited Chinese from becoming U.S. citizens and prevented further Chinese immigration for a 10-year period. The terms of the act were extended three times before it was repealed in 1943 as a result of the U.S. and Chinese alliance during World War II.

In 1917, the first immigration act governing all migration to the United States was passed. This act required all foreigners to pass a literacy test and prohibited nonwhite immigration from most of Asia. In 1924, Congress passed and later amended the National Origins Act placing a ceiling on the number of allowable immigrants at 150,000 per year. It also established a quota for each nationality equal to 2% of that group already living in the United States according to the 1890 census. As the vast majority of the U.S. population was composed of people from Western and Northern Europe, considerable restriction was placed on entries from nations of Eastern and Southern Europe, Asia, Africa, and Latin America.

There are other instances where U.S. immigration policy has discriminated against people based on their ethnicity. In 1924, some 112,000 Japanese Americans were removed by force from their homes and placed in concentration camps. Likewise, illegal Mexican migrants were targeted during enforcement campaigns that removed them from the United States and returned them to Mexico. The first campaign was conducted from 1929 to 1934 and was called a "repatriation campaign." The second, referred to as "Operation Wetback" lasted from 1954 to 1958.

Over the next several decades, a series of immigration policy reforms were introduced that altered the landscape of legal immigration in response to the ebb and flow of geopolitical interests, economic conditions, and prevailing political ideology. Prior to the 1960s, immigration policy consistently specified particular groups and races of people for exclusion. In 1965, the United States adopted a new approach that eliminated racial and ethnic exclusions for the first time in history, yet maintained a ceiling of total allowable entries. Referred to as the "preference system," the new act awarded immigration status based on relatives of the entrant who lived in the United States.

By the mid-1980s, concern over the number of illegal immigrants had grown once again. In response to pressures to control the size of the illegal alien population in the United States, the 1986 Immigration Reform and Control Act (IRCA) initiated three primary provisions: (1) It created sanctions for employers who knowingly hired undocumented aliens, (2) it increased enforcement along the U.S. borders, and (3) it legalized some of the then current illegal aliens residing in the United States. Just four years later, the 1990 Immigration Reform Act for the first time stipulated that all immigrants were subject to numerical restrictions, restricted criteria for entry, and liberalized conditions for exclusion. In 1996, the U.S. Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act and the Antiterrorism and Effective Death Penalty Act. These two acts expanded the powers of the Immigration and Naturalization Service (INS) by allowing for the detention and deportation of any illegal and legal immigrant who has been charged with or convicted of a drug offense or who otherwise possesses a criminal record. In addition, they established measures to control U.S. borders and augmented enforcement of laws prohibiting businesses from employing illegal aliens.

EFFECTS OF THE SEPTEMBER 11 ATTACKS

The September 11, 2001, terrorist attacks in New York City and Washington, D.C., perpetrated by 19 hijackers, all of whom were Arab, initiated yet another chapter in immigration management and discriminatory policy. Soon after the terrorist attacks,

Congress formulated and passed the 2001 USA PATRIOT Act, which set out a wide range of provisions to strengthen the government's ability to prevent future acts of terrorism. Among its provisions it allowed for mandatory detention of asylum seekers from 33 Arab nations identified as sources of terrorists carried out in Operation Liberty Shield. Such individuals will be detained while their asylum requests are processed without opportunity for judicial review.

Consistently, the opportunity for legitimate entry into the United States has narrowed and the enforcement of those in violation strengthened. Such regulations have increased the number of aliens into the correctional system. Largely determined by prevailing domestic and international concerns, throughout the course of history immigration policy has selected people of different nationalities and ethnicities for differential treatment or exclusion.

THE NATURE OF UNDOCUMENTED ALIENS IN U.S. CORRECTIONS

The exact number of illegal aliens entering the United States every year is unknown. Estimates of the number of unauthorized immigrants living in the United States range from 7 million to more than 9 million (Reyes, Johnson, & Swearingen, 2002). While the exact number is elusive, during 1999 the INS and its patrol division, the U.S. Border Patrol, apprehended more than 1.7 million aliens who entered the country without inspection or had overstayed the term of their visa. Of those apprehensions, 90% were made along the U.S.-Mexico border.

Most apprehended aliens are deported to their country of origin voluntarily, while others are detained temporarily until their fate can be determined. Some, particularly those claiming political asylum, are processed then released into the United States pending immigration proceedings if they do not threaten national security or pose a risk of absconding.

Migrants managed by the U.S. correctional system are held in a variety of types of facility. Most detainees are held in federal and state prisons and local jails along with other criminal offenders. A smaller proportion are housed in INS-operated facilities specifically constructed for those charged with immigration-related offenses. Still others are held in privately managed facilities under exclusive contract with the INS.

CURRENT TRENDS

Over the past several decades, the United States has seen a marked increase in the enforcement, arrest, and incarceration of immigration-related offenses. At the end of year 2001, the INS held 19,137 detainees. Since 1985, the number of detainees has more than doubled and the number serving a sentence of imprisonment has increased almost nine times, from 1,593 to 13,676 (Scalia & Litras, 2002). Moreover, those convicted of an immigration offense are serving longer sentences. The average time served for an immigration offense has risen from 4 months in 1985 to 21 months in the year 2000.

In 2000, there were a total of 16,495 individuals referred to U.S. attorneys for immigration offenses. Of those, 75% were charged with unlawful entry or reentry, 20% were charged with smuggling or harboring unauthorized aliens, and the remaining 5% were charged with misuse of visas or other immigration infractions. Identified in Table 1, of those charged with an immigration offense in the federal system, 57% come from Mexico. The second largest group of noncitizens charged with an immigration offense came from Asia and Oceania with 4%. Another 3% and 2% came from Central America and the Caribbean, respectively. Those charged with an immigration offense also tend to be male and young. For the year 2000, the Bureau of Justice Statistics reported that 9 out of 10 charged with an immigration violation were male and more than half were under the age of 30.

Table 1 Nationality of Suspects in the U.S. Justice System for an Immigration Offense

Nationality	*Number*	*Percentage (by region)*
Total	16,495	
U.S. citizen	1,110	7
Mexico	9,425	57
Asia and Oceania	598	4
China	433	
Other	165	
Central America	428	3
Honduras	223	
El Salvador	113	
Guatemala	67	
Other	25	
Caribbean	388	2
Dominican Republic	190	
Other	198	
Europe	134	1
South America	111	1
Columbia	55	
Other	56	
Other countries or not indicated	4,652	

SOURCE: Scalia and Litras (2002).

PROBLEMS SURROUNDING UNDOCUMENTED ALIENS IN CORRECTIONS

The treatment of undocumented aliens is controversial, and there are several criticisms that can be leveled at the application of U.S. immigration policy. Some argue that the U.S. government unjustly discriminates, treating immigrants of various ethnicities differently. For instance, Haitians who are apprehended attempting unauthorized entry are systematically deported while immigrants from Cuba are allowed to remain in the United States if they make it to American shores. Others have claimed that the practice of indefinitely detaining convicted immigrants who are not accepted for deportation by their native country is a violation of civil rights. On June 28, 2001, the U.S. Supreme Court found this to be unconstitutional (*Zadvydas v. Davis,* 2001).

Still others have raised concerns over the physical and mental abuse of detainees held in local jails and other facilities. With limited space in INS-operated detention facilities, contained immigrants are often placed in jail and prison facilities where INS oversight has been limited. Lawsuits and accusations questioning the treatment of immigrants in these facilities has prompted the INS to implement rules that require visiting rights and access to proper food, medical care, recreation, and libraries for all detained foreign nationals. Critics are skeptical that these rules will be meaningfully enforced. Finally, there have also been concerns that federal agents engage in racial profiling when apprehending immigrants. In the wake of the September 11 terrorist attacks, such claims were made about the apprehension and detention of those of Middle Eastern descent. There have also been ongoing allegations of racial profiling of Mexicans along the southwestern border region.

CONCLUSION

Several developed countries face problems of managing both legal and illegal immigration traffic. Almost consistently, U.S. immigration policy has moved toward the position of restricting immigration flows through heightened enforcement. The consequence of this enforcement has been increasingly high levels of foreign nationals detained in the correctional and prison system. In spite of this increase in incarceration, there is little evidence that the flow of undocumented immigration has been curtailed. With the initiation of the Department of Homeland Security, into which the INS was merged in 2003, a new focus through the lens of national security is expected to reshape the nature of immigration enforcement. Until there is a shift away from the mass incarceration of immigration offenders, problems with their detainment are likely to continue.

—Rob T. Guerette

See also Asian American Prisoners; Cuban Detainees; Enemy Combatants; Habeas Corpus; Fourth

Amendment; INS Detention Facilities; Jails; Relocation Centers; USA PATRIOT Act 2001

Further Reading

Freilich, J. D., Newman, G., Shoham, S. G., & Addad, M. (Eds.). (2002). *Migration, culture conflict, and crime.* Burlington, VT: Ashgate.

Harrison, P., & Beck, A. (2002). *Prisoners in 2001.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Hayes, H. (2001). *U.S. immigration policy and the undocumented: Ambivalent laws, furtive lives.*Westport, CT: Praeger.

Reyes, B., Johnson, H., & Swearingen, R. V. (2002). *Holding the line? The effect of the recent border build-up on unauthorized immigration.* San Francisco: Public Policy Institute of California. Retrieved from www.ppic.org/publications/PPIC162/index.html

Scalia, J., & Litras, M. (2002). *Immigration offenders in the federal criminal justice system, 2000.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Tonry, M. (Ed.). (1997). *Ethnicity, crime, and immigration: Comparative and cross-national perspectives.* Chicago: University of Chicago Press.

Welch, M. (2002). *Detained: Immigration laws and the expanding I.N.S. jail complex.* Philadelphia: Temple University Press.

Legal Case

Zadvydas v. Davis, 533 U.S. 678 (2001).

IMPORTATION

To outsiders, the surface appearances of prisoner culture often may seem inexplicable and perverse. Two dominant models attempt to explain this culture. The first, variously called the importation or "negative selection" model, sees the culture as the reflection of a fairly preestablished set of norms, values, and behaviors imported into the prison from the streets.

The second, the deprivation or "functional" model, sees the culture as a reaction to what Gresham Sykes (1958) called the "pains of imprisonment." Critical evaluations of the deprivation model led some researchers, such as John Irwin and Donald Cressey (1962), to challenge the utility of the deprivation model in explaining the prison environment, and focused instead on the nature of prisoners themselves. The importation model shifts the focus away from responses to the deprivations of punishment as the source of inmate culture to the characteristics of prisoners themselves, which they bring with them into the prison.

Unlike deprivation theorists, who saw prisoner culture as arising from prisoners' attempts to create a normal existence by adapting to abnormal conditions, importation theorists attempt to explain prisoner culture as the mirror of attitudes and behaviors learned on the street and used as cultural building blocks in the prison. Focusing primarily on ultramasculine male maximum-security institutions, proponents believe that violence, aggression, and other predatory behaviors that characterize prisoner culture, especially in maximum-security prisons, generally are not unique to, developed in, or caused by the prison environment. Instead, the culture is learned on the street and expressed in the prison environment.

WHAT IS IMPORTED?

In its simplest form, people who prey on others on the streets also prey on others in the prison. Prison culture reflects an off-balance dance between prey and predators and between predators and the staff who would control them. Inmates use a number of survival mechanisms, such as alliances between predators, and accommodations made between staff, prey, and other predators to establish a workable, if not harmonious, existence. These strategies result from several broad factors beyond the walls that shape prisoner culture. First, prisoners, by definition, have failed to comply with the rules of civil society. Therefore, they continue their resistance to rules and authority in prison. Second, prisoners are seen as possessing an excess of socially undesired characteristics, such as manipulation, willingness to use force to attain goals, low commitment to honesty or truth, and little respect for the well-being of others. Third, prisoners reflect the structure of the streets from which they come. The increase in street gang activity since the 1960s thus becomes the structure for much of prisoners' social organization, and the gangs compete for power and other resources inside the walls. Finally, prisoners also

attempt to continue their street lifestyle in prisons. This results in an underground economy in which contraband such as drugs and alcohol are valued commodities, homemade weapons (shanks) become routine weapons for protection or assault, and inmate groups compete for control of resources.

The ultimate consequence of all these factors is a culture that facilitates the continued social values inside the walls for which the prisoners were originally incarcerated. Conning is valued, violence is condoned or even necessary, success in rule violations is valued, and disciplinary problems are high. Prisoners not only are not rehabilitated, but their original behaviors and values are enforced in the culture.

STRENGTHS

The importation model provides a number of useful insights into the sources of prisoner culture. If importation theorists are correct, then prisoner culture would be expected to shift in line with the characteristics of prisoners. These changes may reflect alterations in a demographic group, such as inner-city racial or ethnic minorities, or shifts in the broader society, such as awareness of civil rights.

There is considerable support for this view. Through the 1960s, for example, inmates were predominantly white, reflecting the racial composition of society. The demographics of prison populations created a dominant set of norms and values that were shared by most prisoners in the primarily white inmate population. As African Americans and Hispanics gradually outnumbered whites, the culture built on the experiences of inner-city males, whose norms and values were significantly different from those of white America. Blacks and Hispanics began to define themselves in terms of their racial and ethnic identities and less in terms of their prisoner status. Challenges to racial segregation and differential treatment were strengthened by court intervention into prison administration. As prisoners received more rights, the divisions within the inmate populations become more recognizable. Religious freedoms, influenced especially in the practice of Islam, increased for blacks and Native Americans, providing them with new spiritual outlets.

The growth of street gangs also reshaped the prisoner culture. In addition to the importation of gang behaviors and goals, it also affected how prisoners did time. The old inmate code, "do your own time," shifted to "do our time" as gangs required and enforced compliance with its norms. As with their street counterparts, the norms of the gangs become the most important element in the lives of the members in imposing both obligations and providing rewards. Competition for members, control, and goods and services have become predominant factors in prison socialization. Violence was no longer driven by repudiation of the prison structure but an expression against rival gangs for control, reputation, and furtherance of their illegal enterprises or as internal discipline to control members.

External factors influenced the composition of the prison population and culture changed in other ways, providing evidence for the importation model. The war on drugs brought an increasing number of young, poor, and undereducated inner-city offenders into prison. Many of them had been convicted of violent offenses. Studies show that inmates convicted of violent offenses are more likely to engage in violence in prison.

The sentencing structure has also changed the composition of the prison population further highlighting the differences within the inmate culture. Society's "get tough on crime" policies create special groups of offenders with different values and norms imported into prisons. One example is the increasing number of younger inmates, who are more likely than older inmates to participate in disruptive behavior. Older inmates are more inclined to respect authority, if not always rules, and are less likely to be involved in expressive violence. Furthermore, with more prisoners serving time, prison construction has dramatically expanded. With more prisons, it becomes easier to classify offenders and distribute them into need-oriented and security-flexible specialized institutions, thus creating a more homogeneous population.

The importation model suggests that, if we are to make prisoner culture more stable and less

dysfunctional, we should begin with rehabilitative programs that reduce the proclivity toward violence and predation and provide meaningful alternatives rewarded by changes in behavior. Prisons should be reorganized in ways that reduce the opportunities for and utility of predatory behavior. Importation theorists also suggest that many of the characteristics of prisoner culture are outside of direct administrative control, which creates an inevitable conflict between and among prisoners and staff. This, in turn, means that in addition to internal controls and reforms, the prisoner culture must also be addressed through wider social reforms that reduce the value of predatory behavior.

Finally, proponents of the model redirect the attention of researchers from inside the walls to the complex interplay of societal, legal, and other factors that facilitate what happens inside the walls. Prison culture cannot be perceived as something that emerges *sui generis*, as deprivation theorists emphasize, but are a complex interplay of factors on both sides.

LIMITATIONS

Despite its utility for offering insights into some of the sources of prisoner culture, the importation model remains somewhat limited. It is certainly not a profound observation that prisoner culture—any culture—reflects the characteristics of those who inhabit it. A commune of pacifists would be less likely to resemble prisoner culture than a commune of professional football players. Populations drawn from the same demographic backgrounds, whose members possess similar attributes and characteristics, are likely to translate their traditions into behaviors that lead to shared expectations, behaviors, and obligations. These shared ideas, in turn, lead to fairly invariant structures of collective meaning that we call culture.

Another serious problem is the gender bias. Despite several classic studies of the culture in women's prisons (e.g., Bosworth, 1999; Giallombardo, 1966; Heffernan, 1972; Owen, 1998; Ward & Kassebaum, 1965), studies of prisoner culture are overwhelmingly male oriented. The earliest studies of women's prisons characterized the culture as recreating fictive families as women attempted to adapt, somewhat passively, to their conditions. These studies generally stressed the importance of close family ties and the importance of familial interactions that women imported into the prisons. Giallombardo emphasized homosexual relations, suggesting that there was a single-mindedness to women's socialization within the prison environment. Recent research, however, has found that there is no more homosexual activity among females in pseudofamilies than among other women in the prison population. These findings support the view that women who import strong family values into the prison are likely to form similar bonds within the correctional facility. Recognition of this has led some female facilities to develop programs to foster the need for child care and other family activities. This, in turn, suggests that by changing the nature of the prisons, we can also modify the influence of street culture in the prisons, demonstrating some utility in integrating the importation and deprivation models.

The importation model is further weakened by its inability to account for variations in different types of prisons. For example, it has been unsuccessful in explaining prisoner culture in medium- or minimum-security prisons, where the culture becomes increasingly "normal." As Galliher (1972) observed, while there is cultural consistency within types of prisons based on security level, there are dramatic cultural variations across security types. This suggests that not only are "bad guys" not all alike, but it reinforces the judgment that there is something about the nature of the institution that shapes the culture and the repertoire of prisoners' accommodation responses to it.

The model also overemphasizes homogeneity among prisoners. Just as in the outside culture, prisoner culture is not composed of a monolithic set of norms and values. It reflects diverse groups that may not share the same values. Prisoner subgroups vary dramatically in their responses to the culture, with racially based gangs, faith-based groups, and smaller cliques adapting in their own ways to the environment.

Although a less serious limitation, importation proponents do not examine the consistency in prisoner cultures across time. In could be argued that the basics of prisoner culture have not varied dramatically in maximum-security prisons over the decades, only the manner in which they are expressed. Violence, hustling, the tensions between staff and prisoners, and attempts to make time easier are relatively constant.

Finally, importation theorists tend to focus on the socially destructive aspects of prisoner culture, such as predatory behavior, resistance to authority, violence, and antisocial attitudes. But these characteristics are most common in maximum-security institutions, where gang behavior, resistance to tight control, and violent prisoners with long sentences prevail. This distorts outsiders' perceptions of prisons by creating an image of abnormally maladjusted and recalcitrant predators, which further stigmatizes them. Even in the most violent of prisons, prisoners show acts of humanity, caring, and kindness, and most prisoners just want to do their time and return to their communities.

CONCLUSION: FUTURE OF THE IMPORTATION MODEL

Despite John DiIulio's (1987) observation that prisoner research suffers from overemphasis on the "society of captives," few studies have addressed prisoner culture as a process, and there seems to be a declining interest in prisoner culture in recent years. Two recent cutting-edge critical studies (Bosworth, 1999; Jones & Schmid, 2000) have de-emphasized prisoner culture itself and focused instead on the relationship between prisoner identity formation and maintenance and culture. Neither study rejects the importation or deprivation models. Instead, both provide a third approach that addresses how prisoners resist and accommodate to prison life, drawing from their available social and cultural capital, to define and create a "self-as-prisoner" in a phenomenological experiential process.

The importation model will likely continue to be a viable approach in studying the "society of captives." However, it must first overcome its limitations and recognize the dialectical process between what prisoners import and how what is imported, in turn, provides resources for adapting to the deprivations. Unless this occurs, the model may still provide some utility, but will become increasingly irrelevant to our understanding of how prisons "make good guys bad and bad guys worse."

—Jim Thomas and Patrick F. McManimon, Jr.

See also Donald Clemmer; Deprivation; Gangs; Rose Giallombardo; Governance; Inmate Code; John Irwin; Prison Culture; Prisonization; Resistance; Riots; Gresham Sykes; Violence; Women's Prisons

Further Reading

Bosworth, M. (1999). *Engendering resistance: Agency and power in women's prisons.* Aldershot, UK: Ashgate.

Cao, L., Zhao, J., & Van Dine, S. (1997). Prison disciplinary tickets: A test of the deprivation and importation models. *Journal of Criminal Justice, 25,* 103–113.

Carroll, L. (1974). *Hacks, blacks and cons: Race relations in a maximum security prison.* Lexington, MA: D. C. Heath.

Clemmer, D. (1958). *The prison community*. New York: Holt, Rinehart & Winston. (Original work published 1940)

DiIulio, J. J., Jr. (1987). *Governing prisons: A comparative study of correctional management*. New York: Free Press.

Galliher, J. F. (1972, July). Change in a correctional institution: A case study of the tightening-up process. *Crime & Delinquency*, *18,* 263–270.

Giallombardo, R. (1966). *Society of women: A study of a women's prison*. New York: John Wiley.

Heffernan, E. (1972). *Making it in prison: The square, the cool and the life*. New York: John Wiley.

Irwin, J. (1970). *The felon*. Englewood Cliffs, NJ: Prentice Hall.

Irwin, J., & Cressey, D. R. (1962, Fall). Thieves, convicts and the inmate culture. *Social Problems, 10,* 142–155.

Jones, R. A., & Schmid, T. J. (2000). *Doing time: Prison experience and identity among first-time inmates*. Greenwich, CT: JAI.

Owen, B. (1998). *"In the mix": Struggle and survival in a women's prison*. Albany: State University of New York Press.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison*. Princeton, NJ: Princeton University Press.

Thomas, J. (2004): *Communicating prison culture*. Manuscript in progress, Northern Illinois University.

Ward, D. A., & Kassebaum, G. G. (1965). *Women's prison: Sex and social structure*. Chicago; Aldine.

INCAPACITATION THEORY

Proponents of the incapacitation theory of punishment advocate that offenders should be prevented from committing further crimes either by their (temporary or permanent) removal from society or by some other method that restricts their physical ability to reoffend in some other way. Incarceration is the most common method of incapacitating offenders; however, other, more severe, forms such as capital punishment are also used. The overall aim of incapacitation is to prevent the most dangerous or prolific offenders from reoffending in the community.

EXPLANATION

Incapacitation is a reductivist (or "forward looking") justification for punishment. Reductivism is underpinned by the theory of moral reasoning known as utilitarianism, which maintains that an act is defensible and reasonable if its overall consequences are beneficial to the greatest number of people. Thus, the pain or suffering imposed on an offender through punishment is justified if it reduces or prevents the further harm that would have been caused to the rest of society by the future crimes of that offender. The concern here is with the victim, or potential victim. The rights of the offender merit little consideration.

Incapacitation has long been a significant strategy of punishment. For example, in Britain during the 18th and 19th centuries, convicted offenders were often transported to Australia and the Americas. In the 21st century, the physical removal of offenders from society remains the primary method of incapacitation in most contemporary penal systems. This usually takes the form of imprisonment, although other methods of incapacitation are in operation.

The most severe and permanent form of incapacitation is capital punishment. Capital punishment is often justified through the concept of deterrence, but whether the death sentence actually deters potential offenders is highly contested. What is indisputable is that once put to death an individual is incapable of committing further offenses. Capital punishment is therefore undeniably "effective" in terms of its incapacitative function.

Other types of severe or permanent incapacitative punishments include dismemberment, which is practiced in various forms. For example, the physical or chemical castration of sex offenders has been used in some Western countries, notably North America. Less severe forms of incapacitation are often concerned with *restricting* rather than completely *disabling* offenders from reoffending. These include sentences such as disqualification from driving or curfews. In the United Kingdom, attendance center orders are used for individuals under the age of 21. Their aim is to restrict the leisure time of offenders by requiring them to attend a center in order to engage in some form of activity for a specified number of hours.

However, as mentioned above, the primary method of incapacitation is imprisonment. As with capital punishment, incapacitation in the form of imprisonment is considered to be a strategy that "works" because, for the duration of their prison sentence, offenders are restricted from committing crimes within the community.

So, according to this theory, punishment is not concerned with the nature of the offender, as is the case with rehabilitation, or with the nature of the offense, as is the case with retribution. Rather, punishment is justified by the risk individuals are believed to pose to society in the future. As a result, individuals can be punished for "hypothetical" crimes. In other words, they can be incarcerated, not for crimes they have actually committed but for crimes it is *anticipated* or *assumed* they will commit.

DEVELOPMENT AND DETAILS

Since the 1970s, and the demise of rehabilitation as a primary aim of punishment, incapacitation has become a significant goal of penal systems in both the United States and the United Kingdom. Two strategies have influenced penal policy and practice on both sides of the Atlantic: the "three strikes and you're out" policy and the practice of "selective incapacitation."

The three-strikes policy is partly informed by the theory of deterrence but is primarily underpinned by the concept of incapacitation. It has been influential in the United States since the early 1990s and aims to remove the most prolific or habitual offenders from society. Such offenders are given long sentences of up to life imprisonment for a third offense, regardless of the nature or gravity of that crime, if one or both of their previous offenses was a "serious" felony. In practice, this means that offenders can be given sentences that are disproportionately harsh for the offense committed. One of the most oft-cited examples of the severity of the three-strikes principle is the case of Jerry Williams, who, in 1995, was sentenced to life imprisonment without parole for stealing a piece of pizza.

The three-strikes principle has also had an impact on penal and criminal justice policy in the United Kingdom. The Crime Sentences Act (1997) proposed the use of harsh sentences, lengthier than the seriousness of the crime would normally warrant, for "serious" or prolific offenders. In addition, discretionary life sentences were introduced in the Powers of Criminal Courts (Sentencing) Act of 2000.

The second strategy, selective incapacitation, is concerned with identifying "risk" and predicting "dangerousness." This strategy emphasizes the proactive nature of incapacitative sentences. The aim is to incarcerate selectively those individuals who would pose a serious risk to the public if left within, or released back to, the community. Identifying risk is inherently problematic, and there have been many criticisms leveled at the subjectiveness of the methods and criteria used to predict future dangerousness. Indeed, as Norwegian sociologist Thomas Mathiesen has commented, many of the so-called aggravating factors often used to predict future behavior—such as previous periods of imprisonment, drug use, and unemployment—might actually be considered, by some, to be mitigating factors.

CRITIQUE

The use of incapacitation as a justification for punishment can be inherently problematic in both theory and practice. First, incapacitative sentences such as the three-strikes principle effectively repunish individuals for previous crimes. Alternatively, sentences based on selective incapacitation punish individuals for crimes not yet committed. There is an inherent risk with selective incapacitation that some of the individuals who are identified as "dangerous," and thus incarcerated, would not have gone on to offend. However, even if the methods of prediction were accurate, there are naturally moral and ethical questions about incarcerating individuals for what they *may* do rather than what they have actually done.

Incapacitative sentences also maintain and legitimize structural divisions within society. U.S. sociologist Christian Parenti comments that the excessive use of incarceration in the United States is indicative of a growing class-based, racial intolerance. The three-strikes principle, as with imprisonment in general, is disproportionately applied to minorities and the poor. While African Americans make up only 7% of the Californian population, for example, they constitute 31% of the state prison population and 44% of its "three-striker" population.

At the same time, a penal strategy based around the concept of incapacitation places no emphasis on the crimes of the powerful. So white-collar, corporate, and environmental crimes, which are more costly and, some would argue, more harmful to society, are overlooked. The emphasis instead is placed on street crime, which is disproportionately committed by the young and the poor.

Finally, incapacitative sentences, which are frequently dispensed to young people, take no account of the fact that most individuals "grow out" of their criminal activity. Many "criminal careers" do not last beyond the late teen years. Thus, long sentences without the possibility of parole make no allowance for the transitory nature of much law breaking.

—Alana Barton

See also Civil Commitment of Sexual Predators; Corporal Punishment; Determinate Sentencing; Deterrence Theory; Increase in Prison Population; Indeterminate Sentencing; Just Deserts Theory; Life Without Parole; Megan's Law; Parole; Parole Boards; Prison Industrial Complex; Race, Class, and Gender of Prisoners; Rehabilitation Theory; Sentencing

Reform Act 1984; Sex Offenders; Three-Strikes Legislation; Truth in Sentencing; War on Drugs

Further Reading

Feeley, M., & Simon, J. (1992). The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology, 30*(4), 449–470.

Mathiesen, T. (1990). *Prison on trial.* London: Sage

Parenti, C. (1999). *Lockdown America: Police and prisons in the age of crisis.* New York: Verso.

Zimring, F. E., & Hawkins, G. (1995). *Incapacitation: Penal confinement and the restraint of crime.* Oxford, UK: Oxford University Press.

INCREASE IN PRISON POPULATION

It would be no exaggeration to say that during the past two decades the U.S. prison system has been a growth industry. There are now more than 2 million people behind bars in America, with an incarceration rate above 700 per 100,000 (if we include jails), triple what it was 20 years ago. The United States is way ahead of other industrial democracies, whose incarceration rates tend to cluster in a range from around 55 to 120 per 100,000 population. Some countries have incarceration rates well below that range, such as Japan's rate of 37. Canada has a rate of only 115. The average incarceration rate for *all countries of the world* is around 80 per 100,000. Thus, America's incarceration rate is almost nine times greater than the average country.

Table 1 shows changes in the U.S. prison system during the past 75 years. Note that the most significant increases have occurred since the mid-1980s, when the war on drugs began to have its effects on jail and prison populations. Indeed, a recent estimate is that convictions for drugs accounted for almost *one half* of the increase in state prison inmates during the 1980s and early 1990s. Between 1988 and 1994, the number of prisoners who had been convicted of drug offenses went up by 155.5%. By comparison, only modest increases were seen for violent and property offenders. Between 1980 and 1992, court commitments to state prisons on drug charges alone increased by more than 1,000%.

The increase for women offenders has been even more striking. From 1925 to 1975, there was virtually no change in their rate of incarceration. Then, between 1975 and 2000, their incarceration rate increased by more than 600%, twice the rate of increase for males. Once again, this increase can be explained by drug policies, since the proportion of women sent to prison for drug offenses jumped from around 10% in the early 1980s to more than one third in the 1990s. In the federal system, the growth rate is even more dramatic. Whereas in 1984 a total of 28% of female offenders were drug offenders, by 1995 their percentage had more than doubled to 66%.

Table 1 The Growing Prison Population, 1925–1999 (rates per 100,000 in state and federal prison)

Year	*Total*	*Rate*	*Male Rate*	*Female Rate*
1925	91,669	79	149	6
1935	144,180	113	217	8
1945	133,649	98	193	9
1955	185,780	112	217	8
1965	210,895	108	213	8
1975	240,593	111	220	8
1985	480,568	202	397	17
1995	1,085,363	411	796	48
2000	1,321,137	478	915	59

SOURCE: Maguire and Pastore (2001, Table 6.27).

That the drug war has contributed to rising prison populations is further supported with data from U.S. district courts (federal system) showing that whereas in 1982 about 20% of all convictions were for drugs, by 1994 this percentage had increased to about 36. During this same period, the proportion of those convicted on drug charges who were sentenced to prison increased from 74% in 1982 to 84% in 1994, and their actual sentences increased from an average of 55 months in 1982 to 80 months in 1994. The average sentences for murder during this time actually *decreased* from 162 months to 117 months, while for all violent offenses the average sentence declined from 133 months to 88 months. At present, all of these changes have meant that on any given day, almost 60% of all federal

prisoners are serving time for drug offenses; of these, 40% are African American.

As a result of the growing population behind bars, the actual *number of prisons* has increased, along with, in some cases, the *capacity within* the prison. These days, some "megaprisons" can hold from 5,000 to 10,000 inmates (Austin & Irwin, 2002, pp. 125–131). In 1990, there were a total of 1,287 prisons (80 federal and 1,207 state prisons); by 1995 there were a total of 1,500 prisons (125 federal and 1,375 state prisons), representing an increase of about 17%. The federal system experienced the largest increase, going up by 56%.

Of course, all such changes have not occurred evenly across the country. Some states have experienced a far greater expansion in imprisonment than others. In Texas, for example, the number of prisoners increased by more than 100,000 during the 1990s. Likewise, prison construction varied widely by state and region, with the largest increases occurring in the South, adding 95 prisons for an increase of 18%. Texas once again leads the way, adding 49 new prisons for an increase of 114%. Oklahoma added 17 new prisons for an increase of 74% (Mays & Winfree, 1998, p. 171). Texas currently leads the nation with 102 prisons, an increase of 155% from 1991 (Rush, 1997, p. 157). As of December 31, 2000, Texas had 163,190 prisoners, with 1 out of every 20 state residents behind bars, up from 1 out of every 25 in 1996. During the decade of the 1990s, almost one of every five new prisoners added in the United States was in Texas (18%). The Texas prison population tripled during this decade.

RACE

The modern prison system (along with local jails) has been described by many as a ghetto or poorhouse reserved primarily for the unskilled, the uneducated, and the powerless. African Americans, particularly males, are especially vulnerable. For example, in mid-year 2003, according to the Bureau of Justice Statistics, 12% of all black males in their 20s were in prison or jail. Moreover, if current trends continue, roughly one third of all black males born in 2003 will spend time behind bars. In some cities in the United States, including the nation's capital, such figures have already been attained. Hispanics are also heavily overrepresented.

Many sentencing structures have a built-in class and racial bias. Drug laws, especially those for crack cocaine, illustrate this point most clearly. The penalty for possession and/or sale of crack cocaine is far greater than similar quantities for the powdered variety of cocaine. Recent scholarship has concluded that the evidence strongly suggests that such punishment has intentionally targeted African Americans, since this group is far more likely to use crack, while most users of the powdered cocaine are white and middle class.

Officially, this drug war was launched during the Nixon administration (according to Dan Baum [1997], Nixon's policy advisers specifically suggested that focusing on drugs would be a "legal" way to target blacks and hippies, whom they despised). The "war" was significantly escalated during the Reagan years when he promised that the police would attack the drug problem "with more ferocity than ever before." What Reagan did *not* say, however, was that the enforcement of the new drug laws would focus almost exclusively on low-level dealers in minority neighborhoods. Indeed, the police found such dealers in these areas mainly because *that is precisely where they looked for them,* rather than, say, on college campuses (Mauer, 1999, p. 142).

The results were immediate: The arrest rates for African Americans on drug charges shot dramatically upward in the late 1980s and well into the 1990s. During one period of time at the heights of the drug war, the proportion of admissions to prisons that were racial minorities increased from 42% to 51% between 1981 and 1991, while the proportion that were sentenced because of drug law violations increased from 9% to 25%. One study found that, between 1985 and 1987, of all the drug-trafficking defendants in the country, 99% were African American.

In fact, while African Americans constitute only around 12% of the U.S. population and about 13% of all monthly drug users (and their rate of illegal drug use is roughly the same as for whites), they represent 35% of those arrested for drug possession

and 74% of those sentenced to prison on drug charges. The evidence of racial disproportionality in the drug war is overwhelming. For instance, drug arrest rates for minorities went from under 600 per 100,000 in 1980 to more than 1,500 in 1990, while for whites they essentially remained the same. Facts such as these have led such reputable scholars as Michael Tonry, William Chambliss, and Noam Chomsky to conclude that it was the *intent* of the Congress and the Senate to target minorities.

As far as prison sentences go, studies of individual states are telling. For instance, in North Carolina between 1980 and 1990, the rate of admissions to prison for nonwhites jumped from around 500 per 100,000 to almost 1,000, while in Pennsylvania, nonwhite males and females sentenced on drug offenses increase by 1613% and 1750%, respectively; in Virginia the percentage of commitments for drug offenses for minorities went from just under 40 in 1983 to about 65 in 1989, while for whites the percentage actually *decreased* from just over 60% in 1983 to about 30% in 1989 (Donziger, 1996, p. 115; Mauer, 1999; Tonry, 1995). Presently, the rate of incarceration for African Americans exceeds that for whites by a ratio of 8 to 1.

CONCLUSION

The growth of the U.S. prison system has been truly staggering in recent years and has far outpaced the growth of crime. One recent study found that, looking back over the 30-year period from 1971 to 2000, the overall crime rate remained roughly the same (4,124 per 100,000 in 2000 compared to 4,165 in 1971), while the rate of imprisonment increased almost fivefold. The billions of dollars in expenditures on the prison industry have had no effect on crime. Yet prisons continue to grow and continue to house more and more racial minorities.

—Randall G. Shelden

See also Abolition; Citizens for the Rehabilitation of Errants; Contract Facilities; Critical Resistance; Determinate Sentencing; Deterrence Theory; Drug Offenders; Families Against Mandatory Minimum Sentences; Hispanic/Latino(a) Prisoners; Incapacitation Theory; Indeterminate Sentencing; Jails; Just Deserts Theory; Life Without Parole; November Coalition; Overcrowding; Parole; Parole Boards; Prison Industrial Complex; Privatization; Privatization of Labor; Rehabilitation Theory; Sentencing Reform Act 1984; Race, Class, and Gender of Prisoners; Truth in Sentencing; War on Drugs; Women Prisoners; Women's Prisons

Further Reading

Austin, J., & Irwin, J. (2002). *It's about time: America's incarceration binge* (3rd ed.). Belmont, CA: Wadsworth.

Baum, D. (1997). *Smoke and mirrors: The war on drugs and the politics of failure.* Boston: Little, Brown/Back Bay Books.

Beck, A. J., & Brien, P. M. (1995). Trends in the U.S. correctional populations: Recent findings from the Bureau of Justice Statistics. In K. C. Haas & G. P. Alpert (Eds.), *The dilemmas of corrections* (3rd ed.). Project Heights, IL: Waveland.

Chambliss, W. (1999). *Power, politics, and crime.* Boulder, CO: Westview.

Currie, E. (1993). *Reckoning: Drugs, the cities, and the American future.* New York: Hill and Wang.

Currie, E. (1998). *Crime and punishment in America.* New York: Metropolitan Books.

Donziger, S. (1996). *The real war on crime: The report of the National Criminal Justice Commission.* New York: HarperPerennial.

Maguire, K., & Pastore, A. L. (Eds.). (1996). *Sourcebook of criminal justice statistics—1995.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Maguire, K., & Pastore, A. (Eds.). (2001). *Sourcebook of criminal justice statistics—2000.* Washington, DC: U.S. Department of Justice.

Mauer, M. (1999). *Race to incarcerate.* New York: New Press.

Mays, G. L., & Winfree, L. T., Jr. (1998). *Contemporary corrections.* Belmont, CA: Wadsworth.

Miller, J. (1996). *Search and destroy: African-Americans males in the criminal justice system*. New York: Cambridge University Press.

Pollock, J. M. (2002). *Women, prison, and crime* (2nd ed.). Belmont, CA: Wadsworth.

Reinarman, C., & Levine, H. G. (1997). *Crack in America.* Berkeley: University of California Press.

Rush, G. (1997). *Inside American prisons and jails.* Incline Village, NV: Copperhouse.

Shelden, R. G. (2001). *Controlling the dangerous classes: A critical introduction to the history of criminal justice.* Boston: Allyn & Bacon.

Shelden, R. G., & Brown, W. B. (2003). *Criminal justice in America: A critical view.* Boston: Allyn & Bacon.

Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America.* New York: Oxford University Press.

Ziedenberg, J., & Schiraldi, V. (1999). *The punishing decade: Prison and jail estimates at the millennium.* Washington, DC: Justice Policy Institute.

Ziedenberg, J., & Schiraldi, V. (2000a). *Poor prescription: The costs of imprisoning drug offenders in the United States.* Washington, DC: Justice Policy Institute. Retrieved from www.cjcj.org/drug

Ziedenberg, J., & Schiraldi, V. (2000b). *Texas tough? An analysis of incarceration and crime trends in the Lone Star State.* Washington, DC: Justice Policy Institute.

INDETERMINATE SENTENCING

Indeterminate sentences operate when judges assign convicted offenders to terms of imprisonment identified only as a range—such as from one to five years—rather than naming a specific time period. In this context, indeterminacy refers to the unknown ultimate amount of the penalty (length of time) at sentencing. That is, one *cannot determine* at the time of sentencing the length of time that the convicted person shall actually serve. In fact, since indeterminate sentencing allows for a series of discretionary choices by prison officials leading to an eventual decision by a parole board, an individual may not be sure how long he or she has left in prison until near the end of the time actually served. Despite various movements toward determinacy beginning in the 1970s, indeterminate sentencing still prevails in the United States.

Debates over the case for and against indeterminacy or determinacy in sentencing raise complex questions about the purposes of criminal sentencing and corrections, what such regimes of control and surveillance achieve, and their political implications and consequences. Supporters of indeterminate sentencing typically believe that imprisonment can rehabilitate offenders, despite all of the known problems with penal facilities today.

HISTORY

Indeterminate sentencing dominated ideas about and practices of criminal sentencing and corrections in the United States from the late 19th to the late 20th centuries. It emerged in its modern form at the National Prison Association meeting in Cincinnati, Ohio, in 1870 as part of a series of social inventions spawned by reformers during the Progressive era, which ran from the late 1800s through the early 1900s. Throughout this time, rehabilitation prevailed as the official, professional, and reformist aim for corrections. Probation and parole emerged and developed as related institutions closely tied to the rehabilitative ideal and indeterminate sentencing.

Like other innovations or social inventions of the Progressive era, the indeterminate sentence grew out of reformers' faith in science, rationality, government benevolence, and human progress. Thus, the indeterminate sentence ideally would proceed via information gathering, prediction, treatment, and ongoing assessment and eventually would culminate in release of the prisoner after professional review of the evidence found him or her "cured." Reformers clearly saw utility in the less humane side of the indeterminate sentence as well; if never judged cured of their criminality, prisoners could languish in prison for the rest of their natural life.

Instead of the careful and thoughtful individualized treatment program envisioned by reformers, correctional institutions determined the actual experiences of inmates. In state after state during the Progressive era, indeterminate sentencing served as an expedient way of processing the dispossessed who had run afoul of the law. In particular, judges, prosecutors, wardens, and parole boards quickly adapted indeterminate sentencing to their own ends. Judges could appear tough on crime by pointing to the high end of the indeterminate range imposed. Prosecutors and defense attorneys could induce guilty pleas by emphasizing the possibility of early release. Wardens and correctional guards also had a ready means of eliciting inmate compliance with the reward of early release and the punishment of extended confinement contingent on institutional record, including discipline as well as program participation. Finally, parole boards depended for their existence on the whole mythology of indeterminacy and correctional treatment under coercion.

RECENT DEVELOPMENTS

Recent decades have witnessed the emergence of various challenges to indeterminate sentencing. The movement away from it and toward determinate sentencing began in the 1970s and has received considerable legislative, judicial, policy, and scholarly attention since then. As crime grew in the 1970s, forces on both sides of the political spectrum began to lose confidence in the possibility of reforming offenders. Given that indeterminate sentences were justified in large part by a belief that prisoners could be rehabilitated, this change in sentiment inevitably led toward determinate sentencing

Nevertheless, indeterminacy still characterizes most of the sentencing policy and practice in the United States. This remains true in the adult (criminal) as well as juvenile (delinquent) arena where the majority of offenders are sentenced to a range of time in prison, rather than a fixed number of years. In large part, the continuing existence of indeterminate sentencing reflects the more general failure of the progressive social movements of the late 20th century to achieve more far-reaching structural societal transformations. Yet it also has more specific sources in the dynamics of criminal justice policy.

Why is that? Why does convenience dominate still even with the decline of the rehabilitative ideal? In part, it may reflect a kind of intellectual and cultural exhaustion with this issue. It likely indicates too the power of institutionalization. Indeterminate sentencing has become too much a feature of the correctional landscape to disappear completely without sufficient political resources and bureaucratic alternatives to make reform critiques more effective. Yet we must recognize the significant inroads that determinacy has made. Even though most states retain indeterminate sentencing rhetoric and associated institutional arrangements, almost all have incorporated various forms of determinacy such as mandatory minimum incarceration, repeat-offender laws, and sentencing guidelines. Thus, indeterminacy stays on more as a vestige rather than an ideological center.

SOCIAL CLASS, ETHNICITY, AND GENDER

Part of the impetus of the 19th-century penal reformers in the United States in crafting the interrelated institutions of indeterminate sentencing, probation, and parole was to reduce social class biases associated with the previous system. Thus, for example, frequent use by governors of the power to pardon produced a system in which those with means and connections presumably had greater access to freedom via this route. The new system, built around the indeterminate sentence, should then work more fairly, creating more access by less privileged prisoners to the release decisions made by professionals based on scientific reasoning rather than political influence.

Yet the new system often failed to produce such laudable outcomes. This becomes especially apparent when noting that indeterminate sentencing developed along with probation. Operating under the same rehabilitative philosophy, probation was designed to serve offenders in their own communities when criminal justice professionals felt that they need not be imprisoned. In practice, however, probation tended to function as a substitute for the suspended sentence. Yet probation, unlike the suspended sentence, gave judges the means to supervise and monitor offenders. This meant greater control, including the distinct possibility of revocation followed by incarceration. Since probation developed much more rapidly in urban than rural areas, this meant that convicted criminals in cities, disproportionately the disenfranchised (e.g., impoverished, immigrant, black, Catholic), tended to fall under the enhanced supervision of the state.

Similarly, multiple opportunities for discretionary decision making under indeterminate sentencing enhanced the prospects that ethnic, social class, and gender discrimination would occur. Indeed, when attacks on indeterminate sentencing and associated institutions arose in the 1960s and 1970s, they highlighted such concerns.

In general, indeterminate sentencing has reinforced the tendency of the criminal justice system to reinforce existing patterns of race, gender, and class domination and privilege. This sentencing strategy

exists within a broader context of social control and contributes to its regulatory and oppressive impacts. Sometimes this appears in patterns regarding social class and ethnicity, especially when recurrent low-visibility discretionary decisions allow bigotry room to affect individual fates. Likewise, indeterminacy often appears to institutionalize paternalistic treatment of women and girls, as female offenders who do not adhere to idealized gender norms frequently serve longer sentences than those who do.

CONCLUSION: INTERNATIONAL COMPARISONS

In criminal justice research literature and policy discourse, sentencing indeterminacy or determinacy remains largely a U.S. concern. Although its intellectual and cultural hegemony has characteristically influenced criminal justice discourse elsewhere, concerns about sentencing in Europe and in developing nations tend to center more on the broader themes of purposes, actual impact on persons, political consequences, and implications. In general, other nations have not embraced indeterminate sentencing to the same extent as in the United States.

—Douglas Thompson

See also Determinate Sentencing; Families Against Mandatory Minimums; Incapacitation Theory; Just-Deserts Theory; Parole; Prison Industrial Complex; Race, Class, and Gender of Prisoners; Rehabilitation Theory; Sentencing Reform Act 1984; Three-Strikes Legislation; Truth in Sentencing

Further Reading

Allen, F. (1964). *The borderland of criminal justice.* Chicago: University of Chicago.

American Friends Service Committee. (1973). *Struggle for justice.* New York: Hill and Wang.

Balbus, I. (1977). *The dialectics of legal repression: Black rebels before the criminal courts.* Chicago: University of Chicago.

Friedman, L. (1993). *Crime and punishment in American history.* New York: Basic Books.

Greenberg, D. (1993). *Crime and capitalism: Readings in Marxist criminology* (Expanded and updated ed.). Philadelphia: Temple University Press.

McKelvey, B. (1977). *American prisons: A history of good intentions.* Montclair, NJ: Patterson Smith.

Morris, N. (1974). *The future of imprisonment.* Chicago: University of Chicago Press.

Rothman, D. (1980). *Conscience and convenience: The asylum and its alternatives in Progressive America.* Boston: Scott, Foresman.

Tonry, M. (1999). Reconsidering indeterminate and structured sentencing. *Sentencing & Corrections Issues for the 21st Century* (Papers from the Executive Sessions on Sentencing and Corrections, No. 2). Washington, DC: U.S. Department of Justice.

Weinstein, J. (2003) *The long detour: The history and future of the American left.* Boulder, CO: Westview.

INDIVIDUAL THERAPY

Individual therapy attempts to transform an offender into a law-abiding citizen through one-on-one sessions with a counselor or psychiatrist. Unlike group therapy, individual therapy provides the clinical environment for treatment that can be targeted to each client differently. It also provides an opportunity for people who have difficulty participating in a group to be treated. In practice, individual therapy is often part of a group therapy program such as drug abuse or sex offender treatment. Despite challenges to the goal of rehabilitation in the current "get tough on crime" era, most correctional facilities continue to offer some form of individual therapy, ranging from an initial assessment with a prison psychologist to more extensive ongoing counseling throughout a person's sentence.

BACKGROUND

Those working in the field of mental health draw on a series of different traditions and ideas, all of which rest on a belief that people can change so long as they want to. There are more than 200 different theoretical therapy models, which can be reduced to four distinct categories—psychodynamic, humanistic, behavioral, and cognitive. Some therapists draw only on one set of ideas, while others use elements from a number of categories, combining them as they deem appropriate and effective in assisting in change. For example, some subscribe to ideas of psychoanalysis that developed from

the work of Sigmund Freud. Others use methods of clinical psychology originating in the work of Lightner Witmer, who, in turn, was influenced by the experimental psychology of Wilhelm Wundt. Still others draw on the ideas of Frank Parsons, who first developed vocational guidance, in developing their individual counseling programs.

Educationally, practitioners of individual psychotherapy and individual counseling may hold a variety of degrees from a bachelor's degree to a doctorate (PhD, PsyD, or EdD). They may be psychiatrists, with medical degrees that entitle them to prescribe medications in treatment, or counselors who seek to help others manage their stress levels. Most states in the United States have licensing laws, which determine the minimal education and training for mental health counseling and the psychotherapeutic professions.

CURRENT PRACTICE

Authors of a report submitted to Congress that reviewed funded programs initiated in 1996 found that cognitive behaviorally oriented therapy, for both individuals and groups, appeared most effective (Sherman et al., 1998). This type of therapy attempts to change behavior by changing the ways individuals think. It addresses attitudes, beliefs, and thinking patterns, to shift people's moral reasoning and development as well as how they process information.

Anger management courses in prison are based on cognitive behaviorism. These courses, such as the Philadelphia Crime Prevention Program (PCPP), may be either individually focused or based on group work. The Philadelphia program tries both to change people's deviant behavior, to reduce their reoffending, and to alter their sense of self. Sex offender treatment programs are also generally based on cognitive behavioralism.

EFFECTIVENESS AND LIMITATIONS

The use and effectiveness of individual therapy in criminal rehabilitation have long been a source of heated debate because the element of personal choice that is so fundamental to therapy is severely compromised in prison. Inmates are often required to undergo psychological counseling as part of their sentence, and so do not choose of their own free will to embark on self-transformation. Others are offered a sentence reduction for participating in certain programs, which may be more important than the experience of therapy itself. Likewise, the therapeutic relationship between the individual inmate and the therapist is based on trust and confidentiality, which may be difficult to establish within an incarcerated population because the therapist is an employee of the justice system. Finally, not all institutions support individual therapy since it is both expensive and requires numerous staff. As a result, group therapy is more commonly offered.

SPECIAL NEEDS

As with the general population, those who are incarcerated are composed of clinical subgroups, each with common issues as well as special concerns that need individualized treatment. These subgroups are based on age, gender, and cultural backgrounds and types of crime. Unlike group therapy, individual therapy enables a practitioner to identify and then treat the particular issues that members of these subgroups demonstrate.

For example, female juvenile offenders are more often diagnosed with oppositional defiant disorder (American Psychiatric Association [APA], 1994), whereas male juveniles are more often diagnosed with conduct disorder (APA, 1994). Similarly juvenile offenders in general often require treatment for developmental issues due to their age. Both young offenders and adults often require counseling for learning disorders and sexual abuse. Female juveniles and adults report higher frequencies of sexual abuse victimization than males. Indeed, women may present a number of additional issues such as child custody, while some women arrive pregnant at the time of incarceration. Then there are the issues involving the status of child custody, both during incarceration and after release.

For all age classifications, there are the clinical issues of substance abuses and dependence by the individuals, and finally, there are the adjustments to being incarcerated, as well as various victimizations

that may occur in prison. As far as types of offenses, two have been of major social concerns: sex offenses and violent offenses. With sexual offenders, the issues include perpetrating of the present offenses and possible past victimizations of the individual. In regards to violent offenses, there are the antisocial issues and anger management.

CONCLUSION

There are numerous conditions and situations in prison where individual therapy is clinically indicated and, when used appropriately, may be effective. To ensure and to further this effectiveness, continued research, development, and standardizing of techniques for the variety of offenders encountered in the prison population are required. This will require specialized training for the clinical professionals in working with this challenging population. Also, education of the criminal justice and juvenile justice enforcement community may increase their awareness of the potential individual therapy offers in order to increase their support and cooperation of this component of rehabilitation.

—Richard L. McWhorter

See also Drug Treatment Programs; Group Therapy; Juvenile Justice System; Juvenile Offenders; Medical Model; Mental Health; Psychological Services; Psychologists; Race, Class, and Gender; Rehabilitation Theory; Sex Offender Programs; Therapeutic Communities

Further Reading

American Psychiatric Association. (1994). *Diagnostic and statistical manual of mental disorders* (4th ed.). Washington, DC: Author.

Freud, S. (1971). *The psychopathology of everyday life.* New York: Norton.

Henning, K. R., & Frueh, B. C. (1996). Cognitive-behavioral treatment of incarcerated offenders: An evaluation of the Vermont Department of Corrections' cognitive self-change program. *Criminal Justice and Behavior, 23*(4), 523–542.

Lipsey, W. M. (1992). *The effects of treatment on juvenile delinquents: Results from meta-analysis*. Paper presented at the NIMH for Potential Applicants for Research to Prevent Youth Violence, Bethesda, Maryland.

Martinson, R. (1974). What works? Questions and answers about prison reform. *The Public Interest, 10*, 22–54.

Palmer, T. (1994). *A profile of correctional effectiveness & new directions for research.* Albany: State University of New York Press.

Parsons, F. (1989). *Choosing a vocation.* Garrett Park, MD: Garrett Park Press.

Patterson, C. H. (1986). *Theories of counseling and psychotherapy* (4th ed.). New York: Harper & Row.

Rogers, C. R. (1942). *Counseling and psychotherapy.* Boston: Houghton Mifflin.

Sherman, L. W., Gottfredson, D. C., MacKenzie, D. L., Eck, J., Reuter, P., & Bushway, S. D. (1998). *Preventing crime: What works, what doesn't, what's promising.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

Sickmund, M., Snyder, H. N., & Poe-Yamagata, E. (1997). *Juvenile offenders and victims: 1997 update on violence.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Witmer, L. (1907). Clinical psychology. *Psychological Clinic, 1,* 1–9.

Wundt, W. M. (1974). *Principles of physiological psychology* (Vol. 1). Germantown, NY: Periodicals Service Company.

INMATE CODE

Within the walls of prisons and underneath the formal rules of conduct mandated by each institution, inmates live by their own standards and rules. Isolated from the outside world, they create lives and meaning for themselves in conjunction with their peers in the institution. The inmate code dictates behavior and becomes the central point of reference for those immersed in the community of the prison.

The inmate code is an important element of the larger inmate subculture. It is, in a sense, a series of unwritten commandments, rules to live by, that are passed down from one generation to the next. The first and most important rule of the inmate code zis to "do your own time." To the extent possible, people should tolerate or ignore the behavior of others, keep their heads low, and not cause trouble. Inmates are expected to solve their own problems. They should never bring the guards into inmate business. The code suggests that if you have a problem, either fix it yourself or learn to live with it. Other important points from the inmate code include the following: keep your mouth shut and never be an informer or snitch; do not exploit other inmates; do not interfere in other people's business;

stay tough at all times and do not show weakness; and, whenever possible, remain loyal to your fellow prisoners.

Inmate Code

The "inmate code" is a set of norms that allegedly guides how inmates should act toward each other in prison. It is similar to the unwritten bylaws of many other institutions and groups. In particular, it is like the police "code blue," where officers cover for another, wrong or right (usually wrong), or the "blue flu," where police stand united in calling off work by calling in sick to protest working conditions. Students, for example, usually do not "rat out" other students they see cheating. Professors may ignore violations by their peers.

The most important aspect of the inmate code is the "code of loyalty," which is intended to protect the prisoner from administrative punishment, whether the prisoner is wrong or right. This occurs, for example, when one inmate will not inform prison authorities or other parties about another inmate's actions. This is commonly referred to as "no snitching; no ratting; no dry snitching" (or intentionally or unintentionally revealing discrediting information in a joking or gossiping manner), no squealing; no "stool pigeoning." The unity many prisoners derived from the inmate code came under attack in the late 1970s and early 1980s, when the federal government implemented an unwritten policy in which accomplices could testify against their partners for immunity, the "undercover snitch program," a reduced sentence, or witness protections. This unwritten policy was commonly called "whoever got down first." This policy effectively made it OK to snitch. Although one may still be rewarded for silence and not "ratting" on partners or other inmates, in general, "not ratting" is just another old school value. As a result, the inmate code has taken a 180-degree turn. Today, whistle blowing is a public value. To be a whistle blower is to be a crime stopper, a "good fellow." This has filtered into the norms and ethics of potential (or soon-to-be) inmates, which transforms the old inmate code of "don't rat" into one in which "stool pigeon" is acceptable.

Geoffrey Truss
Dixon Correctional Center, Dixon, Illinois

ORIGINS

There are two general schools of thought as to how and why inmate subculture develops. Some scholars have suggested that the subculture present in any institution is of indigenous origin and develops in response to the specific conditions of confinement and the problems of adjustment posed by the pains of imprisonment. Sociologist Gresham Sykes (1958) outlined five major pains of imprisonment: rejection by the free community, lack of goods and services available in the outside world (and often replacement with inferior products), deprivation of sexual intimacy, deprivation of autonomy or a nearly complete lack of independence, and the loss of physical security. Sykes and others have argued that the inmate subculture and the corresponding inmate code developed as an adaptation to these pains of imprisonment and to the particular problems and challenges of life as an inmate.

Alternatively, John Irwin and Donald Cressey (1962) argued that the inmate subculture is not unique to prisons at all. They claimed "it seems rather obvious that the 'prison code'—don't inform on or exploit another inmate, don't lose your head, be weak, or be a sucker, etc.—is also part of a criminal code, existing outside of prison" (p. 145). This position is referred to as the direct importation model, which suggests that the personal identities, values, and loyalties that inmates bring into the institution from the outside give shape to the subculture. In this view, the inmate code is a version of the criminal code that many inmates had adopted and lived by for most of their lives before entering prison. As such, they come into the institutions valuing toughness, respect, and the ability to "take it." They have faced adversity in their lives and they have learned to keep their eyes open and their mouths shut. They understand, above all else, the importance of doing their own time and letting others do theirs.

THE INMATE CODE TODAY: RACE, GENDER, AND SECURITY LEVEL

There is some debate today whether the inmate code still exists as it was described by Sykes, Irwin, Cressey, and others. James B. Jacobs, for example, argued that divisions among racial groups

in prison have played an important role in changing the inmate culture. According to Jacobs (1983), black and Latino/a inmates are generally better organized and more cohesive than whites; racially homogeneous prison gangs have thus been able to replace the original inmate code with codes of their own making, specific to their own needs and loyalties.

The inmate code also seems to be quite different in women's prisons. In general, the conditions and considerations of confinement are somewhat less threatening as women inmates tend to be less violent than males, posing less of a physical danger to staff members and fellow inmates. In her study of a large women's prison in California, Barbara Owen (1998) found that the inmate code among women is not nearly as important as it is among men. The desire, and need, for respect was one of the few values held by both the male and female inmate culture. Similar to their male counterparts, female inmates also felt the need to be ready to defend themselves, if necessary, but they generally tried to stay out of "the mix" and to avoid behavior that was likely to bring trouble and conflict with other prisoners or staff members. Owen also found that the current women prison culture seems to tolerate more "telling" or snitching than in the past—a key change from the traditional inmate code.

Finally, the inmate code may never be a facet of some of the newer supermaximum secure prisons where contact and communication between inmates are severely limited. With virtually no human contact in supermaximum secure prisons, a cohesive code amongst inmates is hardly necessary and is all but impossible to develop and maintain.

CONCLUSION

No discussion of life in prison is complete without consideration of the inmate code. While prisons exercise great power over the lives of those incarcerated within them, the hierarchy and leadership of inmates are frequently much more influential in their daily lives than the authority exerted by the correctional officers and the official rules of the institution. The inmate code dictates behavior and helps to shape the experience of individuals living behind bars.

—Michelle Inderbitzin

See also Argot; Donald Clemmer; Deprivation; Gangs; Rose Giallombardo Importation; Prison Culture; Prisonization; Resistance; Gresham Sykes; Women's Prisons

Further Reading

Cloward, R. A. (1960). Social control in the prison. In *Theoretical studies in social organization of the prison.* New York: Social Science Research Council.

Irwin, J. (1970). *The felon.* Berkeley: University of California Press.

Irwin, J., & Cressey, D. R. (1962). Thieves, convicts and the inmate culture. *Social Problems, 10*, 142–155.

Jacobs, J. B. (1983). *New perspectives on prisons and imprisonment.* Ithaca, NY: Cornell University Press.

Owen, B. (1998). *"In the mix": Struggle and survival in a women's prison.* Albany: State University of New York Press.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison.* Princeton, NJ: Princeton University Press.

Sykes, G. M., & Messinger, S. (1960). The inmate social system. In *Theoretical studies in social organization of the prison.* New York: Social Science Research Council.

INMATE VOLUNTEERS

In recent years, prison administrators have made increasing use of inmate volunteers to run a range of inmate programs. By using prisoners to staff these activities, prisons are able to continue offering courses and programs that they would otherwise be unable to provide due to budgetary problems and overcrowding.

INMATE VOLUNTEER PROGRAMS

Prison education departments frequently make use of inmate volunteers. Since the demise of Pell grants, prison education departments have had their budgets severely reduced. As a result, they often turn to prisoners with advanced skills to volunteer as tutors. Across the country, prisoners instruct fellow inmates in reading, writing, and math, as well

as in English as a second language. Some inmates hold advanced degrees and offer courses in business, history, creative writing, and so on.

Recreation departments also frequently rely on inmate volunteers to support many of the athletic programs. Prisoners volunteer to organize teams, to serve as referees and umpires, and to keep the detailed records of sporting activities required by the administration. Most facilities allow the volunteers to coordinate seasonal sporting events with several teams that compete against each other in softball, flag football, and basketball. Some institutions, such as San Quentin, even allow these inmate teams to contact and then play against similar teams from the community.

While many institutions have music rooms and even instruments, they may not be able to afford civilian instructors. Instead, they rely on individuals from the confined population to form bands to perform shows for the entire prison community. Inmate volunteers may also lead music theory classes and teach others to read music and play instruments.

Besides education and recreation programs, the psychology services department is another segment of the prison that extensively relies on inmate volunteers. One of the most important programs that runs under their supervision is the suicide watch program available in many institutions. When someone attempts to take his or her own life in the federal prison system, that person is taken out of the general population and placed on suicide watch. During this time, the individual is locked in an observation room where he or she can be monitored 24 hours a day. However, because there are not enough psychologists or correctional officers to be present all of the time, inmate volunteers take up the slack. The volunteers in the suicide watch program work in shifts, usually for four-hour intervals, sitting immediately outside the locked observation cell and recording the activities of the individual under the psychologist's care.

Psychologists also use inmate volunteers to participate in or even lead group counseling sessions designed to help new prisoners adjust to the complexities of confinement. Volunteers may also coordinate meetings for those prisoners who want to participate in the 12-step programs of Alcoholics Anonymous or Narcotics Anonymous. Chaplains too, invite inmates to contribute to spiritual programs in similar ways.

VOLUNTEER PROGRAMS ELSEWHERE

The United States is not alone in its use of inmate volunteers. In England and Wales and Northern Ireland, for example, a highly structured suicide prevention scheme exists in all prisons that depends entirely on inmate volunteers. Known as "listeners," inmates are first screened and then trained by members of the crisis help group, the Samaritans. Once accepted into the program, inmate volunteers then have greater freedom of movement around the facility, as they are meant to be available to listen to any other prisoner who needs help dealing with the strains of incarceration. British prisons also have traditionally used inmate volunteers to run programs within minimum-security prisons for mentally and physically disabled children. Some even volunteer to help with the aged in nearby homes for the elderly.

WHY PRISONERS VOLUNTEER

Just as administrators want to ensure that inmates are never idle, so too do most inmates eschew dead time. With so much time on their hands and nothing productive to do, many inmates find volunteering a solace. Volunteering programs not only fill their day but also give them something to think about and do.

CONCLUSION

As states face greater budgetary crises, they are reducing the funds made available to correctional institutions. However, the number of people being incarcerated is not slowing down. As a result, many prisons and jails are finding it difficult to offer programs in education, recreation, and religion. They also have problems providing adequate counseling services. Inmate volunteers, like community volunteers, help address some of the shortfall.

—Michael Santos

See also Alcoholics Anonymous; Chaplains; Contract Ministers; Drug Treatment Programs; Education; Psychological Services; Recreation Programs; Rehabilitation Theory; Suicide; Volunteers

Further Reading

Bayse, D. (1993). *Helping hands: A handbook for volunteers in prison.* Lanham, MD: American Correctional Association.

Bosworth, M. (2002). *The U.S. federal prison system.* Thousand Oaks, CA: Sage.

Liebling, A., & Ward, T. (Eds.). (1994). *Deaths in custody: International perspectives.* London: Whiting & Birch.

INS DETENTION FACILITIES

INS (Immigration and Naturalization Service) detention facilities hold non–U.S. citizens who have been convicted or accused of crime and are awaiting either trial or deportation. Since the 1990s, few federal agencies have grown more rapidly and become more controversial than the INS. With its new and expansive powers aimed at controlling illegal immigration, the INS has stepped up its commitment to detentions and deportations. Proponents of tough law-and-order tactics praise the INS for its campaign to rid the nation of criminal aliens; however, immigration advocates argue that the laws unfairly target immigrants who have had minor brushes with the law. Under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, numerous crimes were reclassified as aggravated felonies requiring detention and possibly deportation, including minor misdemeanors such as shoplifting and low-level drug violations (also see the 1996 Antiterrorism and Effective Death Penalty Act). Compounding the harshness of the revised statutes, enforcement was retroactive meaning that persons who had been convicted before 1996 also were subject to detention and deportation even though people previously convicted of those crimes rarely served jail terms and were placed on probation.

ORGANIZATIONAL STRUCTURE

The INS, which in 2003 was merged into the Immigration and Customs Enforcement (ICE), a bureau of the Department of Homeland Security, until recently operated within the U.S. Department of Justice. Its primary responsibility is enforcing the laws regulating the admission of foreign-born persons (i.e., aliens) to the United States and for administering various immigration benefits, including the naturalization of qualified applicants for U.S. citizenship. The INS also cooperates with the Department of State, the Department of Health and Human Services, and the United Nations in the admission and resettlement of refugees.

The operational and management functions of INS are administered through INS headquarters in Washington, D.C., that oversees approximately 29,000 employees through three regional offices and the headquarters-based Office of International Affairs. These offices are responsible for directing the activities of 33 districts and 21 Border Patrol sectors throughout the United States and three district offices and 39 area offices outside U.S. territory. INS field offices provide direct service to applicants for benefits under the Immigration and Nationality Act and implement INS policies to carry out statutory enforcement responsibilities in their respective geographic areas. Overseas offices, in addition, serve as important information channels between INS and U.S. Foreign Service officers and foreign government officials abroad. As its mission suggests, the INS is a unique agency because it has the duty both to enforce the law and to provide services to immigrants. The combination of these activities creates considerable strain for INS personnel as well as their clients.

Due in large part to problems caused by this dual mandate, the INS remained one of the most criticized agencies in the federal government. Specifically, it was often challenged over its controversial enforcement tactics and its difficulty to deliver services efficiently.

INCREASED FUNDING

At a time when Congress was cutting federal spending in the 1990s, it funneled increasingly greater funds and resources to the INS, making it the largest federal law enforcement agency. Between

1993 and 2001, the INS budget soared by more than 230% from $1.5 billion to $5.0 billion. During that period, spending for enforcement programs grew from $933 million to $3.1 billion, nearly five times as much as spending for citizenship and other immigrant services, which increased from $261 million to $679 million. The cost of shared support for the two missions increased from $525 million in 1993 to $1.1 billion in 2001. The INS also increased its full-time, permanent staff by 79% from 1993 (17,163) to 2001 (30,701). Most of that growth occurred in the enforcement programs, where the total number of employees, including officers, grew from 11,418 to 23,364. Border Patrol led the way with an increase of 7,962 employees or 159%. In addition, the agency designated funds to expand its detention sector.

INS DETENTION

Between 1995 and 2001, the INS more than doubled the number of detention bed spaces available, with the current capacity at about 20,000 beds; furthermore, the Detention and Deportation staff nearly doubled, growing to 3,475 full-time permanent staff. Although the INS allocated funds to improve services to immigrants, the lion's share of the budget was devoted to "strengthening its successful multi-year strategy to manage the border, deter illegal immigration, combat the smuggling of people, and remove criminal and other illegal aliens from the United States" (INS, 1999, p. 1). As of 2002, more than 20,000 undocumented immigrants (including asylum seekers) were detained by the INS.

With unprecedented power in dealing with immigrants, the INS has increased its reliance on detention and deportation, even though these policies are often fraught with contradictions and injustice. In particular, those violating revised immigration laws are unnecessarily detained for protracted periods of time. Many detainees are housed in harsh conditions of confinement exacerbated by overcrowding, inadequate health care, and in some instances assaults by staff or state detainees held on criminal charges. At the Krome Detention Center in Miami, for example, many female INS detainees have been subject to physical and sexual assault.

Locked behind bars and fearing possible deportation, INS detainees are both physically and emotionally isolated. Cultural and language barriers merely complicate the experience of being detained. When detainees from the far reaches of the globe, such as Pakistan, China, Ecuador, or Afghanistan, find themselves in local jails around the United States, communication between jail officers and detainees is often impossible. Most jails holding detainees are located in rural parts of the country where staff may rarely have encountered non-English-speaking people before the INS began paying them to hold its detainees. Language barriers make everything from receiving medical attention to understanding jail rules extremely difficult. Without proper translation, detainees cannot understand legal services lists, call attorneys, make requests, or file grievances, all of which contribute to their isolation. Because INS detainees struggle to maintain contact with family, friends, and lawyers, they often lack basic emotional and legal support necessary to endure the lengthy administrative process. Frequent transfers to other facilities also compound their confusion and frustration. There are numerous reports of individuals being lost in the vast detention system; as a result, some detainees miss their court hearings because administrators cannot locate them in time.

A critical look reveals unsettling contradictions in INS detention practices, most notably the reliance on unnecessary and costly confinement that generates income for facilities renting their cells. In doing so, the INS abdicates its custodial responsibilities to local jails and private corrections companies, which the agency and concerned groups have difficulty monitoring. Despite cries from human rights groups, the business of detaining undocumented immigrants and asylum seekers has produced a vast network of more than 900 private and county jails nationwide, all eager to cash in on lucrative INS contracts that usually pay twice the cost of housing inmates charged with criminal offenses. Local jail administrators and private corrections firms have taken comfort in the fact that Congress remains deeply

committed to its fight against illegal immigrants. The INS uses more than a third of its $900 million detention budget to rent cells, mostly in remote rural counties where the costs are low.

INS detainees are the fastest-growing segment of the nation's correctional population: 8,200 detainees were held by the INS in 1997, and by 2001, that figure leaped to more than 20,000 (INS, 2001). Opponents of INS detention practices also contend that the safety of undocumented immigrants and asylum seekers hangs in the balance when local jails and private correctional companies assume custody. Despite formal complaints and lawsuits over abuse and neglect, the INS has continued sending its detainees to facilities known for their mistreatment and deplorable conditions of confinement.

Recent rulings by the U.S. Supreme Court have shed light on the harsh detention policies of the INS, in particular its use of indefinite detention. As of 2002, there were 4,400 INS detainees convicted of deportable offenses who were detained indefinitely because the U.S. government did not have official diplomatic ties with their nation of origin, including Cambodia, Cuba, Gaza, Iran, Iraq, Laos, Vietnam, and former satellites of the Soviet Union. These men and women are held, despite the High Court ruling of 2001 that determined that immigrants who have committed crimes in the United States cannot be locked up indefinitely simply because the government has no place to send them (see Indefinite Detention Project, 2000; *Ma v. Ashcroft*, 2001; *Zadvydas v. Underdown*, 2001).

EFFECTS OF THE SEPTEMBER 11 ATTACKS AND THE USA PATRIOT ACT

The September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon have given the debate over INS detention a new resonance. On October 26, 2001, President George W. Bush signed into law the USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism). Whereas the PATRIOT Act received overwhelming bipartisan support, civil liberties and immigrants' rights organizations worry that the new law will have unfair consequences for immigrants and foreign nationals visiting with valid visas. Chief among those concerns is mass detention shrouded in government secrecy.

In less than two months following the September 11 attacks, the government had rounded up and detained more than 1,200 persons of Middle Eastern descent. Although the PATRIOT Act expanded the powers of the Department of Justice and the INS, it limited the length of detention to seven days before the government must charge the detainee of a crime. Once charged under the new law, however, detainees found to be engaged in terrorist activities can be held for six months. Weeks after September 11, evidence surfaced of abuse and mistreatment against those detained, prompting tremendous concern among human rights advocates. In a year following the attacks, the government's dragnet had failed to link the vast majority of those detained to the terrorism investigation. Most of those who were swept up were charged on immigration violations, usually overstaying their visas.

Compounding the controversy over mass detention, the government has maintained a policy of secrecy. Attorney General John Ashcroft repeatedly denied access to basic information about many of those in detention, including their names and current location. Such secrecy has been denounced by human rights and civil liberties advocates as well as by news organizations and even some political leaders who have complained that the attorney general has failed to explain adequately the need for those drastic measures.

Reports that detainees have been subjected to solitary confinement without being criminally charged as well as being denied access to telephones and attorneys raises questions about whether detainees are being deprived of due process. Moreover, those deprivations clearly contradict assurances by the Justice Department that everyone arrested since September 11 has had access to counsel. Eventually, key members of Congress challenged the sweeps of aliens in search of terrorists, requesting from the attorney general detailed information on the more than 1,200 people detained since the terrorist attacks. Specifically,

lawmakers asked for the identity of all those detained, the charges against them, the basis for holding those cleared of connection to terrorism, and a list of all government requests to seal legal proceedings, along with the rationale for doing so.

CONCLUSION

Unlike people charged criminally, INS detainees are not entitled to government-appointed counsel, thus many are not represented. Some civil rights advocates complain that law enforcement officials are charging people with INS violations, holding them in solitary confinement, and then interrogating them before they can consult attorneys who might advise them not to talk at all. In an effort to abolish the Justice Department's secrecy on detentions, a coalition of 21 news and civil liberties organizations filed a request under the Freedom of Information Act to release information about the people detained. In 2002, a federal appeals court declared that the Bush administration acted unlawfully in holding hundreds of deportation hearings in secret. The court issued stinging language criticizing the government's failure to recognize fundamental civil liberties. Months following the court's ruling, however, the Justice Department still refused to comply with the court order and continued its commitment to government secrecy.

—Michael Welch

See also Corrections Corporation of America; Cuban Detainees; Enemy Combatants; Foreign Nationals; Freedom of Information Act 1966; Privatization; Relocation Centers; Santería; USA PATRIOT Act 2001; Wackenhut Corrections Corporation

Further Reading

Calavita, K. (1992). *Inside the state: The bracero program, immigration, and the I.N.S.* New York: Routledge.

General Accounting Office. (1998). *Illegal aliens: Changes in the process of denying aliens entry into the United States.* Washington, DC: U.S. Government Printing Office.

Human Rights Watch. (1998). *Locked away: Immigration detainees in jails in the U.S.* New York: Author.

Human Rights Watch. (2002). *Presumption of guilt: Human rights abuses of post-September 11 detainees.* New York. Author.

Immigration and Customs Enforcement. (2004). ICE home page. http://www.ice.gov/graphics/about/organization/index.htm

Immigration and Naturalization Service. (1999). *Strengthening the nation's immigration system.* Fact sheet. Washington, DC: U.S. Government Printing Office.

Indefinite Detention Project. (2000, October–December). Indefinite Detention Project of the Catholic Legal Immigration Network Inc. *Quarterly Report for the Indefinite Detention Project*. Retrieved from www.cscd.org

Welch, M. (2000). The role of the Immigration and Naturalization Service in the prison industrial complex. *Social Justice: A Journal of Crime, Conflict & World Order, 27*(3), 73–88.

Welch, M. (2002). *Detained: Immigration laws and the expanding I.N.S. jail complex.* Philadelphia: Temple University Press.

Welch, M. (2003). Ironies of social control and the criminalization of immigrants. *Crime, Law & Social Change: An International Journal, 39,* 319–337.

Women's Commission for Refugee Women and Children. (2000). *Behind locked doors—Abuse of refugee women at the Krome Detention Center*. New York: Author.

Legal Cases

Ma v. Ashcroft, 257 F3d 1095 (2001).

Zadvydas v. Underdown, 185 F.3d 279 (5th Cir. 1999), 121 S. Ct. 876 (2001).

INTERMEDIATE SANCTIONS

Intermediate sanctions are community-based corrections that are more restrictive than probation, but less restrictive than prison. Some intermediate penalties include intensive supervision probation, community residential corrections centers, and electronic home monitoring. Intermediate sanctions are designed to reduce incarceration and to lower the costs of holding offenders in the most restrictive environments. They are also meant to provide more supervision than that which can be offered through regular probation or a similar sanction. Finally, intermediate sanctions also offer incremental alternatives in resentencing probation and parole violators. Instead of sending or returning these violators to jail or prison, intermediate sanctions can be used to increase the supervision and services offered to probationers and parolees.

CURRENT PRACTICE

Though the various practices considered to be intermediate sanctions can be traced to the start of the use of community-based programs for offenders, the modern categorization of these sanctions began in the early 1980s when U.S. prison and probation populations grew dramatically. At this time, it was thought that intermediate sanctions could help lower the numbers of those confined or placed on probation. In practice, this has not been the case.

Intermediate sanctions are designed to (1) provide a wider variety of sentencing alternatives for offenders, (2) decrease the costs for the corrections system, (3) reduce the rate of reoffending, and (4) maintain community safety. Several intermediate punishments are often used in combination with one another or in addition to regular probation or parole. The most common of these sanctions are fines, restitution, community service, day reporting centers, intensive supervision probation or parole, home confinement, electronic monitoring, residential community corrections centers, and boot camps.

Fines, Restitution, and Community Service

The punitive nature of fines, restitution, and community service is all the same: financial. The amount someone is fined as punishment varies based on the level or seriousness of his or her offense. Often the fine may be part of a restitution program that repays victims for damages resulting from an offense. In contrast, community service does not involve an upfront payment of any sort. Instead, it requires an individual to participate in unpaid labor with public or private nonprofit agencies to benefits society in general.

As they stand alone, fines, community service, and restitution are not more restrictive than regular probation. However, when imposed in addition to probation and other intermediate sanctions such as home confinement or electronic monitoring, they fit within the definition of intermediate sanctions. In addition, in certain cases, imposing a fine or community service may provide an alternative to using overcrowded jails and prisons.

Day Reporting Centers, Intensive Supervision, Home Confinement, and Electronic Monitoring

Day reporting centers, intensive supervision, and home confinement provide surveillance without incarceration. Day reporting centers monitor offenders who live in their own homes. Individuals must report to the centers several times throughout a week, if not daily, for various activities, including drug treatment and drug testing, counseling services, and vocational and educational assistance. The first day reporting centers appeared in Connecticut and Massachusetts in the mid-1980s. By the mid-1990s, there were more than a hundred of such centers in several states.

Offenders who have been sentenced to intensive supervision probation are strictly monitored and supervised in lieu of going to prison. A variation on this is intensive supervision parole, which is similar to the program in probation, but provides supervision for offenders released on parole from prison who need greater supervision than that which is supplied with regular parole programs. Intensive supervision probation (ISP) was originally put into practice during the 1950s and 1960s, by reducing caseload sizes and increasing offender contacts. But it was not until 1982, when Georgia initiated the most stringent ISP at the time, that there was a nationwide movement to include ISP programs as an alternative to imprisonment. Every state had implemented a form of ISP for offenders by 1990.

Offenders on home confinement serve their sentences at their homes, rather than in jail or prison. They may be monitored by electronic devices to determine whether they are abiding by court orders, including remaining in their homes at specified times. Offenders in New Mexico who had been apprehended and punished for white-collar offenses or driving under the influence of altering substances were the first offenders to be required to use electronic monitoring. There are various forms of electronic monitoring in use, most commonly where the offender wears an ankle bracelet that transmits information with a device that remains in the home where the offender resides.

Residential Community Corrections Centers and Boot Camps

Finally, residential community corrections centers and boot camps provide secure living without long-term incarceration in a prison or jail. Residential community corrections centers, also commonly referred to as halfway houses, are facilities where offenders reside instead of going to prison or jail, or after their release from prison or jail. Residents are allowed to leave the facility on a daily basis to work and attend school in the community. They may also earn the opportunity to receive overnight passes to the homes of family members. Some community corrections centers may offer specific services, such as drug abuse treatment.

Boot camps are a form of incarceration typically used for first-time, younger offenders that involve a military-based regimen over a short period. Boot camp inmates are then released to the community under some form of probation or parole supervision.

SUPPORT FOR INTERMEDIATE SANCTIONS

Several positive outcomes are attributed to intermediate sanctions. Their cost-effectiveness is typically one of their most attractive characteristics. Though they are generally more expensive than supervising an offender on regular probation or parole, intermediate sanctions cost less to operate per day than housing offenders in an institutional setting. Proponents point out that many prisoners are not a major threat to the community and could benefit more from serving their sentences as an intermediate sanction, with less cost to the public and less stigmatization of the offender. Offenders are less stigmatized by intermediate sanctions because they are allowed to live in the community at large without many people being aware of their offender status. Also, remaining in the community allows offenders to contribute to society and their victims by working to pay for their crime (i.e., restitution) and to defray the costs of their supervision.

Supporters also argue that individuals in intermediate sanctions are more able to become involved in treatment programs since there are more of these resources outside the prison than inside. Participating in treatment in the community allows the offenders to better practice the techniques they have learned. Treatment programs in prison, though warranted, do not often provide offenders the best opportunity to apply these skills in their ordinary surroundings. Thus, when released from prison, offenders may not be fully aware of how to relate their training to their real-world lives.

Last, intermediate sanctions resolve problems of reintegration into the community. Returning to a public life after serving a prison sentence can be difficult for some offenders. By eliminating the prison sentence, the difficulties of adjusting to life outside of prison is also eliminated.

SOME PROBLEMS WITH INTERMEDIATE SANCTIONS

Not everyone is in favor of intermediate sanctions. Though the cost-effectiveness of specific programs is not disputed by many, critics argue that intermediate sanctions are not cost effective if the use of institutional programs is not reduced. In this view, intermediate sanctions simply add to, thus increasing, the overall budget of the corrections system. Similarly, some argue that intermediate sanctions lead to "net widening" in the criminal justice system, whereby more people are sentenced to some form of correctional supervision simply because there is now a great range of options. Some offenders who would have received a probation sentence or less, for example, would now come under the control of stricter supervision requirements, though they may have been just as successful on regular probation or with no supervision at all. Once these programs exist, opponents of the use of intermediate sanctions contend that judges will find people to place in the programs, even if they are of no more benefit than less rigorous punishments.

Public safety as it relates to intermediate sanctions is another concern for critics. Some of the programs falling within the definition of intermediate sanctions require that offenders be those who would

otherwise have been sentenced to prison. Though they have been screened out as offenders who are most obliging to strict community supervision, critics still believe these high-risk offenders would be better off in an institutional placement because community safety remains a concern. Finally, many are concerned about the effectiveness of intermediate sanction programs. Research conducted on intermediate sanctions such as boot camps, intensive supervision probation programs, monetary sanctions, and halfway houses do not show any less recidivism than when regular probation or prison are used as punishment.

CONCLUSION

Though there is more extensive use of intermediate sanctions today, the traditional community-based corrections methods of probation and parole are still the most widely used forms of community supervision. Even still, the implementation and use of intermediate sanctions are expected to rise due to continuing struggles with jail and prison crowding and sentencing practices. Due to conflicting views about their success rate and purpose, more research must be done to determine the effectiveness and legitimacy of the various intermediate sanctions.

—Hillary Potter

See also Boot Camp; Community Corrections Centers; Drug Treatment Programs; Electronic Monitoring; Fine; Furlough; Group Homes; Home Arrest; Parole; Prerelease Programs; Probation; Work-Release Programs

Further Reading

Byrne, J. M., Lurigio, A., & Petersilia, J. (Eds.) (1992). *Smart sentencing: The emergence of intermediate sanctions.* Newbury Park, CA: Sage.

Davies, M. (1993). *Punishing criminals: Developing community-based intermediate sanctions.* Westport, CT: Greenwood.

Klein, A. R. (1997). *Alternative sentencing, intermediate sanctions, and probation* (2nd ed.). Cincinnati, OH: Anderson.

Morris, N., & Tonry, M. (1990). *Between prison and probation: Intermediate punishments in a rational sentencing system.* New York: Oxford University Press.

Parent, D., Dunworth, T., McDonald, D., & Rhodes, W. (1997). *Key legislative issues in criminal justice: Intermediate sanctions.* Washington, DC: U.S. Department of Justice, National Institute of Justice, Office of Justice Programs.

Tonry, M. (1997). *Intermediate sanctions in sentencing guidelines.* Washington, DC: U.S. Department of Justice, National Institute of Justice, Office of Justice Programs.

IRISH (OR CROFTON) SYSTEM

The Irish system of penal discipline, developed by Sir Walter Crofton in Ireland from 1854 to 1862, was viewed by late-19th-century prison reformers as a model for prison administration. In the 1870s, supporters of the Irish system played a major role in formulating correctional policies and shaping the reformatory movement in the United States. Vestiges of Crofton's Irish system can be found even today in the centralization of correctional administration, contemporary classification, education and behavior modification programs, community corrections, and parole.

BACKGROUND

When transportation of convicts to Australia finally ceased in 1868, prisons throughout Britain became increasingly overcrowded and troublesome. At the same time, concern grew over the number of convicts being released into the community, some through "tickets of leave" developed in Australia as a form of parole for good behavior.

In famine-struck Ireland in 1854, the British government responded to serious conditions in Irish prisons by appointing Walter Crofton (1815–1897) chairman of the Irish Board of Directors of Convict Prisons. With a centralized colonial Irish government, Crofton and his directors began to construct the Irish convict system. In their work, they were greatly influenced by the ideas of Alexander Maconochie, who had been placed in charge of the Australian penal colony on Norfolk Island in 1840. At the time, Norfolk Island housed convicts who had committed crimes subsequent to their transportation to Australia and consequently were viewed as requiring the most punitive of conditions. Maconochie, convinced of the value of positive incentives, developed a "mark system" rewarding work and good

behavior with earned amenities and early release. Though Maconochie's experiment lasted only a matter of years, since he was removed from his post in 1844, his philosophy of convict discipline and prison management was widely disseminated and adapted by Crofton. With almost 4,000 convicts, Crofton and his associates faced overcrowded housing, limited resources, inadequate staff, and malnourished and resistant inmates. Out of these conditions, Crofton organized and skillfully publicized the "Irish system" of penal discipline.

THE IRISH SYSTEM

Crofton set out to develop a system that could integrate both punishment and reformation. In it, as in the mark system, prisoners were required to complete three stages to be eligible for a sentence reduction and/or supervised release. The Irish system, as it came to be called, was made up of an initial punishment stage and two stages of increasing reformative incentives.

During the first or punishment stage, men were held in solitary confinement at Dublin's Mountjoy Prison, which had been built in 1850 and was thought to be a model cellular prison. Under Crofton's system, men were placed in separate cells, with a restricted diet. For eight or nine months they were held in spartan conditions and put to work at oakum picking. Women, viewed as more "sensitive," were held four months to the same regime. The goals of this part of the process were control and submission, a "deterrent" awareness of the consequences of crime, and after enforced idleness, desire for productive work.

During this period of punishment, Crofton asserted, the inevitable hostility that punitive and degrading practices evoke could be averted through strategies that sustained hope for liberty. Consequently, each convict was instructed that the successful completion of the later stages depended on their self-control as "arbiters of their own fate" who needed an active cooperative relationship with "those placed over them." Crofton demanded that staff maintain positive, fair, and model relationships with prisoners to reinforce the legitimacy of their rule. Secular and religious education was critical for reformation. Crofton enlisted the aid of the National Board of Education to provide licensed teachers and arranged for both Catholic and Protestant chaplains. The observations and recommendations of the teachers and chaplains, although sometimes disputed and censored, were included in the yearly reports.

At the successful completion of their first stage, male convicts were transferred to public work prisons while the women remained at Mountjoy, working in a common sewing room. "Benevolent Catholic and Protestant ladies" regularly visited the women and there was nursery space for children. For both women and men entering the second stage, there was a four-level system of classification. Earning a designated number of "marks" at each level, based on the "will to achieve" in discipline, school, and industry, brought increasing gratuities and privileges and a distinctive badge. Misconduct could bring the loss of marks, restricted diet, and for men, return to Mountjoy. Monthly rosters, meticulously kept for each convict, can still be viewed in the Irish National Archives.

After achieving the advanced second-stage level, at the third stage convicts, with the exception of political prisoners, moved from the ordinary prisons to the highly publicized "intermediate prisons." There, in Crofton's words, "individualization" with small numbers took place in an open environment. Descriptions stressed that the purpose was not only to test the assumed self-control and good conduct of the convict but through lectures and job placement to increase their chances for employment after release and lessen public fears by their visible presence in the community. At their intermediate-prison stage, women convicts were placed in two "houses of refuge"; at Goldenbridge the Sisters of Mercy administered a refuge for Catholic women, while Protestant ladies provided a smaller refuge in Dublin.

In 1857, only after the integrated three stages of the Irish system were in place, were "tickets of leave" issued providing the final incentive of a reduction of sentence and supervised release. With a well-organized and centrally controlled constabulary developed for Ireland under British rule, each released convict registered immediately and reported monthly to the local constabulary. Any irregularity or a new crime brought the convict back

to prison, protecting the Irish use of tickets of leave from the public outcry in England.

The development of the Irish system met resistance not only from inmates, who smashed Mountjoy's cell fixtures, but also from within Crofton's staff, some of whom resented the strict discipline, frequent inspections, and low wages, as well as from his English colleagues. Joshua Jebb, Crofton's counterpart in England, aided by a disgruntled Presbyterian chaplain at the Cork Prison, reacted to the Irish system's acclaim and the implied failure of his efforts in England by launching attacks on the validity of Crofton's widely circulated reports. Some noted that employment in a depopulated Ireland rather than a system of prison discipline aided the successful integration of convicts and others warned of dangers to liberty in police surveillance. Pamphlet wars were waged between proponents and opponents of the Irish system. In the eight years before Crofton's retirement in 1862, however, the Irish system became the working model of the prison reform movement.

NETWORKS OF REFORM

During this period, in what has been described as a form of "penitentiary tourism," persons interested in prison reform visited prisons and met regularly in national and international prison congresses. Their motivations varied, including a mixture of belief in the new social sciences, a commitment to evangelical Christianity or humanitarian benevolence, a middle-class fear of the "dangerous classes," and governmental concerns with social disorder. Crofton was a frequent speaker at the yearly meetings of the National Association for the Promoting of the Social Sciences, and the Dublin meeting in 1861 brought visitors to the intermediate-stage prison at Lusk and the women's refuge at Goldenbridge, spreading the word of their successes internationally. Glowing descriptions of the total dedication of Lusk's James Organ to lecturing, finding employment, and constant supervision of male convicts modeled the role for future parole agents. Women reformers, including Rhoda Coffin, instrumental in 1873 in founding the first separate women's institution in the United States, visited and praised the Irish system's provision for women. With their Dublin contacts, members of the New York Prison Association began planning with Zebulon Brockway for the first reformatory based on the mark system, opening at Elmira in 1876. Contacts with Crofton and his writings by the organizers of the 1870 National Prison Association meeting, held during a period of economic and political unrest, led to the call in the famous Declaration of Principles for the implementation of the "Irish or Crofton prison system" in the United States.

CONCLUSION

In the context of contemporary penal theory, the goals of the Irish system, to produce through individualized surveillance "an altered and reformed being," could be considered as a model for Michel Foucault's analysis of disciplinary power. Though Crofton's system was never developed in its entirety outside of Ireland, and even there existed only for a relatively short period, increasing centralization of correctional administration, the use of classification, forms of behavior modification, educational programs, community corrections, and parole have become integral components of correctional policy and practices.

—Esther Heffernan

See also Australia; Jeremy Bentham; Zebulon Reed Brockway; Chaplains; Classification; Community Corrections Centers; Discipline System; Education; Elmira Reformatory; Food; Michel Foucault; History of Prisons; History of Women's Prisons; Legitimacy; Alexander Maconochie; Parole; Rehabilitation Theory; Solitary Confinement

Further Reading

Carpenter, M. (1967). *Reformatory prison discipline as developed by the Rt. Hon. Sir Walter Crofton in the Irish convict prisons*. Reprint. Montclair, NJ: Patterson Smith. (Original work published 1872)

Carroll-Burke, P. (2000). *Colonial discipline: The making of the Irish convict system*. Dublin: Four Courts.

Dooley, E. (1981). Sir Walter Crofton and the Irish or intermediate system of prison discipline. *New England Journal of Prison Law, 575,* 72–115.

Eriksson, T. (1976). *The reformers: An historical survey of pioneer experiments in the treatment of criminals*. New York: Elsevier.

Foucault, M. (1977). *Discipline and punish: The birth of the prison.* New York: Vintage.

Hinde, R. (1977). Sir Walter Crofton and the reform of the Irish convict system, 1854–61. *The Irish Jurist,* 115–147, 295–337.

Morris, N. (2002). *Maconochie's gentlemen: The story of Norfolk Island and the roots of modern prison reform.* New York: Oxford University Press.

Pisciotta. A. (1994). *Benevolent repression: Social control and the American reformatory-prison movement*. New York: New York University Press.

Wines, E. C. (Ed.). (1970). *Transactions of the National Congress on Penitentiary and Reformatory Discipline.* Reprint. Washington, DC: American Correctional Association. (Original work published 1871)

IRWIN, JOHN (1929–)

John Irwin is a prison sociologist who has combined scholarship with activism throughout his intellectual career. His career, however, did not begin in the usual way. After developing a heroin habit and weaving in and out of the local jail system for short periods, Irwin was sentenced to a prison term at the California Training Facility in Soledad. While serving a five-year sentence, Irwin embarked on a program of self-study, maximizing the limited resources available in the prison library and developing work routines that guided his future achievements in sociology and criminology. Irwin's critique of this system and his experience with it can be found in his third book, *Prisons in Turmoil,* which was published in 1980.

EDUCATION

After his release, Irwin began his college studies at San Francisco State College (now University). He soon transferred to University of California, Los Angeles (UCLA), to finish his undergraduate degree, before commencing graduate work in sociology at the University of California, Berkeley, in the spring of 1963. Here he developed his longstanding association with Herbert Blumer, Erving Goffman, and David Matza.

After Berkeley, Irwin returned to San Francisco State, this time as a professor, where he remained for the next 27 years. Before his retirement in 1994, Irwin developed a research program that critiqued the prison system from a perspective of justice and fairness. Works produced during his teaching career include *Scenes* (1977), *Prisons in Turmoil* (1980), and *The Jail* (1985) as well as numerous articles and presentations.

PRISON CULTURE

While a student at UCLA, Irwin enrolled in a graduate seminar on the sociology of prisons taught by Donald Cressey. During this class, Irwin took issue with the view that prison culture was a functional response to the pains or deprivations of imprisonment. Drawing from his own experience in prison, he suggested that other factors—specifically, preprison identity—created prison culture. Cressey challenged Irwin to develop a statement of his view and, together, they published the primary statement of the importation theory of prison culture in the seminal article "Thieves, Convicts and the Inmate Culture" (1962).

At Berkeley, Irwin completed his dissertation, subsequently published in 1970 as *The Felon.* This work remains a landmark in the study of prison culture and outlines the basic tenets of prison adaptation from a career perspective. In it, Irwin expands his earlier argument that forms of prison adaptation are closely tied to preprison orientations. He describes various ways prisoners adapt to incarceration depending on their preprison identities and self-definitions. These modes include "doing time" (closely associated with the thief identity); jailing (associated with the state-raised youths and those without any connection to conventional society); and gleaning (chosen by those who attempt to improve their life chances by developing new intellectual, vocational, or social skills while incarcerated). Irwin also describes the emerging importance of race and ethnicity in the convict world and foreshadows his later articulation of this phenomenon in *Prisons in Turmoil* (1980).

In *Prisons in Turmoil* (1980), Irwin continues his investigation of the prison social order. Beginning with sociological description of "The Big House: The Great American Prison," he reviews the history of American prisons and the evolution of prison

WOMEN LIFERS

The numbers of women lifers have increased significantly in the past two decades. These women experience similar frustrations and limitations as their male counterparts. They exhibit an above average risk of being victims of suicide. Because of their sentences, they also are denied the prospect of programs and privileges. They are commonly prescribed psychotropic drugs to make them numb to their surroundings. Female lifers also experience an additional sense of guilt and depression caused by not being able to watch over and take care of their children as they grow up.

JUVENILE LIFERS

In the early 1990s, legislators responded to the sharp increase in juvenile violent crime by incorporating many punitive changes within the court system and penal processes. One result is that juvenile offenders are increasingly transferred from family and juvenile court to adult court, and at much younger ages. In addition, over the past 15 years increasing number of juveniles have been sentenced to life without parole. The Convention on the Rights of the Child, an international treaty passed by every member of the United Nations except Somalia and the United States, prohibits using life imprisonment without the possibility of parole for any crime committed by a minor. The United States did not sign this treaty.

The federal sentencing guidelines disallow "youthfulness" as a mitigating factor to reduce sentences outside the guidelines' range. According to the National Corrections Reporting Program, which describes admissions to state prisons in 38 states, an estimated 16 juvenile offenders were admitted to prison under a life-without-parole sentence in 1996. In the same year, an estimated 204 juvenile offenders began serving life sentences. That figure continues to rise.

LIFERS WITHOUT PAROLE

Parole eligibility varies from state to state as well as from country to country. Recently, there has been an increase in the numbers of men and women accorded life sentences without parole. Lifers without parole will be in prison until they die. Their release is possible through two conditions only: the use of clemency and, in some states, medical parole for the terminally ill. Both are used extremely infrequently. For these lifers, they live in the present; they try to survive each day, because they really do not have a future to look forward to.

There is no empirical evidence to date to indicate that inmates serving a sentence of life without parole are more likely to engage in major misconduct violations. In fact there are studies that show they are no more likely to engage in misconduct than their fellow inmates who are eligible for parole. In addition, a recent study indicates that "no hope of parole" actually reduces the likelihood of violent misconduct. With the growth of the no-parole option, future research is necessary to ascertain the effects of no parole on a younger lifer population.

LIFERS IN OTHER COUNTRIES

Lifers in England and Wales face similar sentence regulations as those in the United States. There are two types of life sentences in Britain and Whales: mandatory and discretionary. Mandatory lifers are those convicted of murder and are the majority of lifers in British correctional facilities. Most of these women and men will be eligible for parole after a certain amount of time—usually 15 years—although a small number will never be released.

Discretionary lifers are convicted of one of the following crimes: manslaughter, armed robbery, arson, rape, and kidnapping. In these cases, the judge has the discretion over the sentence and parole is possible if so ordered. The Crime (Sentences) Act 1997 requires the court to impose the sentence of life in prison with the possibility for parole for a person convicted of a second serious violent or sexual offense. The make-up of the lifer population in England and Wales is quite similar to the United States.

MANAGEMENT

Lifers are regarded as the most cooperative of prisoners by many prison officers and criminologists. Even so, at the initial stage of their incarceration they are viewed as maximum-security risks. They also receive few educational and vocational programs. This is especially true for lifers without parole eligibility. However, there are a variety of programs operated by lifers themselves, with the help of correctional staff. One of the more highly publicized lifers' groups is the Rahway Lifers Group Inc. at Rahway State Prison in New Jersey. The documentary *Scared Straight* chronicled the efforts of this group to turn troubled youths away from a life of crime. Today, the group maintains a Web site and continues to operate its youth tour program.

At Graterford State Prison in Pennsylvania, the lifers group recently hosted the first ever Crime Prevention Summit bringing together 100 Philadelphia civic leaders and police brass with lifers inside the prison walls. The goal of the conference was to discuss ways to end urban violence and drug distribution in the city of Philadelphia.

In the United Kingdom, lifers are assisted by both prison counseling services and Internet information to prepare them for their potential release. The Web site is comprehensive, addressing issues of anger management, parole release, and expectations, and other life skills' issues necessary to affect a positive outcome after release.

These programs share the common goal of promoting a positive self-image for lifers as well as providing opportunities for positive changes in individual offenders. Similar programs exist throughout the United States and the United Kingdom.

CONCLUSION

The changing demographics of lifers, the emerging juvenile and female lifers, and the nonviolent lifer illustrate the importance of reform in the correctional system. Lifers are becoming older requiring the prison systems to reexamine the needs of inmates. They have special needs in housing, recreation, and medical care that require special attention of prison administrators. Lifers have changed due to strict sentencing and penal policies and comprise an increasing percentage of the modern prison. This fact alone warrants review by administrators into operational changes.

—Kimberly Albin and Patrick F. McManimon, Jr.

See also Crime Control and Violent Crime Act 1994; Death Penalty; Deterrence Theory; Elderly Prisoners; Incapacitation Theory; Life Without Parole; Parole; Parole Board; Three-Strikes Legislation; Truth in Sentencing

Further Reading

Cohen, S., & Taylor, L. (1981). *Psychological survival.* London: Penguin.

Flanagan, T. (1999). *Long-term imprisonment: Policy, science, and correctional practice.* Thousand Oaks, CA: Sage.

Graham, E., Delnef, C., & Murphy, J. (2000). Long-term offenders. *Forum on Corrections Research, 12*(3).

LITERACY

Literacy skills are important to people in prison for a number of reasons. Many prison jobs require prisoners to read instructions or order forms, and inmates are often required to write requests for belongings, items, or medical treatment. Reading and writing provide productive options for passing time while in prison. Letters to family and friends are a vital link to the outside world. Literacy skills are also important for those who will leave prison and attempt to reintegrate into the community. Jobs, continued education, and many social opportunities depend on the ability to read and write—regardless of whether an individual is in prison.

Research consistently demonstrates that quality education is one of the most effective forms of crime prevention since educational skills help deter people from committing criminal acts. One study, for example, indicated that those who benefited from correctional education recidivated 29% less often that those who did not have educational opportunities while in the correctional institution.

In the United States, however, a "get tough on crime" mentality has resulted in a push to incarcerate, punish, and limit the activities of prisoners. As part of this move, over the past 10 years political pressure has led to the elimination of funding for many corrections education programs. Many programs that have been demonstrated as extraordinarily effective have been completely eliminated.

Nonetheless, literacy programs continue in many correctional facilities, in part because they can be run at a relatively low cost. In addition, state and federal guidelines that encourage the development of literacy skills typically apply to all citizens, including prisoners. Prison literacy programs also benefit from volunteer efforts of organizations and individuals.

NEED FOR LITERACY PROGRAMS

Illiteracy is perhaps the greatest common denominator in correctional facilities. Data collected from the National Adult Literacy Survey (NALS) show that literacy levels among inmates are considerably lower than for the general population. For example, of the five levels measured by the NALS, 70% of inmates scored at the lowest two levels of literacy (below fourth grade). Other research suggests that 75% of inmates are illiterate (at the 12th-grade level) and 19% are completely illiterate. Forty percent are functionally illiterate. In real-world terms, this means that the individual would be unable to write a letter explaining a billing error. In comparison, the national illiteracy rate for adult Americans stands at 4%, with 21% functionally illiterate.

A related concern is that prisoners have a higher proportion of learning disabilities than the general population. Estimates of learning disability are as high as 75% to 90% for juvenile offenders. Low literacy levels and high rates of learning disabilities have contributed to high dropout rates. Nationwide, over 70% of all people entering state correctional facilities have not completed high school, with 46% having had some high school education and 16.4% having had no high school education at all. Since there is a strong link between low levels of education and high rates of criminal activity, it is logical to assume that high dropout rates will lead to higher crime rates.

PRISON LITERACY PROGRAMS

The correctional facility provides a controlled education setting for prisoners, many of whom are motivated students. However, the prison literacy educator faces many challenges. Students in these programs have varying levels of ability and have had a range of educational experiences. The educator's challenge is compounded by the uniqueness of prison culture and the need for security. Prisons adhere to strict routines, which may not be ideal in an educational setting. During their sentence, inmates are often moved from one facility to another. This movement interrupts, or ends, the individual's educational programming. These structural issues are accompanied by social factors that can further limit learning opportunities. Peer pressure may discourage attendance or achievement. Prison administrators usually only support education to varying degrees—especially if they see it as a threat to the primary functions of security and control.

In spite of the challenges, examples in the literature demonstrate that programs based on current thinking about literacy and sound adult education practices can be effective in prison settings. Successful prison literacy programs are learner centered, recognizing different learning styles, cultural backgrounds, and multiple literacies. Successful programs typically use learner strengths to help them shape their own learning. Historically, literacy education has been offered to the general population by two volunteer agencies: Literacy Volunteers of America (LVA) and Laubach Literacy International. (In 2002, these agencies merged to form ProLiteracy Worldwide.) These agencies train volunteers and staff who administer the programs in prison. Although the training emphasizes specific skills and curricula, educational programming in a correctional institution is always dependant on the philosophy and policies of the correctional facility. As such, it is difficult to ensure consistent delivery of literacy services from one institution to another.

TESTING AND CURRICULA

Several standardized reading tests are available to literacy instructors. Besides the Test of Adults in Basic Education (TABE), two other tests are commonly used. One, the Grey Oral Reading Test, measures the fluency and comprehension of the learner. For example, it determines the learner's ability to recognize common written words such as *car, be, house,*and *do* by sight or in context. A second commonly used test for literacy skills is the National Assessment of Adult Literacy (NAAL). This test is divided into five levels ranging from assessing the learner's ability to fill out a deposit slip (Level I), determining the difference in price between two items (Level II) to demonstrating proficiency in interpreting complex written passages (Level V). These tests can be used to assess needs, track progress, and demonstrate success to the learner and to administrators who may be called on to support the program.

Several literacy curricula are also available to prison educators. The National Institute for Literacy developed standards for literacy as a component of lifelong learning. This program focuses on skill acquisition in three areas: worker, family member, and citizen. The standards are broken down into four general areas with several subareas. For example, "communication" is broken into the following subareas: (1) reading with understanding, (2) conveying ideas in writing, (3) speaking so others can understand, (4) listening actively, and (5) observing critically. The curriculum uses activities that are relevant to the learner's life to develop skills in reading. Laubach Literacy offers curricula that can be used in classroom settings or in one-on-one instruction. "Reading Is Fundamental" and "Project Read" are examples of federally funded literacy programs that offer text-based curriculum.

Although there are similarities among each of these programs, data do not suggest a standardized delivery method for literacy programs in correctional facilities. The programs generally include reading, writing, calculating, listening, speaking, and problem solving as core parts of a literacy curriculum. In general, successful programs are learner centered, participatory, sensitive to the prison culture, and linked to postrelease services.

CONCLUSION

Since the 1970s, correctional philosophy has shifted from a rehabilitative to a punitive approach. Even so, correctional facilities remain responsible for addressing literacy problems among the corrections population. The logic behind providing literacy services in prison is that all of society benefits by allowing access to educational resources that are available to everyone else. As such, literacy programs should not be seen as "special treatment" for prisoners. The federal government encourages literacy skill improvement in all entities, including prisons, that receive federal aid and at least 26 states have enacted mandatory educational requirements for certain populations. These policies demonstrate the importance placed on efforts to improve literacy skills.

Although there are challenges, literacy programs can provide relatively inexpensive educational programs within correctional institutions. When we consider the high cost of imprisonment, coupled with a growing prison population, literacy programs provide a cost-effective opportunity to improve the job-related skills of incarcerated individuals. A large percentage of these individuals will be released from prison and will be expected to successfully, and lawfully, reintegrate in our communities. Literacy education provides a large payoff to the community in terms of crime reduction and employment opportunities for ex-offenders. Investments in these programs have been confirmed as wise, and cost-effective, public policy.

—Kenneth Mentor and Molly Wilkinson

See also Education; English as a Second Language; General Educational Development (GED) Exam and General Equivalency Diploma; Recidivism

Further Reading

American Corrections Association. (2004). ACA home page. Retrieved from http://www.aca.org

Bureau of Justice Statistics. (2002). *Key crime and justice facts at a glance*. Retrieved from http://www.ojp.usdoj.gov/bjs/glance.htm

Haigler, K. O., Harlow, C., O'Connor, P., & Campbell, A. (1994). *Literacy behind prison walls.* Washington, DC: National Center for Education Statistics.

Kerka, S. (1995). *Prison literacy programs*. Columbus, OH. (Eric Digest No. 159)

Kollhoff, M. (2002, June). Reflections of a Kansas corrections educator. *Journal of Correctional Education, 53*(2), 44–45.

Leone, P. E., & Meisel, S. (1997). Improving educational services for students in detention and confinement facilities. *Children's Legal Rights Journal, 17*(1), 2–12.

LoBuglio, S. (2001). Time to reframe politics and practices in correctional education. In J. Comings, B. Garner, & C. Smith (Eds.), *Annual review of adult learning and literacy* (Vol. 2). San Francisco: Jossey-Bass.

National Adult Literacy and Learning Disabilities Center. (1996, Fall). Correctional education: A worthwhile investment. In *Linkages: Linking literacy and learning disabilities* (Vol. 3, No. 2). Washington, DC: National Institute for Literacy.

National Institute for Literacy. (1999). *Equipped for the future standards.* Retrieved from http://www.nifl.gov/lincs/collections/eff/eff.html

Newman, A. P., Lewis, W., & Beverstock, C. (1993). *Prison literacy.* Philadelphia: National Center on Adult Literacy.

Paul, M. (1991). *When words are behind bars.* Kitchener, ON: Core Literacy.

Project READ. (1978). To make a difference. In M. S. Brunner (Ed.), *Reduce recidivism and increased employment opportunity through research-based reading instruction* (pp. 20–27). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

ProLiteracy Worldwide. (2004). ProLiteracy Worldwide home page. Retrieved from http://www.proliteracy.org/about/index.asp

Quinn, M. M., Rutherford, R. B., & Leone, P. E. (2001). *Students with disabilities in correctional facilities.* (ERIC Digest No. E621).

Rutherford, R. B., Nelson, C. M., & Wolford, B. I. (1985). Special education in the most restrictive environment: Correctional special education. *Journal of Special Education, 19*, 59–71.

Steurer, S., Smith, L., & Tracy, A. (2001). *Three State Recidivism Study.* Prepared for the Office of Correctional Education, U.S. Department of Education. Lanham, MD: Correctional Education Association.

Tolbert, M. (2002). *State correctional education programs.* Washington, DC: National Institute for Literacy. Retrieved from http://www.nifl.gov/nifl/policy/st_correction_02.pdf

LOCKUP

A lockup is a temporary holding facility for pretrial detainees, usually located within a courthouse or a police station. Lockups are also known as holding pens, bullpens, or tanks. They must be distinguished from jails, which are usually operated by county sheriff's departments. Typically, jail populations are composed of defendants awaiting trial who either did not make bail or who were not offered it, convicted misdemeanants who will spend all of their incarcerated term in jail, and convicted felons who are awaiting bedspace in a state prison. Lockups, on the other hand, are run by local police departments and are located within the police station. They may also be operated by the court and located in the basement of the courthouse.

Unlike the vast amount of scholarly work on corrections and jails in the United States, there is little literature, scholarly or otherwise, about lockups. The near academic and official silence over these institutions is surprising since the number of lockup facilities is almost four-and-one-half times larger than the number of local jails. Within the United States, there are more than 15,000 lockups but only about 3,400 local jails.

CURRENT PRACTICE

Detainees in a police lockup are individuals who have just been arrested and are awaiting their first court appearance, which may include informal charging and bail setting. While the Speedy Trial Act of 1974 (revised in 1979) does not specify the length of time from the point of arrest to the point of the first court appearance, states typically require that detainees must be brought to a judge, or an appropriate judicial officer, within 48 hours. The median time of holding is 22 hours. If detainees cannot make bail, they will await trial in a county-operated jail. In some jurisdictions where the jails are overcrowded, lockups may be used for longer periods of time.

Roughly 16% of all police departments in the United States operate lockup facilities, which are overnight holding facilities, while 19% administer holding cells, which are not for overnight detention. In jurisdictions with more than 1 million residents, 56% of the local police departments manage a lockup

facility, while up to 42% of police departments in smaller jurisdictions do likewise. Most police departments with jurisdictions of more than 10,000 residents operate an adult lockup. The median capacity ranges from 70 detainees in jurisdictions with more than 500,000 residents to 3 in jurisdictions with fewer than 10,000 residents. Nationally, the number of adult detainees in local police lockups is approximately 41,000.

JUVENILES

Nationally, there are approximately 7,500 juvenile detainees held in lockup. One in seven police departments has a juvenile lockup facility, usually those located in the largest jurisdictions. The capacity of most institutions ranges from 16 in the largest jurisdictions to 1 in areas with fewer than 2,500 residents. Unlike adult detainees, the median time of holding for juveniles is six hours.

SOME PROBLEMS WITH LOCKUP

There are several areas of concern with regard to lockup. Of most importance is the lack of comprehensive standards for the treatment of detained persons in police lockups. In addition, the use of police officers rather than trained prison officers may cause problems for those who are held. Finally, conditions of confinement for detainees are often poor, and since so little academic attention is given to them, unlikely to change.

The need for comprehensive standards about the treatment of detained persons in police lockups is not specific to the United States. An examination of similar institutions in the Netherlands and other countries around the world reveals a similar problem. Recent efforts to create standards can be found in the United Nations' *Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment* (1988), *Standard Minimum Rules for the Treatment of Prisoners* (1955 and 1977), *The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984), and *Basic Principles for the Treatment of Prisoners* (1990). However, only 10 of the rules found in the *Standard Minimum Rules for the Treatment of Prisoners* address the treatment of detainees in lockup facilities. As a result, police departments implement custodial procedures and build cellblocks without proper guidance.

POLICE CULTURE AND ITS IMPACT ON LOCKUP

Understanding police culture and its values may help to explain the lack of interest in police lockups. Since its movement toward professionalism in the 1920s, the police have increasingly taken pride in keeping the peace and fighting crime. As a result, the caregiving aspect of the custodial role that police are required to take on when operating lockups is unfamiliar to many officers. The difference in values and primary responsibilities between the police and correctional personnel may lead police and prison officers to treat inmates differently. Specifically, police tend to see criminals as liable for the consequences of their misconduct while prison officers take on the more human services approach, combining the roles of counselor, diplomat, caretaker, caregiver, and disciplinarian.

Finally, the conditions of confinement pose a number of problems. Although, as has already been stated, little is known about the experiences people have in lockup, the United Nations' *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984) has drawn increased attention to the conditions under which detainees are held in any institution. Research has found that police stations around the world have denied prisoners communication, recreational activity, and basic necessities such as blankets, health care, and adequate nutrition. Furthermore, it is common for hardened criminals and prisoners under trial to be housed together. At worst, cases of torture and killings of inmates at the hands of police officers within lockup have been documented by Amnesty International. These are all violations of basic human rights as specified by the United Nations.

One well-known example of poor conditions in the United States was found in New York City's

criminal court lockup. The Visiting Committee of the Correctional Association of New York began its visits to the court lockup in 1989. The committee found it to be overcrowded, with broken toilets and sinks, no medical care, and inadequate or missed meals. There were no operating standards for cell capacity, food, health care, and access to family and legal counsel. As a result, the Midtown Community Court holding pen was created. Instead of bringing suspects to central booking and holding them at the police station, police now transport suspects directly to the court lockup or to the Midtown North Precinct. This current practice has minimized holding time of detainees and has allowed the city to monitor the conditions of lockup. The lockup was found to be clean and bright with glass panels instead of bars.

CONCLUSION

Lockup facilities have tended to be ignored by researchers as well as by criminal justice administrators. The low priority given to these facilities is a result of (1) the small numbers of inmates housed in these facilities, (2) the short periods of time inmates are kept at these facilities, and (3) the lack of fit of the custodial role into police culture. In addition, the operation of lockup facilities by police departments or courts is far from ideal. Police officers report that lockups in their stations create congestion problems within the stationhouse itself and report feelings of resentment and betrayal for being required to engage in custodial activities. Many police officers also feel unqualified for the task. Finally, lockup facilities are not subjected to the same operating standards as jails and prisons. This problem, both nationally and internationally, creates situations where violations of international standards are more likely to occur.

—Venessa Garcia

See also American Correctional Association; Correctional Officers; Detained Youth and Committed Youth; Jails; Pretrial Detainees; State Prison System

Further Reading

Blaauw, E., Vermunt, R., & Kerkhof, A. (1997). Detention circumstances in police stations: Towards setting the standards. *Policing and Society, 7*, 45–69.

Das, D. K., Light, S. C., & Verma, A. (2001). Using police as custodial officers: An analysis from the perspective of international human rights standards. *Police Quarterly, 4*, 215–232.

Hickman, M. J., & Brian A. R. (2001). *Local police departments 1999.* Washington, DC: Bureau of Justice Statistics.

Reaves, B. A., & Goldberg, A. L. (2000). *Local police departments 1997.* Washington, DC: Bureau of Justice Statistics.

Reich, I. (1994). *A citizen crusade for prison reform.* New York: Correctional Association of New York.

Speedy Trial Act of 1974, 18 U.S.C.A. 3161–3174.

United Nations. (1957, 1977). *Standard minimum rules for the treatment of prisoners.* Adopted with Res. 663 C (XXIV) on July 31, 1957, and Res. 2076 (LXII) on May 13, 1977.

United Nations. (1984). Convention against torture and other cruel, inhuman or degrading treatment or punishment. In *Yearbook of the United Nations 1984.* New York: Author.

United Nations. (1988). *Body of principles for the protection of all persons under any form of detention or imprisonment.* Adopted without a vote with GA. Res. 43/137 on Dec. 9, 1988.

United Nations. (1990). *Basic principles for the treatment of prisoners.* Adopted and proclaimed by General Assembly resolution 45/111 of December 14, 1990.

Welch, M. (1996). *Corrections: A critical approach.* New York: McGraw-Hill.

LOWELL, JOSEPHINE SHAW (1843–1905)

The life of philanthropist and social reformer Josephine Shaw Lowell is something of an enigma. She demanded that the poor take responsibility for themselves at the same time that she promoted a wide range of social services, including antipoverty programs. She called on capitalists to pay workers fair wages and the state to pursue full employment. She advocated eugenics through preventive incapacitation, yet condemned retribution and fought for the rehabilitation of prisoners. A leader in the scientific charity movement, she combined principles of public duty, social responsibility, and civic materialism with an ardent pro-labor and anti-imperialist stance. Lowell was a complex personality.

Like many privileged reformers of her day, Lowell was influenced by her class position, social-cultural context, and historical conjuncture. Born in West Roxbury, Massachusetts, on December 16, 1843, to affluent parents, Sarah Sturgis and Francis George Shaw, Josephine traveled the world, attending

schools in Europe as well as in the United States. Her parents were abolitionists and Unitarians; their circle of associates included feminists, communitarians, and transcendentalists. In 1863, she married Charles Russell Lowell, Jr., who, while serving in the Second Massachusetts Cavalry, died after sustaining injuries on a Virginia battlefield. She also lost her brother, Robert Gould Shaw, in an attack on Fort Wagner. He was leading a regiment of black soldiers.

Adding to the chaos of the Civil War (which drew republican women to the public sphere) was the Industrial Revolution, the abolition of slave labor, and waves of immigrants arriving on America's shores. The industrial reserve swelled, cities became overcrowded, crime increased—especially among women and immigrants—and the middle class grew fearful of the "dangerous classes," the working poor, the unemployed, the racialized, and the foreign. Simultaneously, and somewhat paradoxically, the relentless and unbridled force of the industrial bourgeoisie during the Gilded Age projected an image of American liberty built on economic freedom and individual autonomy.

OF CHARITY, PENITENTIARIES, EUGENICS, AND REFORM

Lowell's vision of social action was forged in this crucible. Charity was not supposed to ameliorate suffering, she argued, but fundamentally to transform the recipient, converting irresponsible paupers into hard-working and economically independent citizens. Her secular ideology thinly disguised a Protestant ethic that was rooted in a religious conception of human nature. In her book, *Public Relief and Private Charity* (1884), she argued that human nature is such that if individuals receive assistance without working for it, moral degradation inevitably results. Perhaps worse, when people see others receiving public relief, they cannot help but covet the same seemingly carefree life. On the basis of this, she emphasized work requirements as a prerequisite for charitable gifts, and, to make sure recipients were indeed working, surveillance of their habits.

Lowell's approach to social reform was labor intensive and paternalistic. She urged practitioners to enter homes to teach poor mothers how to rear their children. When the poor found their way into penal institutions, she demanded the development of educational and vocational programs behind prison walls.

In 1876, Lowell was appointed to the New York Board of Charities. This role brought her into contact with the harsh realities of the penitentiary. An adherent of the "new penology," articulated by such figures as Zebulon Brockway and the American Prison Association, Lowell campaigned for separate women's prisons, reformatories to rehabilitate minor offenders, and the indeterminate sentence, a measure believed essential for keeping persons in custody while they received treatment. Impressed by Richard Dugdale's notorious study of degeneracy, *The Jukes* (1875), she joined the eugenics movement. Dugdale's findings (which were fraudulent) told the story of a promiscuous woman responsible for a generation of criminals, inebriates, and miscreants. To prevent proliferation of undesirables, Lowell advocated preventative incapacitation and viewed crime control as prophylactic. To achieve this end, she established the Newark Custodial Asylum for Feebleminded Women.

Despite these views, Lowell eventually recognized that crime and poverty were the result of structural conditions and dedicated herself to the struggle for higher wages and improved working conditions for women. Thus, her story is a lesson in how experience can change point of view and practice.

CONCLUSION

Lowell's work remains relevant to contemporary debates surrounding welfare reform and the future of antipoverty programs. Those seeking to end programs for the poor have, in large measure, selectively co-opted Lowell's themes, such as personal responsibility and hostility toward welfare dependence, successfully eliminating Aid to Families with Dependent Children (AFDC), the major federal cash transfer program for poor children. Perhaps this would have pleased Lowell, who argued against "mothers' pensions" in favor of "widows' pensions" on grounds that the former would repeat the sin of abandonment. At any rate, for the history of corrections in America, Lowell is a central figure in the evolution of women's prisons and reformatories. Her work links charitable

approaches to reformation rooted in organized religion to the emerging effort to address social problems through the application of rational scientific principles and social control.

—Andrew Austin

See also Zebulon Reed Brockway; Dorothea Lynde Dix; History of Women's Prisons; Incapacitation Theory; Indeterminate Sentencing; Massachusetts Reformatory; Rehabilitation Theory; Women Prisoners; Women's Prisons

Further Reading

Boyer, P. (1978). *Urban masses and moral order, 1820–1920.* Cambridge, MA: Harvard University Press.

Bremner, R. H. (1988). *American philanthropy* (2nd Ed.). Chicago: University of Chicago Press.

Colvin, M. (1997). *Penitentiaries, reformatories, and chain gangs*. New York: St. Martin's.

Ginzberg, L. D. (1990). *Women and the work of benevolence*. New Haven, CT: Yale University Press.

Katz, M. B. (1986). *In the shadow of the poorhouse: A social history of welfare in America*. New York: Basic Books.

Lowell, J. S. (1971). *Public relief and private charity*. New York: Arno. (Original work published 1884)

Olasky, M. (1992). *The tragedy of American compassion*. Washington, DC: Regnery.

Rafter, N. H. (1985). *Partial justice: Women in state prisons, 1800–1935*. Boston: Northeastern University Press.

Waugh, J. (1998). *Unsentimental reformer: The life of Josephine Shaw Lowell*. Cambridge, MA: Harvard University Press.

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MACONOCHIE, ALEXANDER (1787–1860)

Alexander Maconochie is an important figure in penal history, known as the originator of the "marks" system. Maconochie developed this strategy of incentives and privileges at the Norfolk Island penal colony in the mid-1800s as a means of managing men who had been deemed uncontrollable. In the United States, a version of the marks system was most famously applied at Elmira Reformatory by Zebulon Brockway. Although Maconochie was ultimately forced to leave his position as warden of the Norfolk Island prison, echoes of his highly structured system of prison management can be found in prisons throughout the world today.

HISTORY

In 1840, the notorious prison on Norfolk Island (a penal colony in the Pacific Ocean hundreds of miles northeast of Sydney) was sent a new governor, Captain Alexander Maconochie. He had requested this post. Norfolk Island was a place of secondary punishment for convicts who reoffended in the British colony of New South Wales. It was distinguished by a regime of brutality designed to strike terror in the hearts and minds of all transported felons. Here, men were starved at the slightest infringement of rules and were confined in small fetid cells. Here, too, they could be flogged until their bones were revealed. Norfolk Island was a place where hope was removed from prisoners' lives, and where death was eagerly awaited.

Maconochie, a former soldier, had been employed in Van Diemen's Land as a private secretary to Governor Sir John Franklin before he sought this new employment. He was a prison reformer, concerned to establish a process of improvement even in the most brutal prison of the antipodes. Inspired, in part, by his Christian beliefs, Maconochie thought it necessary to build new, healthier prisons with strict, regulated regimes that would persuade inmates not to reoffend. These institutions would also equip prisoners with skills to support themselves with honest labor once back in the world.

THE MARKS SYSTEM

Maconochie's contribution to prison reform lay in his introduction of a scale of "marks" that prisoners could earn for good behavior. Once an individual achieved a certain number of marks, his living conditions would improve. An accumulation of marks would also result in an early form of parole known

as a "ticket of leave" that allowed a person to be released from prison under license.

Maconochie experimented on Norfolk Island with these ideas and, to his mind at least, achieved some notable results. He altered inmates' lives by allowing them to hope. Unfortunately for the Norfolk Island convicts, the ticket of leave could only be permitted on the island itself. They had little chance of returning to the mainland and even less of returning to England. Maconochie could not achieve miracles, but he could and did permit a level of humanity to return to the men's lives.

Convicts in this system had been brutalized. One man's treatment had included a period of time chained to a rock in Sydney Harbor, where he became an object of mockery for those who could reach him and throw bread or less savory items at him. His life sentence was to be served out on the island, and by the time Maconochie reached it the convict could barely make himself understood. He was removed from the prison and sent to live by himself in a small hut where he was permitted to cultivate a garden and was supplied by convict stores. In this way, Maconochie believed he had retrieved an individual who was thought to be beyond help of any kind but God's.

MACONOCHIE CHALLENGED

Not everyone wished to see convicts reform themselves. Many proponents of the penal system firmly believed that a place of secondary punishment had to strike terror rather than hope in the malefactor's heart. They did not necessarily share a belief in the inherent goodness of man as a being created in God's image, which was the foundation of much reformist thought.

The first assessments of the marks system to reach London were negative, and in 1844 the colonial secretary ordered Sir George Grey to remove Maconochie from his post. A few weeks after this order had been received in Sydney, the home office received reports of a very different kind about Maconochie's successes. It was too late. Maconochie was recalled to live his life out in unrewarding positions in which he was briefly permitted to introduce his system of marks and then dismissed as too radical. Norfolk Island reverted to its former brutal regime. Yet Maconochie's ideas remained influential within the British convict system, and were imported to the Irish system and ultimately to the United States in the 1870s. In Australia, marks were instituted in Fremantle Convict Establishment, a large prison built for 1,000 inmates, in the 1850s. They remained in the system until the 20th century, although their implementation became more and more debased and further and further from the Christian ideals of their founder.

CONCLUSION

Marks gave convicted criminals the opportunity to alter some part of their sentence by behaving well within the prison structure of rules and regulations. They worked in Fremantle while men labored outside the walls, where their activities could be noted and recorded by an interested public. Behind prison walls, however, marks easily became dependent upon the goodwill of the recording officer, with increased chances of corruption or poor assessment. Despite such problems, a structured system of incentives and privileges was introduced to the English prison system in the 1990s that in many respects is a modern application of Alexander Maconochie's 19th-century ideas.

—Michal Bosworth

See also Alcatraz; Australia; Cesare Beccaria; Jeremy Bentham; Zebulon Brockway; Corporal Punishment; Deterrence Theory; Disciplinary Segregation; Elmira Reformatory; England and Wales; Flogging; History of Prisons; John Howard; Irish System; Norval Morris; Panopticon; Parole; Quakers; Rehabilitation Theory; Solitary Confinement; Supermax Prisons

Further Reading

Barry, J. V. (1958). *Alexander Maconochie of Norfolk Island.* Melbourne: University of Melbourne Press.

Clay, J. (2000). *Maconochie's experiment: How one man's extraordinary vision saved transported convicts from degradation and despair.* London: Murray.

Morris, N. (2003). *Maconochie's gentlemen: The story of Norfolk Island and the roots of modern penal reform.* New York: Oxford University Press.

Morris, N., & Rothman, D. J. (Eds.). (1997). *The Oxford history of the prison: The practice of punishment in Western society.* New York: Oxford University Press.

MALCOLM X (1925–1965)

The prison experiences of Malcolm X proved to be the turning point in his life and career. During his years of incarceration, he underwent a profound spiritual conversion that transformed him from a petty criminal into the principal spokesperson for the Nation of Islam.

BIOGRAPHICAL DETAILS

Malcolm Little was born on May 19, 1925, in Omaha, Nebraska. His childhood could not have been more troubled. Malcolm's father, Earl, was an ardent advocate of the United Negro Improvement Association, the militant black organization established by Marcus Garvey. Earl's uncompromising politics aroused the enmity of the Ku Klux Klan, which repeatedly terrorized the family. The Littles abandoned Omaha and settled first in Milwaukee, Wisconsin, and then Lansing, Michigan. Trouble awaited them with every move. When the family moved into an otherwise all-white neighborhood in Lansing, they were served with an eviction notice. After Earl refused to relinquish the property, local whites burned it to the ground. On September 28, 1931, Earl was killed when he fell under the wheels of a streetcar. The circumstances surrounding his death are clouded in confusion. According to some, Earl was murdered by white supremacists known as the Black Legion; in the opinion of others, he died as the result of a drunken fall.

Whether or not the cause of his death was an accident, the impact on the rest of the family was catastrophic. Earl's widow, Louise, struggled unsuccessfully to support her children. Malcolm became increasingly unruly at school. He also started to steal. In January 1939, exhausted by strain, Louise Little was admitted to the Michigan State Mental Hospital. Malcolm was sent to live with an adoptive family. Expelled from school, he was then admitted to a detention home.

Malcolm found temporary reprieve when he moved to Roxbury, Massachusetts, under the legal guardianship of his half-sister, Ella Little-Collins. However, he soon descended into a life of petty crime. Under the alias "Detroit Red," Malcolm worked the streets of Harlem as a pimp, drug dealer, and number runner. In November 1944, he received a three-month suspended sentence and one year of probation for pawning a stolen coat. Four months later, he was arrested for a robbery in Detroit but failed to attend the trial hearing.

IMPRISONMENT

Eventually, the law caught up with him. On January 12, 1946, Malcolm was arrested when he attempted to reclaim a stolen watch left for repair at a jewelry store. The police then uncovered a cache of stolen goods in his apartment. Malcolm stood trial along with the other members of his small gang in February 1946. Two of his accomplices, a white woman Malcolm had dated, along with her sister, received minor sentences. Malcolm and his friend Shorty were advised to plead guilty on the assumption that they would each receive a maximum of two years' imprisonment. However, the judge had other plans and handed down sentences of eight to ten years. On February 27, 1946, Malcolm entered the Charlestown State Prison. Prisoner 22843 was still only 20 years old.

Yet prison was to prove Malcolm's salvation. There he befriended a fellow inmate, John Bembry ("Bimbi"), who encouraged him to study. In January 1947, Malcolm was transferred to the Concord Reformatory, where he received a letter from his brother Philbert, who had converted to the Nation of Islam. Further letters followed from other family members who had also become Black Muslims. By the time of his transfer to the Norfolk Prison Colony in 1948, Malcolm was himself a disciple of the Nation of Islam. Malcolm Little became Malcolm X. His new identity symbolized the African name that he never knew, stripped from his forebears who had been enslaved by white Christian masters. Through the teachings of Elijah Muhammad, spiritual leader of the Nation of Islam,

Malcolm learned that the "original man" who founded human civilization was black, but that this had been deliberately concealed by whites who distorted the texts of holy scripture. Malcolm started to practice the strict code of personal discipline demanded by the Nation of Islam, refraining from the consumption of pork, alcohol, tobacco, and narcotics. He also embraced the political doctrine of the Black Muslims: racial pride, self-determination, and the establishment of an independent black republic. Malcolm's success in recruiting and converting other inmates to the Nation of Islam eventually led to his being placed under FBI surveillance.

CONCLUSION

Malcolm was paroled on August 7, 1952. He did not look back. Rapidly working his way through the ranks of the Nation of Islam, Malcolm established himself as an outstanding spokesman for the poor and oppressed black masses. The experience of incarceration had proved crucial in determining his new identity and calling. In the years ahead, Malcolm's own tale of crime, imprisonment, and spiritual conversion served as inspiration to the black underclass who formed the core membership of the Nation of Islam.

—Clive Webb

See also Activism; African American Prisoners; Black Panther Party; Critical Resistance; Angela Y. Davis; Education; George Jackson; Nation of Islam; Racism

Further Reading

Goldman, P. (1973). *The death and life of Malcolm X*. New York: Harper & Row.

Malcolm X, & Haley, A. (1965). *The autobiography of Malcolm X*. New York: Grove.

Natambu, K. (2002). *Malcolm X*. Indianapolis, IN: Alpha.

Perry, B. (1991). *Malcolm: The life of a man who changed black America*. Barrytown, NY: Station Hill.

MANAGERIALISM

Managerialism is an ideology. As such, it is a set of values, ideas, and beliefs about the state of the world that provides justification for action. At the heart of managerialism lies the belief that with better management, we can solve economic and social problems, including crime and crime control. Managerialist thought fostered and has been nourished by the development of actuarial justice and its expression in corrections: new penology.

CONTEXT AND DEFINITION

In Western societies in the 1980s, a consensus emerged that governments were regulating, owning, and owing too much, and that the welfare state was not working as planned. People wanted to be taxed less and were expecting others to become more self-reliant. Privatization and deregulation became popular. At the beginning of the 21st century, when globalization is increasing at ever-greater pace, governments are immersed in neo-liberalist philosophy: privatization of programs, deregulation of corporate behaviors, reducing government debts, participating in free trade agreements, and providing fewer social services at a lesser quality.

At the same time that this shift in philosophy occurred, the public sector has been transformed by the emergence of the "New Public Management." The trend, initiated in New Zealand and the United Kingdom, has appeared in the United States and Canada since about 1995. New Public Management is a paradigm that promotes a decentralized and performance-oriented culture in the public sector. More precisely, New Public Management can be identified through a number of features:

- Providing high-quality services that citizens value
- Demanding, measuring, and rewarding improved organizational and individual performance
- Advocating managerial autonomy, particularly by reducing central agency controls
- Recognizing the importance of providing the human and technological resources managers need to meet their performance targets, and
- Maintaining receptiveness to competition and open-mindedness about which public purposes should be performed by public servants as opposed to the private sector (Borins, 2002, p. 3).

Managerialism emerged from the New Public Management trend.

To understand managerialism, *management* has to be distinguished from *administration*. *Administration,* the traditional concept and set of practices, refers to the review and decision making within public services. In contrast, *management* means the search for the best use of resources in pursuit of stated objectives (Politt, 1993, p. 5). This whole enterprise revolves around the tasks of better planning, organizing, staffing, directing, coordinating, and budgeting. Of course, the pursuit of best management often involves transferring many of the values, principles, and practices of the private sector (performance indicators, audit, etc.) to the public sector.

As with many of these trends, managerialism hit the education system, health care, and social services first, and only slowly penetrated criminal justice. Because New Public Management and managerialism developed first in these parts of the world, it is not surprising to find that it has been documented in criminological research mainly in Australia, New Zealand, and the United Kingdom. Traces of it can nevertheless be found in the United States, Canada, and other Western criminal justice systems.

MANAGERIALISM IN THE CRIMINAL JUSTICE SYSTEM

The Representation of Criminal Justice

The mere fact of conceiving of police departments, courts, probation, prison, and parole offices, all organizations with very different goals and logics, as a "system" reflects ideas of managerialism. Justice is no longer to be represented by a blind woman holding a scale. The external "justice" point of view has been replaced by an internal "system" point of view, namely a chart: the criminal justice funnel. This "system" is made of "interconnected" agencies among which information must flow. Bottlenecks must be avoided for faster throughput. This conception of the criminal justice system directly reflects the preoccupation with efficient processing of case and files. Along the same line, the criminal justice system is redefined as a service industry that has to satisfy its customers rather than as the regulatory role of government as it was understood in the past. This redefinition is vivid when, for example, state-employed parole officers call parolees "clients."

Policing

Within the police force, managerialism induces what Chan (1999) calls a "new accountability." Traditionally, police accountability was conceived with reference to values such as the rule of law and responsible government. Police practices were governed centrally by laws and rules that were enforced by the courts and the police hierarchies. The new accountability has involved a shift from this centralized control to self-regulation and external controls: record keeping by each police officer, monitoring by electronic tracking system and cameras in the patrol cars, auditing, and so on. As a result, some police officers specialize in dealing with accountability requirements while others do the "regular" work. Also, individual police officers as well as the organization become mostly preoccupied with the accountability measures, which now become a measure of their performance.

Tribunals

In accordance with the managerialist trend, productivity and cost efficiency is more and more a preoccupation for the courts. In Britain, for example, a policy has been put in place to encourage a wider use of police cautioning, a practice that has been found as effective as prosecution but less time and resource consuming both for the police and the courts (Raine & Wilson, 1997). For the same reason, policies are put in place to allow a large number of minor offenses to be dealt with by the police through fixed penalties. In Canada, the federal government is even considering doing so for possession of small amount of cannabis. The numeric importance of these cases and their congestion effect on the courts are not alien to the current discussions.

Probation and Parole

The traditional role of parole and probation officers, namely therapeutic intervention, has been seriously shaken in the last decades as it has been colonized by managerialist values and practices.

Accountability and administrative management have replaced rehabilitation as the primary goal of probation and parole. Parole and probation officers are now case managers, and their main tools are restriction of liberty and increased surveillance (Simon, 1993). An interest in the causes of behavior has been replaced by a focus on behavior control and prediction. Likewise, the goal of developing a meaningful relationship between professionals and service users has been replaced by the careful administration of standardized questionnaires and scales. Rehabilitation and individual relationships do not lend themselves easily to performance indicators; control does. Hence, the professionals have something tangible to show for their work (number of contacts, proper forms filled out, etc). Despite official policies, though, some studies showed that both the workers and the service users resist the attrition of the therapeutic relationship.

Prison

With the increasing spread of managerialism, prison workers find themselves in the same situation as probation and parole officers. Their discretion has been limited, and their attempts to reform prisoners curtailed. In both areas of the criminal justice system, the consequences of managerialism varies depending on the population under consideration. Governors (wardens) of women's prisons in England and Wales, for example, find that complying with procedures designed for the guidance, regulation, and performance of men is often difficult. Supposedly gender-neutral regulations are not always appropriate for women prisoners, yet wardens are not allowed to stray from policy. Whereas they had been able to rely on their long-term expertise in order to meet their goals as prison administrators—namely to make prison legitimate to a number of groups (different segments of the public, politicians, academics, etc.) whose demands are often incompatible—now prison governors are often forced to implement codes that may be inappropriate for their population. Moreover, due to the procedural nature of managerialism, the governors themselves are evaluated not only on the outcome of their policies but also on the process itself, which must be clearly documented when any decision is made.

CONCLUSION

Among other things, managerialism in criminal justice emphasizes better standards and greater accountability. A priori, these are positive contributions. However, acting in the name of greater efficiency can also cause neglect of human rights and due process. Moreover, the fetishism of better management should not hide the fact that the assumptions of managerialism are value laden and contestable. For example, whose standards are being imposed? Performance and efficiency for whom? As a result, it is important to ask whether managerialism is appropriate to organizations like those in the criminal justice system that are engaged in meeting public need and performing public services rather than producing consumer goods.

—Dominique Robert

See also Actuarial Justice; England and Wales; David Garland; Deterrence Theory Governance; Incapacitation Theory; Legitimacy; New Zealand Parole; Probation; Rehabilitation Theory; Women's Prisons

Further Reading

Barry, M. (2000). The mentor/monitor debate in criminal justice: "What works" for offenders. *British Journal of Social Work, 30,* 575–595.

Borins, S. (2002). New public management, North American style. In K. McLaughlin, S. P. Osborne, & E. Ferlie (Eds.), *The New Public Management: Current trends and future prospects* (pp. 1–21). London: Routledge.

Brownlee, I. (1998). New labour—new penology? Punitive rhetoric and the limits of managerialism in criminal justice policy. *Journal of Law and Society, 25*(3), 313–335.

Carlen, P. (2002). Governing the governors: Telling the tales of managers, mandarins and mavericks. *Criminal Justice, 2*(1), 27–49.

Chan, J. B. L. (1999). Governing police practice: Limits of the new accountability. *British Journal of Sociology, 50*(2), 251–270.

Pollitt, C. (1993). *Managerialism and the public services: Cuts or cultural change in the 1990s?* Oxford, UK: Blackwell.

Raine, J. W., & Wilson, M. J. (1997). Beyond managerialism in criminal justice. *The Howard Journal, 36*(1), 80–95.

Simon, J. (1993). *Poor discipline: Parole and the social control of the underclass, 1890–1990.* Chicago: University of Chicago Press.

MARION, U.S. PENITENTIARY

U.S. Penitentiary (USP) Marion is located 300 miles south of Chicago and 120 miles from St. Louis in the southern tip of Illinois. Marion is a small penitentiary used to isolate high-security male prisoners. The prison has no wall, but is surrounded by a high-security fencing wrapped in razor wire, protected by gun towers, with multiple cellblocks divided by a maze of security grills and doors.

Marion, like all Federal Bureau of Prisons (BOP) prison facilities, is federal property situated on a U.S. government reservation, not that different from a Native American reservation or military base. Legally, USP Marion is not part of Illinois, since it is beyond state jurisdiction.

THE FEDERAL BUREAU OF PRISONS

The BOP uses an "inmate classification system" as a means to segregate, punish, and reward prisoners. This is a "classification ladder" with maximum security at the top and minimum security at the bottom. The classification designations have changed over the years to accommodate the dramatic growth in BOP prisons and population.

The old system had six security levels, with 6–5 being maximum security, 4–2 being medium, and 1 being minimum. USP Marion was the only Level 6 institution. U.S. Penitentiaries were Level 5 (e.g., USP Atlanta, USP Leavenworth, USP Lewisburg, USP Lompoc); the Federal Correctional Institutions (FCI) ranged from 4 to 2 (e.g., FCI Talladega, FCI Sandstone, FCI Oxford); and the Federal Prison Camps (FPC) were 1. Security levels 6 through 2 were "in" custody, which meant inside the fence or wall. Level 1 was "out" custody, which meant they were federal camps and do not have fences. Level 1 "community custody" referred to prisoners in camps who were eligible for community programs, work assignments, or furloughs.

In the 1990s, the BOP collapsed these six security designations into five: high, medium high, medium low, minimum, and administrative. The BOP prisoner population is approximately 10% high (USP), 25% high medium (FCI), 35% low medium (FCI), and 25% minimum (FPC), with the rest not assigned a security level; many of these men and women are in administrative facilities (detention or medical), in transit, or are held in local jails or private prisons. "Administrative" refers to Administrative Detention Max (ADX) Florence (Colorado), the highest-security prison in the country; FTC Oklahoma City, a medium-security transport prison; and the federal medical centers, which may be maximum, medium, or minimum security.

The federal prisoner population can further be described as 92% male and 50% white, with the rest being black, Hispanic, Asian, Native American, or "other." The BOP reports that 70% of prisoners are American citizens, with 20% being Mexican, Colombian, or Cuban, and 10% unknown or from other countries. Seventy-five percent of these men and women are serving sentences longer than five years, with nearly 50% doing 10 years or more. Fifty-eight percent are doing time for drug convictions. The average age of a federal prisoner is 37 years. The federal prison system has no parole; all prisoners are required to serve at least 85% of their sentence before release to community supervision.

All federal penitentiaries (maximum security) and correctional institutions (medium security) have disciplinary or administrative detention cellblocks that hold hundreds of prisoners for weeks or months at a time. In comparison, USP Marion and ADX Florence are used to isolate individual prisoners for years at a time. These prisons are used to segregate maximum-security male prisoners who are escape risks, political problems, a threat to the order of other institutions, or have assaulted or murdered prisoners or correctional staff. Today, Marion serves as a model for the construction of similar federal and state facilities.

HISTORY

USP Alcatraz served as the nation's highest-security prison until it closed in 1963. As Alcatraz was decommissioned, the prisoners were transferred to large maximum-security penitentiaries, like USP Leavenworth, USP Atlanta, USP Lewisburg, and USP Lompoc. These are "mainline" penitentiaries; they each hold several thousand prisoners. In these

penitentiaries, the prisoners sleep in locked cells but are allowed to travel to the dining hall, work station, and yard through a controlled movement that happens once an hour.

In 1963, the BOP built USP Marion as a smaller prison to house the Alcatraz convicts and others. Some of these were political prisoners who were associated with the Black Panthers, Japanese Red Army, anarchist groups, and the American Indian Movement. In 1973, the "control unit" cellblocks were first created at Marion. These consisted of segregation cells, where prisoners were locked in their cells but were allowed out for limited activities. In 1979, Marion was designated the only Level 6 institution. At this time, Marion became the primary destination for federal prisoners considered by the BOP to be disruptive or dangerous.

In 1983, Marion erupted in violence, when during a six-day period two officers and one prisoner were killed, while two other officers were seriously injured. To restore order, additional officers were brought into the prison. It is reported that the officers retaliated by brutally beating prisoners. Since that time, Marion has had a history of unrelenting warfare between convicts and correctional staff.

Since 1983, the prison has been in permanent lockdown. Prisoners confined in control unit cellblocks are confined 22–24 hours a day in their one-man cells and are not allowed any physical contact with other inmates. They are fed in their cells and are subject to intense security procedures.

THE "MEAN" LITTLE HOUSE

Marion is known for having some of the most violent prisoners in the BOP. Some of these are spies, terrorists, and political activists sent there directly from court. Most of the men who are transferred to Marion from other institutions have become violent after years of brutal survival in other federal or state penitentiaries. The minimum success of Marion has been keeping some of these dangerous individuals locked up securely. The BOP claims isolating violent prisoners at USP Marion and ADX Florence has lowered the rate of assault in the rest of the federal prison system.

Nevertheless, research suggest that only a small number of federal prisoners require the close supervision provided by USP Marion's control unit design. Furthermore, critics argue that Marion and other supermax penitentiaries are systematically socializing prisoners to be more violent. Sensory deprivation, physical and mental deterioration of prisoners, in addition to high rates of suicide and murder seem intended to bend, break, and destroy prisoners. Those who are not broken get even stronger and more dangerous.

THE PRISONERS

Marion has housed political prisoners, organized gangsters, drug cartel members, spies, terrorists, gang leaders, government informants in need of protection, and foreign officials. Some of the most famous individuals have been convicts who have become "legends in their own time" among federal prisoners. These are those men who have defied federal prison authorities by disrupting the orderly operation of different penal institutions or masterminding prison demonstrations or rebellions.

By BOP standards, Marion has a small population. For example, the inmate count at Marion is only 357, and its rated capacity is 440, as compared to "big house" penitentiaries like USP Atlanta with 2,151 and USP Leavenworth with 1,200. All prisons count their prisoner population several times a day. "Big house" refers to full-scale penitentiaries with tall walls and gun towers, many of which were built in the 19th or early 20th centuries.

Some prisoners, especially those serving long sentences, may be difficult to manage in large institutions, where prisoners live two or more men to a cell and walk corridors on the way to the dining hall, work station, or recreational yard. The BOP sends prisoners to Marion when they have been designated as unable to live in "general population" prisons.

PRISON STAFF

The officers at Marion are recruited from both the local community and from bureau staff nationwide. Federal correctional officers must transfer to distant

institutions to climb the BOP career ladder. Many officers would prefer to work in minimum- or medium-security facilities rather than at penitentiaries or high-security facilities like Marion. In general, the higher the security level, the more violence and assaults against staff. As Marion is a special prison with severe security procedures, the BOP prefers that prison staff be reassigned to other prisons after three years of service. Nonetheless some officers employed at Marion may be compelled to remain at the institution, and forego promotions, because of family obligations.

CONTROL UNIT

Marion is the first experiment by the federal government with high-security administrative detention. "Disciplinary detention" refers to prisoners being confined in solitary confinement when found in violation of prison rules. In comparison, "administrative detention" is based on the dictates of the prison administration and does not require a disciplinary charge, hearing, or conviction. In effect, prison authorities may use administrative detention to isolate individual prisoners.

Marion control units do not have "controlled movement" of the prison population every hour. There is minimal movement by prisoners within the institution. The convicts are locked in their cells 22–24 hours a day, where they receive all meals, and they are not allowed to talk or socialize with one another. Marion has separate control unit cellblocks reserved for violent prisoners, a high-security unit for protective custody prisoners, and additional units that, while restrictive, provide a gradual increase in institutional privileges.

Generally, after one or more years of good conduct reports, prisoners may be moved to less restrictive cellblocks where they are gradually allowed more privileges. These may include eating in a dining hall, federal prison industry work, commissary access, and social activities.

PROGRAMS AND SERVICES

Marion has had few programs or services for rehabilitation. The BOP officially repudiated rehabilitation in 1976. Still, most federal prison facilities do have education, usually limited to adult basic education (ABE; 8th grade) and general equivalency diploma (GED; 12th grade); job training programs, for example, grounds and building maintenance or food service; and short courses on anger management, stress reduction, parenting, and substance abuse.

Marion prisoners have few program opportunities until they reach the less restrictive cellblocks. Even then their options are limited to self-study to pass ABE or GED, television, and reading. As they are not allowed outside the building, there is no opportunity to engage in outdoor activities or work. Since 1968, Marion prisoners have been subjected to behavior modification experiments that include intense group pressure, thought reform techniques, and transactional analysis. It is also reported that prisoners are forced to take medication. Once Marion prisoners have graduated from the control units, they work in the Federal Prison Industries (UNICOR) prison cable factory. UNICOR Marion produces electronics communication cables for the military used in tanks, armored personnel carriers, and helicopters. During the Gulf War, the prisoners were compelled to do overtime production. Larger factories producing the same military hardware operate at FCI Oxford and FMC Lexington. Marion prisoners are required to work in the small prison factory before they are transferred back to "mainline" penitentiaries or are released to the street.

PRISONERS RELEASED FROM USP MARION

What happens when prisoners locked down in control units, after years of brutal conditions and socialization, are released to the "free world" without the benefit of programs, services, furloughs, or halfway houses? Marion prisoners, like those released from most maximum-security prisons, go straight to the street when their sentences are completed because they are too hardcore to live in halfway houses. The outcome is often sadly predictable. One famous example can be seen in Jack Henry Abbott, whose book *In the Belly of the Beast* (1981) became a national best-seller. Abbott, who served 25 years in

prison, did 15 years in solitary confinement. He stabbed a waiter to death on a Manhattan sidewalk within six weeks of his release from Marion.

FEDERAL PRISON CAMP

The federal prison reservation includes a satellite minimum-security camp immediately adjacent to the prison. These Marion campers work doing grounds keeping and food service inside the main institution.

USP MARION AND COMPARABLE SUPERMAX PENITENTIARIES

USP Marion represents the blueprint for building super-secure federal and state facilities. For example, many federal medium-security facilities or correctional institutions have recently built new administrative segregation cells for solitary confinement.

States have recently turned to the use of "supermax" units or institutions to control the most disruptive or potentially troublesome prisoners. A survey conducted by the National Institute of Corrections in 1997 found at least 57 supermax facilities, with more than 13,500 beds in the United States, and 10 jurisdictions were developing 3,000 additional supermax beds. Roy King updated these figures in 1999 to 34 states with nearly 20,000 cells. Still, the figures are only an estimate, as "supermax" is defined differently by many prison systems. At the very least, we know that across the country there are a growing number of prisoners confined in high-security cellblocks. The conditions of confinement in these prisons are more restrictive than those on death row. Supermax prisons have no educational or vocational programs, with prisoners provided only limited visiting time with family, phone communication, or access to law library, and confined for the duration of their stay in austere 60–80-square-foot cells. These new high-security facilities are expensive, costing the taxpayers additional monies per square foot and bed space. Scarce public resources are squandered on concrete and steel structures rather than spent on education and job training for prisoners. The BOP constructed a new supermax in 1994. Administrative MAX (ADX) Florence is one of four federal prisons in the Florence Correctional Complex built in southern Colorado. It is now the highest-security prison in the United States. This prison was built not only to eliminate escapes but also to defend from outside attack. At medium- and maximum-security facilities, an "outrider" is a correctional officer who patrols the prison perimeter in a pickup truck, armed with a shotgun, outside the fence or wall. The Florence outrider is a white armored personnel carrier. There are 550 permanent lockdown one-man cells, but only half of these are occupied at any given time. The empty cells are for prisoners who may be transferred in from rebellious or rioting institutions. In 1998, Ray Luc Levasseur (1998a, 1998b), a prisoner at ADX Florence, wrote about four-point spread eagle restraints, forced feedings, cell extractions, mind control medications, and chemical weapons used to incapacitate prisoners.

TRANSFER OF HIGH-SECURITY PRISONERS

High-security prisoners may be transferred back and forth between USP Marion, ADX Florence, and segregation cellblocks in mainline federal penitentiaries. Some of these are prisoners sentenced by state courts that have been moved into federal custody. The BOP uses transfers to further isolate high-security prisoners who are suspected of planning escapes or insurrections.

CONCLUSION

We know very little about these supermax facilities and the long-term consequences of this form of severe prison conditions on prisoners. We do recognize that penitentiary convicts assigned to administrative segregation and supermax facilities may spend years in these units before being released. We also know that some portion of this population is released directly from prison to the streets and, in some cases, with no parole supervision, assistance, or plan for their reentry to the community.

—Stephen C. Richards

See also Jack Abbott; ADX Florence; Alcatraz; Control Unit; Convict Criminology; Corcoran; California State Prison; Disciplinary Segregation; Federal Prison System; History of Prisons; Maximum Security; Medium Security; Minimum Security; New Generation Prisons; Riots; State Prison System; Supermax Prisons; Violence

Further Reading

Abbott, J. H. (1981). *In the belly of the beast: Letters from prison.* New York: Random House.

Abbott, J. H., & Zack, N. (1987). *My return.* Buffalo, NY: Prometheus.

Austin, J., Bruce, M. A., Carroll, L., McCall, P. L., & Richards, S. C. (2001). The use of incarceration in the United States. American Society of Criminology National Policy Committee. *Critical Criminology: An International Journal*, *10*(1), 17–41.

Keve, P. W. (1991). *Prisons and the American conscience: A history of federal corrections.* Carbondale: Southern Illinois University Press.

Levasseur, R. L. (1998a). From USP Marion to ADX Florence (and back again): The fire inside. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), *The celling of America: An inside look at the U.S. prison industry* (pp. 200–205). Monroe, ME: Common Courage.

Levasseur, R. L. (1998b). Trouble coming everyday: ADX, one year later. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), *The celling of America: An inside look at the U.S. prison industry* (pp. 206–211). Monroe, ME: Common Courage.

Ross, J. I., & Richards, S. C. (Eds.). (2002). *Behind bars: Surviving prison*. New York: Alpha.

Ross, J. I., & Richards, S. C. (Eds.). (2003). *Convict criminology*. Belmont, CA: Wadsworth.

MARTINSON, ROBERT

Robert Martinson was a correctional researcher who became famous following the publication of a provocative 1974 article on correctional treatment entitled "What Works? Questions and Answers About Prison Reform," in which he concluded that nothing works to reform and rehabilitate criminals. Although the phrase "Nothing works" became synonymous specifically with Martinson, he was actually a member of a research team that included Douglas Lipton and Judith Wilks, themselves well-regarded scholars in the field of corrections.

THE RESEARCH

These authors analyzed 231 studies of rehabilitation and treatment programs conducted over a 22-year period from 1945 to 1967. The study was sanctioned by the New York State Governor's Special Committee on Criminal Offenders and was funded through the Omnibus Crime Control and Safe Streets Act. Although final revisions for the report were completed in 1971, for political reasons associated with the nature of the findings, the publication of the full report was withheld by the Governor's Committee for more than four years. Following a district court case in Bronx, New York, however, Martinson was able to publish, reportedly without the authorization of his coauthors, the first official account of this research in the widely recognized and distributed magazine *Public Interest*.

Known as the Martinson Report, his article contains one of the most oft-cited statements in the history of criminal justice: "With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism" (Martinson, 1974, p. 25). In the matter of just one sentence, Martinson challenged the conventional wisdom about rehabilitation that had prevailed for nearly a century. His article also provoked criticisms of the effectiveness and viability of parole, early release, and indeterminate sentencing.

IMPACT AND CONSEQUENCES

The rehabilitative model that for so long had dictated sentencing policy shifted during the 1970s to a crime-control model focused almost entirely on retribution and deterrence. Of course, this change came about not simply because of one article. Instead, the ready acceptance of Martinson's conclusions was as much due to the political context of the time as it was to the substance of his claims. A number of high-profile prison revolts, including events at San Quentin and Attica, brought to light the deplorable conditions of U.S. prisons. There was also a spike in crime rates and a growing climate of political conservatism. This combination of factors set the stage for Martinson's report

and commenced the demise of the rehabilitation paradigm.

THE ACADEMIC RESPONSE

Many direct challenges have been made against the "Nothing works" doctrine in the three decades since the publication of Martinson's article. Though some conclude that the body of evidence is now robust enough to proclaim that Martinson's report has been discredited and that his extreme pessimism was unfounded, most reappraisals of Martinson's original thesis are usually prefaced with such qualifying phrases as "guardedly optimistic," "cautious hopefulness," and "'promising." Given the fervor in energy and resources devoted to the search to prove Martinson wrong, such tempered statements do little to justify with a high level of confidence that Martinson was simply wrong. There are, however, enough modest success stories to suggest that the bleak outlook may have been premature. Indeed, Martinson himself provided a retraction to his originally pessimistic view in a 1979 article in the *Hofstra Law Review*. Nonetheless, his later modification of his extreme position did little to dispel the acceptance of the original thesis or to curb the enthusiasm of those who saw Martinson's original conclusion as politically appealing.

More recent and sophisticated analyses of treatment have concluded that many programs work, as long as they are offender specific, sufficiently funded, well designed, and well implemented. In this, they follow Ted Palmer's original reply to Martinson in 1975, in which he asserted that, rather than asking what works best for offenders as a whole, we should ask, "Which methods work best for which types of offenders, and under what conditions or in what types of setting?" (Palmer, 1975, p. 150).

CONCLUSION

The Martinson report brought to light the glaring lack of sophistication of then-current research methodologies and evaluation techniques, forcing researchers to develop meaningful evaluation criteria and to articulate clear and consistent definitions of recidivism. It also raised questions about the proper role of science in informing policy and the capacity of outside forces (e.g., funding agencies) to control the direction and dissemination of scientific research.

While Martinson had his critics, there is no denying the substantial contributions that he made to the field of corrections. Along with the impact he had on correctional policy and philosophy, Martinson also single-handedly influenced the research agendas and professional careers of many scholars. Despite his influence, Martinson's career was cut short when he committed suicide in 1980. At the time he was working with Judith Wilks on a research program assessing the impact of various programs on recidivism at the Center for Knowledge in Criminal Justice Planning. A collection of Martinson's papers and correspondence is maintained in the Lloyd Sealy Library at the John Jay College of Criminal Justice in New York City.

Possibly no one person had more of an impact on the field of correctional treatment than Robert Martinson. If Martinson himself was attracted to the "Nothing works" doctrine because it had the potential to lead to a decrease in the use of imprisonment, he would be sorely disappointed. He likely would not have predicted, certainly based upon his research findings, the dramatic growth in prisons as the almost exclusive means of social control.

—David B. Taylor

See also Attica Correctional Facility; Deterrence Theory; John DiIulio, Jr.; Incapacitation Theory; Just Deserts Theory; Parole; Rehabilitation Theory; Riots; San Quentin State Prison; Truth in Sentencing

Further Reading

Cullen, F., & Applegate, B. (Eds.). (1998). *Offender rehabilitation*. Brookfield, VT: Dartmouth Publishing.

Duguid, S. (2000). *Can prisons work? The prisoner as object and subject in modern corrections*. Toronto: University of Toronto Press.

Lipton, D., Martinson, R., & Wilks, J. (1975). *The effectiveness of correctional treatment: A survey of treatment evaluation studies*. New York: Praeger.

Martinson, R. (1974). What works? Questions and answers about prison reform. *Public Interest, 35*, 22–54.

Martinson, R. (1979). New findings, new views: A note of caution regarding sentencing reform. *Hofstra Law Review, 7,* 243–258.

Palmer, T. (1975). Martinson revisited. *Journal of Research in Crime and Delinquency, 12,* 133–152.

Sarre, R. (2001). Beyond "what works?" A 25 year jubilee retrospective of Robert Martinson's famous article. *The Australian and New Zealand Journal of Criminology, 34,* 38–46.

MASSACHUSETTS REFORMATORY

The history of the Massachusetts Reformatory at Concord provides an instructive case study of the changing perceptions and uses of imprisonment. Beginning as an Auburn-style penitentiary in 1878, it was converted in 1884 into the Massachusetts Reformatory for Men, which was patterned on the much more famous Elmira Reformatory in New York that opened in 1876. In the 1920s, it shifted in use to a juvenile and youthful offender facility, while in the 1950s it became the Massachusetts Correctional Institution at Concord. It is now a medium-security facility that serves as the Massachusetts Department of Correction's Reception and Diagnostic Center.

HISTORY

The first Massachusetts Prison, designed by Charles Bulfinch, was built in Charlestown in 1806 and reorganized in the 1820s as a model penitentiary. The rules and regulations of the facility provided for an initial period of solitary confinement for each inmate to ensure reflection and remorse, to be followed until the end of their sentence by "hard labor" in silence, augmented if necessary by the use of the whip. As described by one warden in an 1829 report, the inmates moved and acted "like machines" under the discipline of the penitentiary. Under labor contracts, the productive labor of the prisoners was assumed not only to provide for the costs of the prison but also provide a profit for the state, a goal retained but frequently not met.

With the aging of the Massachusetts Prison at Charleston, in 1878 a new facility, considered a model prison for the time, was built at Concord, with individual cells lit by large windows. In 1884, in the midst of controversy over both the profitability of its vocational shops and the desire that Massachusetts respond to the recommendations of the 1870 Principles of the National Congress of Penitentiary and Reformatory Discipline, the governor signed a bill that returned the prisoners held at Concord to Charleston and established the Massachusetts Reformatory for Men. Rejecting the systems of isolation, lockstep, and fear, the principles emphasized that the goals of prison discipline were to reward good conduct, industry, and educational efforts—to resocialize, retrain, and reform offenders, especially the youthful offender. One consequence of these goals was the movement to indeterminate sentences, with release from prison based on the individual efforts of the prisoner.

Massachusetts had already responded to the reformatory movement after successful agitation by influential women within the state, with the construction of the Reformatory Prison for Women at Sherborn (later renamed Framingham) in 1877—one of the first reformatories for women in the United States. Containing large work- and schoolrooms, the reformatory offered the hope that with disciplined work and education, and incentives of increased privileges and conditional release, vagrants, prostitutes, drunkards, and "idle and disorderly women" would be reformed. Women convicted of more serious offenses continued to be sentenced to the penitentiary.

THE MEN'S REFORMATORY AT CONCORD

In an effort to bring the 1870 principles into practice in Massachusetts for male inmates, in December 1884, the name of the Concord Prison was changed to become the Massachusetts Reformatory for Men. The initiative was based on the widely heralded New York Reformatory for Men in Elmira, founded by Zebulon Brockway. However, like Elmira, it did not live up to its promise, facing, as did the New York facility, major overcrowding as well as other difficulties. In the first nine months of operation it held more than 700 prisoners.

Following the movement for indeterminate sentences, on July 24, 1886, a new law was passed that would allow for sentencing with no fixed duration.

A prisoner could be sentenced for a maximum of five years (for crimes like breaking and entering or larceny) but could be released on parole within two or less. Those sentenced to a maximum of two years for drunkenness could also be released on parole considerably earlier. Ideals were often distant from practice.

The Concord Reformatory was underfunded. In 1892, for example, there were still only seven police officers who served as guards for 700 to 1,000 prisoners. For many years the age composition was mixed, with prisoners from 14 to 60 years of age or older housed at the reformatory. These men were separated from one another and put to work on the basis of elaborate rules of classification. Inmates were employed in cloth- or furniture-making industries inside as well as on extensive prison farms. Another 9% worked outside the prison in local factories.

With the subsequence changes in mission and administration that occurred through the years at Concord and Framingham, both reformatories tended in time to resemble ordinary prisons, with systems of discipline equally harsh and limited resources to prepare their inmates for release. In Sheldon and Eleanor Glueck's famous and controversial recidivism studies of the "graduates" of the two institutions in the 1930s, the researchers found that some 80% of inmates were again found guilty of crimes and returned to some form of imprisonment, usually jails. Their conclusion that the reformatories failed to reform was not unexpected (Glueck & Glueck, 1930, 1934).

CONCLUSION

Having started as a general reformatory for men of all ages, the Massachusetts Reformatory at Concord became a juvenile and young adult facility after World War I. The earlier high hopes placed in the reformatory movement were not realized because lack of funding, difficulty in recruiting adequate staff, and frequent overcrowding made it difficult to carry out the intensive classification, retraining, and education that was assumed necessary for the goals of the reformatory to be achieved. The later Glueck studies (1930, 1934) made officials aware of the need for modifications such as age segregation and greater attention to relevant training, but overall their research found that only a relatively small percentage of young men (and young women) could be considered to have been truly reformed.

—Hans Bakker

See also Auburn System; Zebulon Brockway; Elmira Reformatory; Framingham, MCI; History of Prisons; Indeterminate Sentencing; Patuxent Institution

Further Reading

Freeman, E. B. (1981). *Their sisters' keepers: Women's prison reform in America*. Ann Arbor: University of Michigan Press.

Glueck, S., & Glueck, E. T. (1930). *500 criminal careers*. New York: Knopf.

Glueck, S., & Glueck, E. T. (1934). *500 delinquent women*. New York: Knopf.

Laub, J. H., & Vaillant, G. E. (2000). Delinquency and mortality: A 50-year follow-up study of 1,000 delinquent and non-delinquent boys. *American Journal of Psychiatry, 157*(1), 96–102.

Massachusetts Commissioners of Prisons. (1878, 1882, 1883, 1886, 1887, 1890, 1899). *Annual Reports*. Boston: Wright & Potter, State Printers; Rand, Avery & Co. and other "Printers to the Commonwealth."

Pelligrew, F. G. (1895). *A manual for prison officials; Commonwealth of Massachusetts rules and regulations for the government of the Massachusetts Reformatory* (approved March 11, 1891). Boston: Wright & Potter Publishers, State Printers.

MAXIMUM SECURITY

Prison inmates and institutions are given security classifications. Most classification systems divide prisoners and facilities into minimum, medium, and maximum levels. Many states and the federal system now also have supermaximum secure prisons; however, under ordinary circumstances, "maximum security" refers to the highest level of inmate classification and institutional security.

Maximum-security facilities are designed to allow prison administrators total physical control over all aspects of inmates' conduct for extended periods of time. Prisoners classified as maximum

security are placed in these facilities, where they are usually housed in their cells for most of the day. The cells are typically built to house one inmate, although prison crowding has sometimes forced two inmates into a cell.

HISTORY

The idea of a maximum-security facility grew from the practice of solitary confinement that formed the roots of American penal practice. In the late 1700s and early 1800s, citizens in Philadelphia reorganized the Walnut Street Jail and introduced solitary confinement as a means of reforming convicted felons. They believed that convicts incarcerated in isolation could more readily reflect on their sins, work out their own paths to salvation, and thus revitalize the inner light of God's grace. Their beliefs inspired authorities to construct single- and separate-cell prisons in Pennsylvania and elsewhere. This strategy became known as "the Pennsylvania system" and shaped prison practice in most places until it was replaced in the mid-19th century by the Auburn system.

In the early 19th century, a newly organized Auburn Prison in New York State began operation. Prisoners in this institution worked together in workshops and ate together in dining halls; however, at night they slept in separate cells. The undergirding ideology of this incarceration practice was the Puritan premise that criminals were innately depraved. All society could hope to do was bend the convict to its will through relentless discipline and punishment. Ironically, the workshops helped teach the inmates skills and trades; consequently they inadvertently opened the door to inmate rehabilitation. This prison style became known as "the Auburn system."

The Pennsylvania system ultimately failed because prison operators did not take into account the devastating effects of isolation on the sanity of many inmates. Rehabilitation attempts under such conditions proved to be unsuccessful. As a result, at the end of the 19th century, the Auburn system became the major penological practice in America. This approach to prison management sought to create a skilled and disciplined workforce. Though it embraced some rehabilitation and reform-oriented practices, compliance in the Auburn system was enforced through swift and severe punishment. In the early 20th century, the Auburn system was also replaced, this time by a more limited vision of prison management in which inmates were simply warehoused in new fortress-like maximum-security prisons. Order was enforced with swift, violent force. Prisoners in these facilities often sat idle; they merely passed time. As a result, they commonly lost their physical and mental alertness. Alcatraz, commonly known as "the Rock," was one of the most notorious of these new-style maximum-security penitentiaries.

SECURITY AND CLASSIFICATION

The security rating assigned to a prison affects a range of structural and environmental features, such as the type of housing it offers and its inmate: staff ratio. Other conditions, including whether the institution has a mobile patrol and/or a gun tower, what type of perimeter barriers it has, and what its internal security and detection devices are like, also determine the security rating.

The security level of an inmate is usually based on his or her potential risk to the community. Other factors that are taken into account include an inmate's sentence length; security of the victim, witnesses, and the general public; and other judicial recommendations. The classification process starts once an offender has been convicted and sentenced by the courts and continues when the person arrives at a specific prison. Usually prisoners' security levels are reconsidered at regular intervals throughout their time behind bars. In the federal system, for example, the first reassessment of a person's classification level usually occurs around seven months after arrival in a facility. Reviews then occur on an annual basis. In these security reviews, many different factors are taken into account, including sentence length, escape attempts, history of violence, drug and alcohol abuse, mental or psychological stability, frequency and nature of disciplinary reports, a demonstration of financial responsibility (meaning the ability to pay fines, restitution, or

family support), and family stability. Reevaluations may increase or decrease an inmate's security level and may sometimes cause an individual to be moved to a different establishment.

THE FEDERAL SYSTEM

Only individuals who are defined as "assaultive, predacious, riotous, serious escape risks, or seriously disruptive to the orderly running of an institution" are given the rating of "maximum." All men with this security level are usually sent to a penitentiary or, if deemed particularly dangerous or difficult to control, to USP Marion or ADX Florence. The rare woman labeled "maximum" may be held at a special high-security unit at FMC Carswell. A security rating of maximum not only affects where a prisoner resides but also determines in what occupation he or she may take part, because prisoners with this rating are subject to "maximum control and supervision."

U.S. penitentiaries (USPs) such as Marion and Leavenworth have walls or reinforced fences and close staff supervision. Prisoners in them are held in both single-occupant and cell housing. There is no penitentiary for women.

RACE AND GENDER

Research suggests that disproportionate numbers of minorities tend to be given higher security levels. This may reflect their greater history of confinement. The practice is also, in some cases, connected to the war on drugs or to a person's involvement in a gang. In the federal system, for example, the length of sentence is one of the determinants of a person's security level. Since drug offenders tend to receive particularly long sentences, they are more likely to be placed in higher-security facilities, even if it was their first offense and involved no violence. Likewise, in most prison systems, gang affiliation results in a higher security classification level.

In contrast, few women are given the rating of maximum security. In the federal prison system, the small number of maximum-security women are concentrated in part of FMC Carswell. Before Carswell, such women were housed at the notorious control unit in FMC Lexington. Other prison systems, like Connecticut's, rate their sole women's facility as inclusive of all security levels. This practice means that women of lower security live under restricted conditions due to the presence of a small number of maximum-security-rated offenders.

EFFECTS OF MAXIMUM SECURITY

Higher-security-level facilities are typically characterized by higher rates of officially reported disciplinary infractions when compared to lower-security facilities. Critics argue that the inmates act out as a result of the inhumane nature of high-security establishments. In contrast, proponents of maximum-security facilities contend that the increased number of incidents reflects the nature of those who are housed in maximum-security institutions. Contradicting both views, self-report studies have revealed less total misconduct in the higher-security institutions because of the reduced opportunities that result from the increased supervision and structure of such places.

Several other consequences of imprisonment in maximum-security institutions have emerged in the literature. Some studies have linked serious mental health problems to the social deprivation suffered by the inmates who are housed in some of these facilities. In addition, the lack of rehabilitation programs and contacts with community or family members often reduces the opportunities that the prisoners will have for correcting the behavior that was the reason for their incarceration. As such, maximum-security inmates released into the community typically have high rates of recidivism.

CONCLUSION

In most prison systems, a security or classification rating of maximum security represents the highest and most restricted level of institutions and inmates. Maximum-custody facilities are those that are most often portrayed in movies and on television. However, only about 40% of all prisons in the United States are maximum-security facilities. In operating

these facilities, the progressive goals of rehabilitation or reintegration are typically not a part of the higher-custody institution's scheme. Instead, the facilities are geared toward supervision and control. More often, the goal of these facilities that house maximum-security inmates is solely incapacitation.

—Benjamin Steiner

See also ADX Florence; Attica Correctional Facility; Auburn Correctional Facility; Auburn System; Classification; Disciplinary Segregation; Discipline System; Eastern State Penitentiary; History of Prisons; Incapacitation Theory; Marion Penitentiary; Medium Security; Minimum Security; Pelican Bay State Prison; Pennsylvania System; Quakers; Rehabilitation Theory; San Quentin State Prison; Solitary Confinement; Supermax Prisons; Violence; Walnut Street Jail

Further Reading

Abbott, J. H. (1981). *In the belly of the beast*. New York: Vintage.

Bosworth, M. (2002). *The U.S. federal prison system*. Thousand Oaks, CA: Sage.

Fleisher, M. (1989). *Warehousing violence*. Newbury Park, CA: Sage.

Fox, J. (1982). *Organizational and racial conflict in maximum-security prisons*. Lexington, MA: Lexington Books.

Human Rights Watch. (2000). *Out of sight: Super-maximum security confinement in the United States*. New York: Human Rights Watch.

Irwin, J., & Austin, J. (1997). *It's about time: America's imprisonment binge* (2nd ed.). Belmont, CA: Wadsworth.

Johnson, R. (2002). *Hard time* (3rd ed.). Belmont, CA: Wadsworth.

May, J. P. (Ed.). (2000). *Building violence*. Thousand Oaks, CA: Sage.

Sykes, G. (1958). *The society of captives*. Princeton, NJ: Princeton University Press.

McVEIGH, TIMOTHY (1968–2001)

Timothy McVeigh was convicted and executed for the 1995 bombing of the Alfred P. Murrah Building in Oklahoma City. The "deadliest terrorist attack in United States history" (Kittrie & Wedlock, 1998, p. 776) to that time killed 168 people, including children in the day care center that was located directly above the blast. McVeigh's motivations appear to have been rooted in an antigovernment ideology fueled by the government's killing of Randy Weaver's wife and child at Ruby Ridge, Idaho, and 76 Branch Davidians (including children) at Waco, Texas—an event occurring exactly two years prior to the Oklahoma City bombing.

In a letter from death row, McVeigh explained, "The bombing was a retaliatory strike: a counter-attack, for the cumulative raids (and subsequent violence and damage) that federal agents had participated in over the preceding years (including, but not limited to, Waco)" (Vidal, 2001, p. 410). He believed government actions were growing "increasingly militaristic and violent, to the point where at Waco, our government—like the Chinese—was deploying tanks against its own citizens," so the Oklahoma City bombing represented for him the "moral and strategic equivalent of the U.S. hitting a government building in Serbia or Iraq" (p. 410).

BIOGRAPHICAL DETAILS

McVeigh is described as having a high IQ and a relatively normal childhood involving comic books, football, student council, computer hacking, and a job at Burger King. He played war with the children he baby-sat and enjoyed variations like *Star Wars:* "What seemed to attract him was the battle of good and evil" in which McVeigh 'always took the side of the good guys' (Michel & Herbeck, 2001, p. 26). In a pattern consistent through his later years, he could be charming when he wanted, but he rarely dated. His growing fascination with guns and survivalism led him to enlist in the Army in 1998. He excelled in basic training, where he met Terry Nichols and Michael Fortier, both of whom were also convicted for participating in the Oklahoma City bombing. While in the military, McVeigh first read the *Turner Diaries* (McDonald, 1996), a fictional racist account of Earl Turner's resistance to the "Zionist Occupied Government" that overtakes the United States and disarms white citizens. McVeigh claims he did not share the book's racism, but identified with "the *Diaries'* obsession with guns and explosives and a final all-out war against the 'System'" (Vidal, 2001, p. 409).

THE FIRST GULF WAR

During Operation Desert Storm, the military decorated McVeigh with a Bronze Star for valor, among other commendations (Hamm, 1997, p. 149). After the Persian Gulf War, he failed Special Forces training. With a "postwar hangover," posttraumatic stress, and possibly Gulf War Syndrome, McVeigh spent the next years leading up to the bombing traveling the gun show circuit, making contacts in the survivalist right, discussing the *Turner Diaries*, spending time with Nichols and Fortier, and taking methamphetamine.

THE CASE

Police arrested McVeigh near Oklahoma City because his car had no license plate and the officer found several weapons. McVeigh was wearing a shirt with a quote attributed to Thomas Jefferson: "The Tree of Liberty must be refreshed from time to time with the blood of patriots and tyrants." While he was held, authorities connected him to the bombing, and the trial would be shown via closed circuit TV to an overflow crowd of survivors of the bombing and victims' relatives. The jury convicted him on all 11 counts after four days of deliberations, and after the hearings in the penalty phase, the jury deliberated two more days before handing down the death sentence.

DETENTION AND EXECUTION

While awaiting execution, McVeigh was first held at the supermax federal facility in Florence, Colorado. He was on "Bomber's Row" with Ted Kaczynski ("the Unabomber") and Ramzi Yousef (convicted in the 1993 World Trade Center bombing). McVeigh was transferred in July 1999, "when the government decided it had enough death-row inmates—twenty was the magic number—to make it cost effective" to open the only federal death row in Terra Haute, Indiana (Michel & Herbeck, 2001, p. 373).

McVeigh claimed, "My objective was a state-assisted suicide," so he waived his appeals to hasten the execution date (Michel & Herbeck, 2001, pp. 358, 374). The Bureau of Prisons made arrangements to show his lethal injection via closed circuit TV to victims back in Oklahoma, in the same way as his trial. McVeigh requested that his execution be broadcast more publicly, and the Internet Entertainment Group unsuccessfully sued to be allowed to Webcast the event. As he had throughout his trial and sentencing, McVeigh remained expressionless and offered no apologies for what he had done.

CONCLUSION

McVeigh's trial for 168 deaths was the largest murder case in U.S. history. His execution was the first conducted by the federal government since 1933, when Victor Fuguer was hanged for kidnapping and murder. The execution thus represents the first experience of the federal government with lethal injection and the first use of the new facilities at Terra Haute. The closed circuit broadcast was the first time an execution had been televised, even to a limited audience, but in a manner consistent with federal prohibitions on making a photographic record of an execution.

—Paul Leighton

See also Aryan Brotherhood; Aryan Nations; Capital Punishment; Death Row, Deathwatch; Enemy Combatant; Federal Prison System; Terre Haute Penitentiary Death Row; USA Patriot Act

Further Reading

Hamm, M. (1997). *Apocalypse in Oklahoma*. Boston: Northeastern University Press.

Kittrie, N., & Wedlock, E. (Eds.). (1998). *The tree of liberty: A documentary history of rebellion and political crime in America, Vol. 2* (rev. ed.). Baltimore: Johns Hopkins University Press.

Leighton, P. (2001). Why is a photographer at an execution a criminal? Retrieved from http://www.paulsjusticepage.com/cjethics/6-emergingissues/lappin-critique.htm

McDonald, A. (1996). *The Turner diaries: A novel* (2nd ed.). Fort Lee, NJ: Barricade Books.

Michel, L., & Herbeck, D. 2001. *American terrorist*. New York: HarperCollins.

Vidal, G. (2001, September). The meaning of Timothy McVeigh. *Vanity Fair*, pp. 347–415.

MEDICAL EXPERIMENTS

The use of inmates for medical experiments is a part of American prison history that tells us as much about society's attitudes toward prisoners as it does about prisoners' willingness to take part in any activity that might enhance their terms of confinement, despite the apparent danger. Despite doctors swearing to the Hippocratic Oath and widespread professional recognition of the ethical mandates of the Nuremberg Code of 1947 (fashioned after the atrocities of Nazi concentration camp experiments were exposed), thousands of inmates throughout the United States participated in hundreds of medical experiments between 1900 and the 1970s. It has been reported that more than 42 institutions participated in major research efforts. It has also been estimated that prisoners were used in the testing of at least 85% of all new drugs invented during these decades.

Many inmates were directly or indirectly misled to believe that their participation would affect their future in the system, win them favor with administrators, or influence an upcoming parole hearing. In addition, the "pains of imprisonment"—the loneliness and the deprivations of incarceration—caused some individuals to desire the rewards offered by research studies. Most inmates had no money for cigarettes or toiletries, simple items that would make their existence tolerable, and many experiments paid between $1 and $5 per day. The price was usually set in terms of the pain or inconvenience rather than the medical risk involved. For example, prices for participation in the Upjohn and Parke-Davis experiments in the 1970s in Southern Michigan State Prison ranged from 25 cents for a fingertip blood sample to $12 for a spinal tap. In 1976, 74 inmates at that facility earned more than $32,520, an average of about $439 each for their involvement in medical research.

THE ETHICS OF EXPERIMENTATION

Initially, there were no guidelines or regulations for medical experiments or experimental drug tests, and there was no supervision by agencies such as the Food and Drug Administration (FDA). It was not prisoner research specifically that led to closer government scrutiny and participant protections. Instead, reforms were most often initiated following the disclosure of high-profile projects conducted in communities where poor, uneducated, and mostly minority subjects were involved, such as the Tuskegee syphilis study. In this case, between 1932 and 1972, poor sharecroppers in rural Alabama were injected with this serious venereal disease to test the utility of drugs at all stages of infection. Half, the control group, were left untreated, and others were given medicine only in the advanced stages of the disease so that researchers could study the drugs' effect on the most serious cases. Although cases such as this have received much media attention, particularly in recent years, culminating in presidential apologies and compensation programs, less focus has been given to the many varied medical research projects involving prisoners.

The reform of medical research procedures outside prisons eventually carried over into these facilities as well. Over the years, the FDA as well as a number of other regulatory agencies set up guidelines to ensure that all experiments would be approved and monitored by an independent institutional review board (IRB). In addition, research that involves prisoners must also pass a special layer of scrutiny in contemporary research settings. In most cases, an inmate representative or an advocate who reviews proposals on behalf of the inmates, such as a chaplain or a staff attorney, is also included in the funding or approval-granting process. These days, anyone wishing to use prisoners in a research project must obtain the prisoners' informed consent. All researchers are required to establish that the people participating in their study understand what the experiment involves. "Informed consent" implies that someone is intellectually able to assess the risks surrounding the research endeavor. This usually precludes a significant number of inmates who, because of a language barrier, developmental or physical disability, illiteracy, or mental impairment, would be limited in their ability to evaluate meaningful information offered about the research and its possible effects. Participants may not be

coerced into participating in the study, nor should they have unrealistic or false perceptions of the potential rewards that may or may not be attached to participation. Finally, the research should not involve deception. Therefore, subjects may not be given false information about the nature of the experiment, treatment, drug, or information they are receiving for the purpose of achieving some other goal that is withheld from the participant. Although some researchers have argued that for some investigations, it is important that their subjects be uninformed and thus unbiased in their subsequent behaviors, there are always serious ethical risks to this type of inquiry.

SPONSORSHIP AND CONDUCT

In addition to other ethical problems, critics have revealed racism and corruption in prison medical experiments. For example, documenting the long and sordid history of medical experiments at Philadelphia's Holmesburg Prison, Allen Hornblum (1998) relates that higher-paying and less dangerous projects were targeted for white prisoners. Inmates with clerical connections could direct their friends toward the most profitable and low-risk assignments. Some "confederate" inmates even wore fake bandages to give themselves credibility when they told potential recruits that they themselves had participated in the experiments and that the procedures were easy and harmless.

In most cases, the experiments were carried out by large drug manufacturing companies, although from time to time local physicians or researchers working on grants for research institutes or the government were also involved. For example, the National Institute of Allergy and Infectious Diseases of the U.S. Public Health Service tested malaria in the federal prison at Atlanta in 1944. The U.S. Army's Surgeon General also sponsored a similar program at the Illinois State Penitentiary the following year: hundreds of prisoners were exposed to hungry disease-carrying mosquitoes. Infected inmates suffered fevers, chills, and the aches of the disease as they were measured, probed, wired, and watched as the disease ran its course. While some received medications, for comparison purposes others did not. Some received treatment only in the latest stages of the illness, to test the effectiveness of the medications in subsequent phases. This particular experimental project was in operation for more than 25 years. Most of the prisoners received only five days reduction to their sentences and $50.

THE THREE PHASES OF DRUG TESTING

Often drug testing takes place in three phases. In Phase I, a drug is given to 100 or so subjects who are normal, healthy, with no obvious signs of any disease. Researchers simply monitor the effect of the drug on the body, tracking its absorption and its bioavailability and measuring any side effects or toxic reactions. Prisoners were often used in this type of research, including early experiments on LSD.

Phase II testing uses small groups of patients, or those purposefully infected with the disease or condition. In many prison research cases, the medical problem had to be created or induced. The zeal of medical experimenters was epitomized in Dr. Joseph Goldberg, who, having determined that the painful inflammatory disease of pellagra was caused by poor nutrition, set about to induce a dozen male convicts at Mississippi's Parchman Prison. The inmates, all healthy, white laborers in 1915 when the experiment began, were promised pardons in return for six months in diet-deprived isolation. Goldberg, known for also voluntarily contracting the diseases he was studying, was elated when the men began to manifest the symptoms of rashes, joint pain, and weight loss. Although the prisoners described the tortuous experiment as hellish and some begged to be withdrawn, all later recovered and were released as promised.

In 1962, 200 inmates in Ohio were injected with cancer cells by researchers associated with the Sloan Kettering Cancer Center, funded by the National Cancer Institute and the American Cancer Society. At that time researchers were still unsure whether cancer could be transmitted from one person to another and wanted to see if cancer cells would be rejected or would grow in otherwise healthy tissue.

The director of this project was later put on probation by the New York State Board of Regents for conducting these same experiments on his regular (outside) patients without their knowledge.

Phase III drug testing involves giving the medication to large groups of ill people who live under normal, everyday circumstances out in society. That is the final step in the testing process, and it allows researchers to see the way the drug functions under routine conditions. Obviously, inmates would not be used in this final phase.

INCENTIVES

Money was not the only incentive for participation in medical experiments. Other benefits included reassignment to more spacious living areas with television and exercise rooms, the use of phones, and extended visiting privileges. Subjects were also given cigarettes, books, and better food. Many simply enjoyed the medical attention and the interest paid to their health. In some cases, the research initiatives or surgical procedures appealed to the conscience of the prisoners to "do good" for society. Federal prisoners in Tallahassee voluntarily drank DDT to study its effects on the body, and more than 1,000 inmates at an Ohio prison donated skin to save the life of a badly burned nine-year-old girl. In 1943, an Army bomber plane was named after an inmate who died in the medical experiment that tested drugs needed by soldiers.

From a medical standpoint, inmates were easy-to-control research subjects. They were healthy, had regular diets, were relatively free of alcohol or drugs, and were unlikely to wander away or lose interest in participating. Most prisons allowed inmates to earn money or credit toward time served for donating blood. Prisoners frequently donated as often as allowed. Until the early 1980s, inmate records at the Texas Department of Corrections still reflected the good-time credit or "blood time" earned through the donation system.

In addition to the incentives received by the inmate participants, the facilities and their administrators also received substantial rewards or compensation for cooperation with the drug companies. When Eli Lilly experimented on its early forms of the painkiller Darvon with inmates at Indiana State in 1972, the prison received a dishwasher, a remodeled hospital, high school supplies, library books, and recreational equipment. At the Oregon State Penitentiary, a group of inmates volunteered for bilateral testicular biopsies. In these experiments, researchers were testing the effects of steroids and sex hormones on sperm production and reproductive health. Tissue was removed from the testes of each subject and was examined, before and after the administration of the chemicals. In return, the prison received pharmacy services and some emergency medical equipment.

However, not all relationships with outside researchers were positive for the penal institution. In the early 1960s, Timothy Leary, the famous drug guru from Harvard University, was experimenting with psilocybin, a narcotic similar to LSD in hallucinogenic properties. Leary believed that the drug could reduce criminal tendencies, so he administered it to inmates at the Concord State Prison in Massachusetts. After extensive testing, the program was canceled because state officials believed that Leary was creating internal tensions and inciting inmates to rebel. Leary was eventually fired from the university when his extensive personal experimentation with hallucinogenic drugs and his advocacy of such use became public.

CRITIQUE

Medical experiments conducted during the Cold War, when the United States feared nuclear attack, have only recently been uncovered in detail. In addition to prisoners, the homeless, mentally ill, and unhealthy poor were often subjected to secret tests involving highly radioactive substances. In a 1963 memo, one radiologist (Healy, 1994, p. A12) explained that "I'm for support at the requested level, as long as we are not liable. I worry about possible carcinogenic effects of such treatments."

Many of the experiments conducted on inmates were extremely dangerous and caused serious permanent damage. Between 1963 and 1973, 131 prisoners in Washington and Oregon had their

genitals irradiated by X-rays or their testicles dangled in irradiated water in order to study the effects of radiation on reproduction. These experiments were funded by the Atomic Energy Commission, a forerunner of the Nuclear Regulatory Commission. Participants were paid $5 per month. After these tests the men were directed to receive vasectomies to "eliminate the possibility of defective offspring"; several of the participants changed their minds at that point, however, and did not have the vasectomy.

Around that same time a physician in Alabama conducted a plasma separation experiment in which blood samples, minus the plasma, were injected back into the donors. This process was repeated up to 16 times per month on some inmates. Unfortunately, the project was conducted in such unsanitary conditions with unsterile equipment that more than 500 cases of serum hepatitis resulted. Three inmates died from this experiment, and yet no formal complaints were ever filed. Because the research experiments did not track participants over a long period of time or conduct later follow-ups, it is difficult to say exactly how much permanent physical damage was caused by these projects. Prison records and experimental data were often destroyed, and former prisoners are characteristically difficult to locate once released.

THE DEMISE OF DRUG EXPERIMENTS

Legal and societal changes over the past 20 years have greatly reduced if not eliminated medical testing in prisons. The negative publicity attached to lawsuits and federal investigations convinced states to abandon such activities and to formulate policies against it. Concern over the coercive implications of participation, legal liabilities, and sophisticated government regulations regarding testing procedures has discouraged related practices. By 1980, the Department of Health, Education, and Welfare had stopped funding medical research that involved inmates. The Federal Bureau of Prisons and other federal agencies also stopped participating in such efforts. Finally, the American Correctional Association enacted a ban on medical research with prisoners as a criterion for obtaining accreditation.

CONCLUSION

The practice of widespread deception and exploitation in drug trials and medical experiments has been significantly limited by commitment to ethical guidelines and the control of "watchdog" agents in our society. Today, inmates are less likely to be considered suitable subjects for medical research. With high rates of serious health problems, HIV, hepatitis, hypertension, and histories of intravenous drug abuse, prisoners are better served with medical care rather than medical experiments.

—Marilyn McShane

See also American Civil Liberties Union; Doctors; Eighth Amendment; *Estelle v. Gamble; Habeas Corpus*; Health Care; History of Prisons; HIV/AIDS; Prison Litigation Reform Act; Prisoner Litigation; Physicians' Assistants; Privatization; Section 1983 of the Civil Rights Act

Further Reading

Bettag, O. (1957). Use of prison inmates in medical research. *American Journal of Correction*, *19*(3), 4–6, 26–29.

Gettinger, S., & Krajick, K. (1979). The demise of prison medical research. *Corrections, 5*(4), 4–14.

Healy, M. (1994). Science of power and weakness. *Los Angeles Times*, January 8, pp. A1, A12.

Hornblum, A. M. (1998). *Acres of skin: Human experiments at Holmesburg Prison*. New York: Routledge.

Krajick, K., & Moriarty, F. (1979). Life in the lab: Safer than the cellblocks? *Corrections, 5*(4), 15–20.

Mills, M., & Morris, N. (1974). Prisoners as laboratory animals. *Society, 11*(5), 60–66.

Oshinsky, D. M. (1996). "*Worse than slavery": Parchman Farm and the ordeal of Jim Crow justice.* New York: Free Press.

MEDICAL MODEL

The *medical model* dominated prison philosophy and practice during the mid-20th century. Its proponents viewed criminality as a type of illness curable by various psychiatric or psychological interventions. They argued that prisoners were not responsible for their crimes and therefore should be treated through medical and psychological interventions rather than punished.

Support for the medical model waned during the late 1960s and 1970s in response to growing criticism that it could neither explain nor effectively treat crime. Nonetheless, its influence remains today, through, for example, various rehabilitation programs and in the field of biological criminology. The main difference is that current manifestations of the medical model are much less likely to mitigate responsibility and oppose punishment.

HISTORY

In order to understand the medical model of criminality, we must examine the medical model itself more generally. The medical model, which claimed to be rational, objective, and value-free, became the dominant method of health care within the West during the 19th century. Shaped by the scientific method, it was based on five key assumptions. The first, *mind-body dualism,* sees a clear division between the mind and the body. This view diminishes patients' own accounts and management of their illnesses and encourages the "clinical gaze," whereby the body is thought to be something that may be observed, manipulated, and treated by an expert. The second assumption, *physical reductionism,* reduces illness to physical or organic causes while omitting social, psychological, and spiritual aspects.

Specific etiology, the third pillar of the medical model, proposes that every disease has one specific, identifiable cause, such as a parasite, virus, or bacterium. It dismisses the complexity of illness as well as broader contributing factors. The fourth supposition, *mechanical metaphor,* views the body as a machine whose periodic breakdown or malfunction results in disease. Finally, due to the *technological imperative*, practitioners usually seek to cure illnesses rather than prevent them. This view also underpins the use of drugs, surgery, and other medical interventions.

THE MEDICAL MODEL OF CRIME

During the 19th century, the medical model became increasingly applied to an expanding number of social problems. In particular, at this time, both madness and crime came to be understood as diseases requiring medical treatment. Thus, one of the earliest applications of ideas from the medical model in the criminal justice system was with offenders thought to be insane. It was argued that since this group was mad, they could not be held accountable for their crimes and therefore deserved treatment rather than punishment. Alienists (nascent psychiatrists) established their field, in part, through their legal testimonies regarding the sanity and dangerousness of accused criminals and their professed expertise in classifying, understanding, and treating the criminally insane. In response, jurisdictions began to found specialized institutions for the criminally insane. In the United States, the first of these was established in 1855, adjacent to the Auburn State Prison in New York.

The application of the medical model to crime was also apparent in the work of various 19th-century scholars who linked physical attributes to criminal behavior. The most famous of these was Cesare Lombroso. In his 1876 study of Italian prisoners, he concluded that criminals had particular physical traits that signaled their "atavism" or reversion to a primitive state of evolution. Likewise, he proposed that they were subject to "degeneration," in which their criminality indicated that they were reverting to a racially primitive state of development.

Other adherents of biological explanations of crime emphasized heredity. For example, Robert Dugdale's 1877 study of one "degenerate" American family, the "Jukes," brought him to the conclusion that crime was inherited. Many also argued that crime was a consequence of "feeble-mindedness." This term was used loosely and interchangeably with others such as "moral imbecile" and "defective delinquent," each of which identified inborn low intellect as a primary cause of criminal behavior. All of these explanations reflected and perpetuated the eugenicist, and thereby racist and sexist, views and ideas of class of the time. In a number of cases, such ideas caused criminals and others deemed socially undesirable, such as people of color and the mentally ill, to be sterilized and/or institutionalized.

During the 20th century, the medical model of criminality persisted, albeit in a somewhat different form. While many of the earlier ideas remained, some took on a new shape due to scientific developments in burgeoning fields such as neurology and genetics. Of great influence here were theories linking different chromosomal anomalies (such as males with an XYY chromosomal constitution) and crime. Psychologically oriented theories increasingly came to exist alongside and be incorporated with biologically based theories. This change of approach largely reflected the influence of Sigmund Freud and his followers, who believed that the repression of internal impulses, such as sex and aggression, created mental symptoms. Freud advocated psychoanalysis, or the "talking cure," which attempted to treat mental symptoms by reliving and resolving past conflict. His ideas informed various psychological explanations of crime as well as its treatment. An example of this is the notion of the psychopathic personality who could be treated through therapy and drugs.

PSYCHIATRY AND CRIME

Psychiatry has been the most influential medical subdiscipline upon our understanding and treatment of crime. Gerry Johnstone (1996) identifies two separate approaches to crime within psychiatry: medical-somatic and social-psychological. The first assumes the existence of an organically rooted disorder typically located in the brain. Treatment closely mirrors physical medicine: surgery is performed and/or drugs are administered. Experts must be medically trained. Because of their knowledge, these experts are entitled to make all the decisions about their patients, who in turn are typically passive and have little say over what is done to them.

In contrast, advocates of a social-psychological approach assume that individuals are physically healthy, becoming ill only in response to their environment. As such, deviant behavior is typically perceived to be the consequence of psychological or emotional damage caused by neglect, abuse, or some other trauma. However, the focus is not on the environmental or situational causes but on the psychological injuries they inflict. Because the disorder is manifested "subjectively" or within the psyche, patients are expected to take an active part in their treatment. Medical expertise is not mandatory, and treatment is therefore provided by a range of experts and even nonexperts, including occupational therapists, religious instructors, and prison guards.

Both the medical-somatic and social-psychological approaches individualize crime. Whether the cause of crime is located in the mind or the body, the focus is on the individual rather than the social structure. Therefore, the two approaches reinforce and strengthen one another.

Throughout the 20th century, psychiatry and its related disciplines shaped the "rehabilitative ideal," which increasingly dominated Western prisons following World War II. The rehabilitative ideal institutionalized the medical model through official acceptance that prisoners could be reformed by various medical-somatic and social-psychological interventions. While it was claimed the introduction of the medical model into prisons would make penal institutions more humane, in practice it led to compulsory and indeterminate sentencing on rehabilitative grounds and the implementation of a vast range of interventions, many of which were harmful. These included plastic surgery, castration, drug therapy, electroconvulsive treatment, psychosurgery, gas, psychotherapy, group counseling, individual counseling, therapeutic communities, aversion therapy, operant conditioning, and token economies.

CRITICISMS

During the mid-1960s, a series of criticisms was directed toward the medical model of crime and the rehabilitative ideal it introduced. First, it was maintained that physical illnesses are fundamentally different from offending behavior, since they exist independent of judgments made by others. Criminality, on the other hand, exists only because of judgments made by other people. Second, it was argued that while illness is not the result of a rational, deliberate choice, crime is. The medical model

of crime fails to consider the inner, subjective meanings of offenders and thus fails to address their motivations. Third, illness and crime have different causes; while illness has a physical etiology, crime does not. The search for physical causes of crime is thus a pointless exercise that further serves to obscure the social causes of crime.

Fourth, many critics claimed that the introduction of the medical model created harm, both in deflecting attention away from social-structural issues and through the invasive treatments it inspired. In viewing offenders as "sick," they were also seen as irrational, helpless, and pitiful. This conceptual stripping of agency created conditions in which numerous harmful, invasive, and often compulsory interventions were carried out, including experimentation. Such practices furthermore reflected racist, sexist, and classist assumptions. Because they held scientific status and were conducted in the name of treatment, however, they were claimed to be benevolent and just. A final attack, coming from a different ideological position, maintained that the medical model of rehabilitation was "soft on criminals."

Various forms of prisoner resistance, including litigation, the civil rights movement, and intellectual developments such as anti-psychiatry, reinforced these criticisms. Most important, a series of research projects indicated that few interventions had any impact upon reoffending. Most famously, in 1974, Robert Martinson's examination of 231 studies led to the broad conclusion that none of the treatments introduced into prisons worked to reduce offending. Though Martinson himself later dissociated himself from this interpretation of his work, his article nonetheless created a climate of doubt that offenders could be rehabilitated. In response, the United States moved away from the rehabilitative ideal toward a hard-line law-and-order approach toward crime.

THE MEDICAL MODEL OF CRIME TODAY

Though the medical model of crime was seriously challenged, it did not disappear from prisons. Indeed, in some places, rehabilitation is currently undergoing a revival through the implementation of cognitive-behavioral strategies that reduce reoffending as well as because of the popularity of ideas within biological criminology. Cognitive behavioralism is essentially a social-psychological model. Practitioners claim that it is prisoners' faulty thinking that causes them to engage in crime, and thus that offenders need largely to be taught how to think differently. Such views have been most influential in Canada and Britain, although they are also present within the United States. They underpin numerous prison programs that seek to address "offending behavior."

At the same time as psychologists seek to retrain how offenders think, a new biological criminology, informed by genetics and evolutionary psychology, is advancing various medical explanations of crime. Whereas previous manifestations of the medical model assumed that prisoners should not be held accountable for their crimes, current variants no longer exonerate prisoners from responsibility. Consequently, there is concern that they may contribute to the growing prison population and punitive penal practices.

CONCLUSION

Supporters of the medical model hoped that it would not only contribute to a more humane environment, but would cure prisoners of their criminality. However, its narrow assumptions as well as the severe limitations imposed by the carceral environment meant that these prospects largely failed. Though it is no longer the official primary justification of punishment, many of the central ideas of the medical model of crime remain current in the U.S. prison system. In particular, the belief that the source and cure for crime lies within individual prisoners continues to shape a range of policy from drug rehabilitation programs to education and individual therapy.

—Kathleen Kendall

See also Doctors; Group Therapy; Health Care; Indeterminate Sentencing; Individual Therapy; Medical Experiments; Mental Health; Patuxent Institution; Psychiatric Care; Psychological Services; Psychologists; Rehabilitation Theory; Therapeutic Communities; Women's Health Care

Further Reading

Conrad, P. & Schneider, J. (Eds.). (1992). *Deviance and medicalization* (exp. ed.). Philadelphia: Temple University Press.

Johnstone, G. (1996). *Medical concepts and penal policy.* London: Cavendish.

Kittrie, N. (1971). *The right to be different: Deviance and enforced therapy.* Baltimore: Johns Hopkins University Press.

Rose, N. (2000). The biology of culpability. *Theoretical Criminology*, *4*(1), 5–34.

MEDIUM SECURITY

"Medium security" may refer either to the security of the penal facility or to the classification level of an inmate. Medium-secure prisons, which are often called correctional institutions, house one-third of all state prisoners. These institutions allow individual freedom of movement for the inmates within a secure perimeter. Inmates with a security classification of "medium" may work outside the security fence only under armed supervision.

CLASSIFICATION

In the early 20th century, in response to changing ideas in the behavioral sciences and an increased faith in the possibility of educating and reforming offenders, correctional administrators began examining alternatives to maximum-security prisons for the confinement of criminal offenders. At the same time, a classification system was being developed to determine the level of security and treatment inmates required and to identify special populations such as high risk, or the mentally ill, in order to house them in purpose-built institutions. Jails and pretrial detention centers were also being separated from those facilities that housed convicted felons.

Most classification systems are based on four different levels of security: maximum, medium, minimum, and open. Correctional facilities are then built to match a particular level of security, for both the facility and inmate population. "Security," in this sense, refers to the type of physical structure needed to hold the inmates, the internal structure that determines the scope of prisoner movement within the facility, and how much supervision each inmate needs.

TODAY'S MEDIUM-SECURITY FACILITY

The majority of correctional facilities built since the mid-20th century have been medium security. Though the predominant consideration in the design of these prisons is still security, increasingly the internal control features are hidden to create a more humane environment. Indeed, many of today's medium-security facilities, at both the federal and state levels, are patterned after the university or college campus. Examples include the Federal Correctional Institute at Glenville, West Virginia; the Texas Department of Criminal Justice Medium Security Facility at Amarillo; and the Virginia Women's Multi-Custody Correctional Facility at Fluvanna City. Inmates in these facilities may be housed either in dormitory-style rooms or in individual cells that are built around congregated living areas. In both designs, people share common and readily accessible showering and toilet areas.

External barriers are pivotal to all penal institutions. Those in medium-secure facilities typically begin with a double chain-link fence topped with barbed or razor wire. The area between the fences may contain electronic devices, such as motion or infrared sensors. Towers overlooking the institution are staffed by armed correctional officers, while other guards patrol the perimeter on foot or in vehicles.

In addition to such external barriers, medium-secure institutions rely on a number of internal measures. Most institutions, particularly those that have recently been built, rely on electronic surveillance in addition to locks and bars. Other strategies, such as clear separation of activities, highly defined movement paths, and officer training are all pivotal to the maintenance of order and control in all prisons.

THE MEDIUM-SECURITY INMATE

Approximately one-third of all state inmates are currently housed in medium-security facilities. Individuals assigned to medium-security facilities are classified as low escape and behavioral risks. They typically wear institutional clothing but may

also be granted the opportunity to wear civilian clothing during recreational or free time. Inmates in medium-security facilities have less restricted movement than those in maximum-security, and they are searched and counted less frequently.

Medium Security for Women

Women currently account for nearly 7% of the entire prison population, and their number is increasing at a faster rate than men's. Female inmates are housed in either all-women facilities or in co-correctional facilities. Currently, there are 104 women's correctional facilities at the state and federal level. Of these, 36, or one-third, are medium security facilities. Of the 84 co-correctional facilities located throughout the country, 40% are medium security.

A medium-security classification for a female inmate indicates that she will live in a dormitory within the correctional institution. When examining all levels of inmate classification, a pattern emerges for female correctional facilities. If a facility serves only women, it will merit a lower security rating than comparable co-correctional or all-male facilities. This is because women are not considered high security risks, nor are they considered to be great risks to themselves or other inmates, since they are not as violent as men.

CONCLUSION

The classification system used to determine the level of security and type of prison programs for inmates created four levels of security. Medium security is a correctional design that is physically secure while providing some freedom of movement for the inmates. In the 1990s, more than 400 new correctional facilities were built in the United States. Of those, approximately 55% were medium security. With the continuing prison construction boom, any new correctional facility built in the 21st century will most likely be a medium-security facility.

—Douglas Neil Robinson and Deborah Mitchell Robinson

See also Campus Style; Classification; Maximum Security; Minimum Security; New Generation Prisons; Supermax Prisons

Further Reading

Allen, H. E., & Simonsen, C. E. (2001). *Corrections in America: An introduction*. Upper Saddle River, NJ: Prentice Hall.

Carter, R. M., Glaser, R., & Wilkins, L. T. (1977). *Correctional institutions*. Philadelphia: Lippincott.

Champion, D. J. (2001). *Corrections in the United States: A contemporary perspective*. Upper Saddle River, NJ: Prentice Hall.

Mays, G. L., & Winfree, L. T. (2002). *Contemporary corrections*. Belmont, CA: Wadsworth/Thomson Learning.

Reid, S. T. (2001). *Criminal justice* (6th ed.). Cincinnati, OH: Atomic Dog.

Roberson, C. (1997). *Introduction to corrections*. Incline Village, NV: Copperhouse.

MEGAN'S LAW

Megan's Law is an attempt by state and federal legislatures to notify the public about and protect them from recently released sexual offenders. The legislation was named in commemoration of seven-year-old Megan Kanka of Hamilton Township, New Jersey, who was sexually assaulted and strangled to death by a former sex offender, Jesse Timmendequas. After the police found Kanka's body in a nearby park, neighbors and community members held vigil and petitioned for legislation that would notify community members of a sexual offender's location. "Megan's Law" resulted from this community action.

NATIONAL ADOPTION OF MEGAN'S LAW

In 1994, then-Governor Christine Todd-Whitman signed Megan's Law into New Jersey legislation, only two months after the untimely death of Kanka. In 1996, Republican presidential candidate Bob Dole proposed national legislation providing states with two years to enact their own state version of Megan's Law or risk the loss of their state funding. Then-President Bill Clinton subsequently signed the federal version of the law into action in 1996. Presently, all 50 states have some version of Megan's Law. This legislation amended the previous Jacob Wetterling

Act of 1990 and has a number of provisions that vary by state. With few exceptions, such as an offender's age and/or type of sexual offense, Megan's Law applies to all sex offenders convicted after the state or federal enactment of the statute.

Megan's Law seeks to protect the community from released sexual offenders by increasing the public's awareness of their whereabouts and by providing local authorities with a pool of possible suspects. The law operates with a number of conditions, including the registration, notification, and civil commitment of sexual offenders, the possible use of the death penalty or life imprisonment, the development of a central database, lifetime supervision of offenders, DNA, fingerprinting, and the right to refuse "good time" credits. The two most well-known provisions of Megan's Law are sex offender registration and community notification.

SEX OFFENDER REGISTRATION

Sex offender registration is the less controversial of the two provisions. It is a practice that dates prior to Megan's Law and was the foundation of the Jacob Wetterling Act, which differs from Megan's Law mainly by not requiring dissemination of information. Under sex offender registration provisions, sex offenders are allocated a time frame, generally 72 hours, upon release from prison to register their information with the local authorities where they plan to reside. Offenders register on an annual basis for at least 10 years, and if deemed necessary, they register for life. The information that offenders provide includes their full name, their address, date of birth, Social Security number, a physical description, photographs, DNA, fingerprints, a place and address of employment if available, and a court or therapist's assessment of future dangerousness. Failure to comply results in criminal penalties, which often result in the offender's return to prison for a technical violation. In most states this is a crime of the fourth degree.

COMMUNITY NOTIFICATION

Notification of a sexual offender's residence has attracted much controversy. This procedure is intended to inform the community and past victims that a sexual offender is living nearby. The hope is that community members will protect themselves and their children accordingly. Generally speaking, although this varies slightly by state, the tier that an offender is placed into determines the level of notification. There are three tier levels. Tier 1 represents the lowest-risk sexual offenders and only requires notice to the police and the victims that the offender is likely to be encountered around their residence. Offenders are considered low risk if they are under probation or parole, are receiving therapy, are employed, and are alcohol- and drug-free. Tier 2 represents moderate-risk sex offenders; these people have difficulty complying with authority and supervision, lack employment, deny their offenses with no remorse, abuse alcohol and drugs, and have a history of violent behavior. These behaviors are believed to put an offender at a higher risk for recommitting a sexual offense; therefore their notification is broader. This level requires notification to organizations, educational institutions, day care centers, and summer camps.

Tier 3 sex offenders are the offenders who are most at risk for reoffending. This category has generated the most resistance. The entire community that may encounter the offender—usually a particular radius is chosen—is notified through posters, pamphlets, and possible door-to-door visits from the local authorities. Tier 3 offenders have the same risk factors as Tier 2 offenders, but Tier 3 includes an increased likelihood of reoffending because their behavior is deemed repetitive and compulsive. These offenders often have a sexual preference for children and refuse to be treated. Only a small number of offenders—approximately 5%—are placed into a Tier 3 classification.

LEGAL CHALLENGES

Megan's Law has survived a number of legal challenges from both state and federal courts. The first criticism is that it can be considered double jeopardy (multiple prosecution or punishment for the same offense) because offenders have already served their time in prison. Offenders claim that they have fulfilled

the punishment requirement while incarcerated and that placement under a Megan's Law statute can be considered cruel and unusual punishment under the Eighth Amendment. This argument has fueled a number of legal challenges, but courts have avoided this claim by incorporating the requirement of sex offender registration and notification into the initial sentence.

Megan's Law statutes have also faced due process or Fourteenth Amendment challenges. The Fourteenth Amendment states that no person shall be deprived of life, liberty, or property without due process. Offenders claim that Megan's Law statutes infringe on their right to privacy and travel. In addition, it has been argued that offenders should be able to challenge their tier placement because of the heavy implications these tiers carry. Significant due process safeguards were considered to prevent infringements. These precautions included an offender's ability to challenge his tier placement and subsequent notification level. Right to privacy and arguments do not hold up; the courts have stated that the public's right to safety outweighs the offender's right to privacy. Additional challenges to the implementation of Megan's Law have included the vigilante actions of neighbors and community members living in the radius of sexual offenders. Although these vigilante actions are not widely reported, community members have protested outside the homes of registered sexual offenders, and in more serious circumstances have physically assaulted offenders. It is a punishable crime if citizens are found to have used sexual offender registries to commit a criminal offense against the offender. These community members are subject to both monetary fines and potential criminal charges.

SEXUAL OFFENDER REGISTRIES

All 50 states and the District of Columbia have some form of centralized sexual offender registries. Various departments ranging from the department of public safety to the local police departments and bureaus of identification maintain these centralized registries. To date, more than two-thirds of all states make their sexual offender registries available to the public, either in an offender-searchable format or in a more general information format. The number of sexual offenders registered in each state varies proportionally to the state's population. Larger states like California have approximately 33,000 sexual offenders included in their registries, while smaller states like Connecticut have 2,075 sexual offenders registered. Washington State, the first state to develop and maintain a sexual offender registry, has approximately 16,500 sexual offenders registered; this is a similar number to the 14,500 registered in New York State. Compilations are available online for each states' number of registered sexual offenders.

The compliance rate of registering under sexual offender statutes poses a serious problem in some states. Because many states mandate that sexual offenders register within 72 hours of their release from incarceration, a number of sexual offenders have been noncompliant with the requirement of registering. In a recent article it was noted that California has lost track of one-third of their released sexual offenders, while the majority of other states claim that they simply don't know their offenders' compliance rates. A minority of states have been successful in tracking their compliance rates, including Connecticut, Oregon, and Pennsylvania, with compliance rates ranging from 85% to nearly 95%.

CONCLUSION

Despite some legal challenges made to it, public response to Megan's Law has been fairly favorable. Many community members believe that Megan's Law's stipulations should be required of all sexual offenders, irrespective of the possibility that such a law penalizes individuals beyond their prison sentence. They have demanded to know who was living in their neighborhoods, and the government has agreed.

—Kristen Marie Zgoba

See also Civil Commitment of Sexual Predators; Incapacitation Theory; Parole; Parole Boards; Psychological Services; Psychologists; Sex Offender Programs; Sex Offenders; Therapeutic Communities; Truth in Sentencing

Further Reading

Adams, D. (1999). *Summary of state sex offender registry dissemination procedure* (NCJ 177620). Washington, DC: Bureau of Justice Statistics.

Brooks, A. (1996). Megan's Law: Constitutionality and policy. *Criminal Justice Ethics, 15*(1), 56–66.

Matson, S., & Lieb, R. (1997). *Megan's Law: A review of state and federal legislation* (pp. 1–20, 27–29). Olympia: Washington State Institute for Public Policy.

Rudin, J. (Fall, 1996). Megan's Law: Can it stop sexual predators, and at what cost to constitutionality? *Criminal Justice,* 3–6, 60–63.

Stop Sex Offenders. Retrieved from http://www.stopsexoffenders.com

MENS REA

Mens rea is a Latin term meaning "guilty mind," criminal intent, or the mental state of an individual committing an act. Criminal law generally requires that *corpus delicti*, a Latin-based phrase meaning "the body of the crime," be proven before an individual can be found guilty of any unlawful activity. *Corpus delicti* is comprised of three basic elements of the crime: (1) *actus reus*, or the guilty act; (2) *mens rea*, or the guilty intent; and (3) concurrence, or the amalgamation of the guilty act and the guilty intent. *Mens rea* is an integral facet of the criminal justice legal process.

HISTORY

A belief that an individual must have a "guilty mind" in order for his or her action to count as a crime has existed for hundreds of years, dating as far back as the Roman Empire. The term *mens rea* was not utilized in English common law, however, until around the mid-18th century. The basic premise underlying this concept is that in order for an individual to be found guilty of a criminal act, the perpetrator must have acted with a guilty mind, or *mens rea*. This is articulated by the Latin *maxim actus not facit reum nisi mens sit rea* ("an act does not make one guilty unless his mind is guilty").

Ideas about *mens rea* found their way into American law in the latter part of the 18th century. By the time of the writing of the U.S. Constitution, the principles behind *mens rea* had already been integrated into general American law. As states gradually defined statutory law, *mens rea* was assumed; although it was not typically defined in the writings of the law, it was understood as common law.

During the Industrial Revolution, *mens rea* was incorporated in general law in public welfare offenses. Before this time, lawmakers and law officials were not concerned with why an individual committed a criminal act, but simply with the act itself. Additionally, they were not concerned with the intent of the offender, but that the prohibited act had been committed. With the implementation of various industry-related jobs and the dangers associated with them, however, society geared its public opinion toward the *why* instead of the *how*.

By the turn of the 20th century, an individual could be found to be criminally liable only if he or she was aware of the potential impact of his or her behavior. Thus, an injury caused without *mens rea* might be grounds for civil liability, but not for criminal prosecution. Even so, when the offense involves crimes such as violations of liquor laws and/or anti-narcotic laws, motor vehicle laws, traffic-related laws, sanitary and building codes and regulations, and factory laws, offenders are held to be strictly liable, and proof of intent is not required.

Mens rea is an integral part of the criminal justice systems throughout the nation. In all 50 states and Washington, D.C., it is part of every criminal code. In the instance of premeditated murder, both *mens rea* and *actus reus* must be present to establish a guilty verdict. This can be clearly understood by examining the standards of *mens rea* and its components.

THE *MENS REA* STANDARD

The phrase *mens rea* denotes the prerequisite that there exist a "culpable state of mind." Most crimes, according to state and federal statutes, necessitate a condition of mind that is certainly guilty, while additional crimes only call for sheer "recklessness" or "negligence." There are very few crimes that have no *mens rea* requirement. The U.S. Supreme Court has categorized the *mens rea* requirement into three categories: crimes including (1) "general

intent," (2) "specific intent," and (3) "recklessness" or "negligence" ("strict liability" is sometimes utilized as a fourth requirement for *mens rea*).

For the "general intent" requirement, it must be shown that the defendant desired to perpetrate the act that served as the *actus reus*, or guilty act. The next requirement, "specific intent," holds that while the defendant had the desire to carry out the act, he or she also had the desire to do something further relating to the crime. Finally, an example of the "recklessness" or "negligence" requirement can be found in instances of crimes resulting from intoxication or mistake. For intoxication, the general intent requirement is seldom vacated; however, the specific intent requirement may be vacated for a particular crime. A mistake of fact is more probable to vacate the specific intent requirement of *mens rea*. While all of these listed requirements for *mens rea* are necessary to prove the intent of the crime, the intent cannot stand alone in criminal liability; the act and the intent must be present in singularity and in concurrence.

CORPUS DELICTI

As stated previously, the *corpus delicti*, or body of the crime, includes three basic elements: (1) *mens rea*, (2) *actus reus*, and (3) concurrence. The *mens rea*, or guilty intent, has been discussed; however, *actus reus* is an important component as well. The *actus reus* requirement establishes the need for the actual occurrence of a criminal act. Additionally, for the act to be criminal, it must be voluntary. In some situations where criminal intent is present, but the act did not occur, liability may be decreased; conspiracy is, in some instance, an example of this decrease in liability. To prove certain degrees of a crime as defined by most criminal statutes and the Model Penal Code, both *actus reus* and *mens rea* must be present, which becomes the concurrence of the two requirements for *corpus delicti*.

CONCLUSION

Ideas about criminal responsibility have been prevalent throughout history and can be traced back in America to early common law. By the time of the writing of the U.S. Constitution, the principle of *mens rea* had already been integrated into general American law. The era of the Industrial Revolution witnessed the implementation of the *mens rea* requirement in public welfare issues involving civil liability. Eventually, this requirement could be found in every state code as well as the Model Penal Code. Generally, *mens rea*, or guilty intent, must be accompanied by *actus reus*, the criminal act, and the mergence of these two makes up the *corpus delicti*, or body of the crime.

—Kristi M. McKinnon

See also Cesare Beccaria; Child Savers; Gerald Gault; Juvenile Justice System; Medical Model; War on Drugs

Further Reading

Murphy, J. G., & Coleman, J. L. (1990). *Philosophy of law: An introduction to jurisprudence*. Boulder, CO: Westview.

Robinson, P. H. (1997). *Structure and function in criminal law*. Oxford, UK: Oxford University Press.

Swanson, K. A. (2002). Criminal law: Mens rea alive and well. *William Mitchell Law Review 28*(3), 1265–1282.

Legal Cases

Liparota v. United States, 471 U.S. 419 (1985).
Morrissette v. Unites States, 342 U.S. 246 (1952).
Staples v. United States, 511 U.S. 400 (1994).

MENTAL HEALTH

The emotional and psychological well-being of convicts in correctional facilities is of considerable concern for prison officials, the courts, the psychiatric community, and society in general. While counseling and treatment services are available in many correctional institutions, these facilities are often ill equipped to deal with persistent and severely mentally disordered offenders and those persons identified as dangerous and psychiatrically ill. In those instances where treatment is uneven, absent, or otherwise ineffective, questions remain about whether the correctional milieu is itself responsible for breeding and sustaining long-term mental illness and dysfunctional prison behavior.

HISTORY

In the Western world, criminal (and civil) confinement of persons with mental disorders dates back many centuries. Historically, different cultures have had an uneasy relationship with how best simultaneously to address the needs of mentally ill citizens who engaged in criminal wrongdoing while also protecting the public from the likelihood of future harm. Within the United States, four progressive reform strategies can be identified, dating back to the colonial period.

The first reform occurred during the period of colonial jurisprudence. It was termed the "moral treatment movement." It emphasized hard work and penitence in the asylum rather than confinement in the correctional setting. During the moral treatment era, the conviction was that with enough religion, prayer, and labor, persons with mental disorders would be saved, and, therefore, would eventually refrain from criminal and delinquent transgressions.

The second reform emerged in the mid-1800s. It was termed the "mental hygiene movement." Discoveries in science, advances in psychopharmacological therapies, and a commitment to curing mental disease or defect meant that the promise of treatment was the source of change. Psychopathic hospitals displaced the asylums of the past, and mentally ill offenders were subjected to various experimental drug regimens and other unproven procedures (including lobotomies).

The third reform movement surfaced in the 1950s. It was termed the period of "deinstitutionalization." Disappointed by the failings of the mental hygiene era and outraged by the deteriorating, debilitating, and prison-like conditions in which persons with psychiatric disorders lived in psychopathic hospitals, progressive-minded politicians and social activists sought to validate the identity and affirm the (constitutional) liberties of persons with mental illness. This was the period of patients' rights. As such, during the 1950s and 1960s there was a massive deinstitutionalization movement, and psychiatric patients were placed in less restrictive community-based environments.

The fourth reform movement emerged in the 1980s and continues into the early 21st century. Some researchers refer to this period as a time of "abandonment" in the care and treatment of persons with mental disorders. Others regard this period as a time during which various community mental health practices have been implemented with varying degrees of success. Deinstitutionalization produced a massive exodus from many state psychiatric facilities. This exodus raised a host of practical questions about how best to address the needs of persons with mental illness in community settings. Most critics agree that the limits of the fourth reform movement include cyclical or "revolving door" psychiatric treatment, homelessness, incarceration, and even death for some street dwellers with acute and/or chronic psychiatric disorders. Current efforts at progressive reform attempt to respond to each of these social problems.

Despite all progressive efforts at reform, each movement includes some serious limitations. These shortcomings have always produced a strong reaction, culminating in significant philosophical or policy changes. However, notwithstanding these well-intentioned, reform-minded efforts, each successive strategy has always given way to prison or related confinement practices.

CURRENT TRENDS AND STATISTICS

Two criminal law issues impact how persons with mental disorders are funneled through the criminal justice system and how they are dealt with by systems of confinement. First, some defendants can be found incompetent to stand trial (IST). Under these conditions, defendants are sent to a psychiatric facility unit until such time as they are competent to proceed to trial. IST determinations are prospective; that is, they question the mental state of the defendant at the time of the trial's commencement. However, the IST finding does not rule out a subsequent prison sentence, especially if the person becomes competent following appropriate psychiatric treatment, proceeds to trial, and is found guilty of the criminal charges.

Second, some defendants can be found not guilty by reason of insanity (NGRI). Under these conditions, the defendant is acquitted. NGRI defenses are retrospective; that is, they question the mental state

of the defendant at the time the crime occurred. More recently, several state jurisdictions have implemented guilty but mentally ill (GBMI) statutes. These legislative enactments specify that, notwithstanding psychiatric disorder, a person can be found guilty and subsequently sentenced to a prison term. Of all those persons incarcerated, experts generally agree that approximately 20% experience problems with mental illness in one form or another. This figure rises considerably when focusing specifically on "Axis II" or personality disorders (e.g., borderline personality disorder, paranoid personality disorder, antisocial personality disorder). Estimates for persons with mental illness in local lockups, country jails, or secure holding facilities vary according to state or county jurisdiction. Researchers generally agree, however, that the incarceration of the mentally ill is on the rise. This is especially the case for dangerous mentally ill offenders, including sexually violent predators and psychopathic mentally ill offenders. So far, the clinical treatment of such dangerous mentally ill offenders in correctional settings has not produced promising success rates. Thus, in 18 state jurisdictions, civil confinement is ordered following the completion of one's prison term as a convicted sexually violent predator.

PROBLEMS

Typically, convicted mentally ill offenders receive a sentence of probation. They are treated in the community or some other less restrictive environment for their psychiatric disorder. However, given the absence of an adequate release or discharge plan, short-term civil commitment, bouts of homelessness, and temporary confinement to a jail or local lockup often follow.

When persons experiencing psychiatric illness are placed in correctional facilities, there are several problems that surface. Access to and quality of treatment vary across types of prisons. For example, approximately 41% of jail detainees receive some form of mental health treatment; approximately 60% of prison convicts receive some form of psychiatric care. Overwhelmingly, the correctional facility's treatment of choice for both groups is drug therapy, with 36% of those in jail and 50% of those in prison receiving this treatment. In both instances, the presence of counseling personnel and services is often uneven, fragmented, or inadequate.

Researchers also question what the long-term emotional effects are for individuals placed in solitary confinement. To date, empirical evidence indicates that exposure to short bouts of prison seclusion is not psychologically crippling or debilitating. Investigators caution, however, that more research is needed in order to understand what the specific psychological effects are for repeated and/or long-term exposure to solitary confinement. Women in prison are diagnosed with personality disorders more frequently than their male counterparts. They also are more likely to be administered drug therapy. Prolonged bouts of depression, persistent and severe mood swings, and prison adjustment and socialization difficulties regularly result in personality disorder diagnoses for women. Researchers estimate that these diagnoses are assigned to women at a rate that is two to three times greater than that for their male imprisoned counterparts.

Women also experience sexual abuse while confined and are at risk of self-harm. Conservative estimates for the rate of sexual victimization of women in prison indicate that nearly 30% will experience some form of unwanted sex while confined. Researchers report that this figure also includes correctional officer-on-convict sexual abuse. Self-injurious behavior is a routine occurrence in many female correctional facilities. Examples include body mutilation and attempted suicide. Investigators have linked the incidence of sexual victimization and self-harm to prison conditions and to the woman's inability to be with and care for family, especially her children. Life on death row also raises important issues about the emotional well-being of convicts. Some studies suggest that the presence of impending death, the ongoing and protracted appellate process, and one's incessant exposure to the grief, anxiety, and remorse of others on death row, create a culture of psychological disorganization and social disequilibrium. In other words, waiting to die along with others has a profound negative effect on one's emotional health.

Life on death row also includes persons who are mentally ill awaiting execution. The U.S. Supreme

Court has ruled that one cannot be put to death if one is mentally incompetent. Moreover, the court has stipulated that medicating someone for the sole purpose of competency restoration violates both the right to privacy clause of the First Amendment and the cruel and unusual punishment clause of the Eighth Amendment. However, several federal appellate courts have concluded that under certain circumstances, restoring one's competency for purposes of execution is permissible. In these instances, the safety of the correctional personnel and/or the safety of the mentally ill death row convict must be jeopardized by the individual's psychiatric disorder, necessitating mental health (i.e., drug therapy) intervention. These decisions are further complicated when a mentally incompetent death row convict exercises his or her right to refuse treatment, thereby forestalling (potentially) prospects for competency restoration.

CONCLUSION

The relationship between prison facilities and mental health is unmistakable. This association implicates the legal and psychiatric communities as well as the public at large. While most crimes are not committed by mentally ill persons, the history of progressive reform in the United States indicates that these citizens often find themselves confined, in one setting or another. Not surprisingly, then, critical researchers question the basis for this confinement—whether in jails, prisons, or psychiatric hospitals. Some have suggested that what is at stake is the territorialization or the vanquishing of difference in the name of conformity. In these instances, one's *status* as mentally ill is synonymous with one's *identity* as dangerous, deviant, diseased. Thus, critical scholars examine how the state's efforts to contain, corral, or otherwise correct human expressions of difference represent institutional expressions of punishment.

Notwithstanding the concerns raised by critical commentators, correctional facilities directly confront issues of mental health for convicts in a myriad of ways. Treatment needs and counseling services are real concerns. The effects of solitary confinement and life on death row are real problems. Competency restoration for psychiatrically disordered offenders awaiting execution is a complex ethical dilemma. These matters signal just how much the correctional environment implicates the emotional well-being of offenders. They also challenge us to reconsider whether, and to what extent, the prison culture nurtures, grows, and sustains maladaptive and dysfunctional convict behavior.

—Bruce Arrigo

See also Civil Commitment of Sexual Predators; Constitutive Penology; Death Row; Drug Treatment Programs; Eighth Amendment; First Amendment; Group Therapy; Individual Therapy; Medical Model; *Mens Rea*; Psychiatric Care; Psychological Services; Self-Harm; Solitary Confinement; Suicide; Therapeutic Communities; Women's Health Care; Women Prisoners

Further Reading

Arrigo, B. A. (2002). *Punishing the mentally ill: A critical analysis of law and psychiatry*. Albany: State University of New York Press.

Arrigo, B. A., & Fowler, C. R. (2001). The "death row" community: A community psychology perspective. *Deviant Behavior, 22*(1), 43–71.

Arrigo, B. A., & Tasca, J. J. (1999). The right to refuse treatment, competency to be executed, and therapeutic jurisprudence: Toward a systematic analysis. *Law and Psychology Review, 23,* 1–47.

Bardwell, M. C., & Arrigo, B. A. (2002). *Criminal competency on trial: The case of Colin Ferguson*. Durham, NC: Carolina Academic.

Ditton, P. (1999). Mental health and treatment of inmates and probationers. Washington, DC: Bureau of Justice Statistics.

Foucault, M. (1965). *Madness and civilization: A history of insanity in the age of reason*. New York: Pantheon.

Foucault, M. (1977). *Discipline and punish: The birth of the prison*. New York: Pantheon.

Haney, C. (1997). Psychology and the limits to prison pain: Confronting the coming crisis in Eighth Amendment law. *Psychology, Public Policy and Law, 3*(4), 499–588.

Roberts, J. V., & Gebotys, R. J. (2001). Prisoners of isolation: Research on the effects of administrative segregation. *Canadian Journal of Criminology, 43*(1), 85–97.

Steadman, H. J., & Cocozza, J. (Eds.). (1993). *Mental illness in America's prisons*. Seattle, WA: National Coalition for the Mentally Ill in the Criminal Justice System.

Legal Cases

Ford v. Wainwright, 477 U.S. 399 (1986).
Kansas v. Hendricks, 117 S. Ct. 2072 (1997).
Perry v. Louisiana, 498 U.S. 38 (1990).
Washington v. Harper, 494 U.S. 210 (1990).

METROPOLITAN CORRECTIONAL CENTERS

Metropolitan correctional centers (MCCs) and metropolitan detention centers (MDCs) are high-rise correctional facilities that house inmates in dense urban environments. These institutions are generally designed to hold prisoners and pretrial detainees temporarily while awaiting transport, trials, or court hearings. Although their major function is the detention of criminal defendants in order to secure their presence at trial, the centers may also hold witnesses for appearances before grand juries or trials. Some also house noncitizens awaiting the outcome of U.S. Immigration and Customs Enforcement (ICE) proceedings. Some inmates may be detained overnight, while others are held for months. In rare cases, individuals may be confined in metropolitan correctional centers for more than a year while awaiting termination of court processes, and may also serve out sentences in excess of one year while providing labor for the facilities.

Urban detention centers serve all the major purposes of correctional facilities found elsewhere but concentrate on one primary feature: integration with court facilities and attorneys in urban settings. As federal criminal prosecutions have grown greater in number, the U.S. Justice Department has had increasing incentives to construct federal detention facilities in major cities to complement regional jails that already existed.

FEDERAL METROPOLITAN DETENTION AND CORRECTIONAL CENTERS

While the designation "metropolitan correctional center" may suggest various urban jail and prison facilities operated by state and local jurisdictions, the term represents a specific category of correctional institution at the federal level. Metropolitan correctional centers and metropolitan detention centers are important components in the U.S. Federal Bureau of Prisons system of correctional institutions. There are presently three federal MCCs (in downtown Chicago, San Diego, and New York City) and a half-dozen MDCs (at Los Angeles, Brooklyn, Guaynabo, Puerto Rico, Honolulu, Seattle-Tacoma, and Philadelphia). Each of these institutions is located at the heart of a major city in close proximity to other government buildings.

The MCCs house both male and female inmates and are classified as administrative detention institutions. This means that they have special detention missions and can hold inmates of all four federal security classifications. In practice, the facilities generally hold most nontrustee inmates under high-security conditions, regardless of their individual classifications. All three metropolitan correctional centers were built in the mid-1970s during a period when corrections planners were experimenting with new approaches to the architecture and management of prison facilities.

Metropolitan detention centers are essentially federal jails. They are not appreciably distinct from the MCCs in their overall physical plants and operations, but they are designed to accomplish a more narrow set of correctional missions. Intended to provide short-term incarceration for approximately 500 federal pretrial detainees each, they are all beyond capacity today. Most are also classified as administrative and hold inmates of all federal security levels. Where MDCs exist, they displace the need of the U.S. Justice Department to lease cell space from city and county jails operated by local jurisdictions.

ARCHITECTURE

Urban skylines have long been graced by correctional facilities, but the modern metropolitan detention centers are distinguishable by their deliberately unobtrusive, relatively attractive, noncorrectional appearance. In fact, most of the federal MCCs and MDCs could easily be mistaken for metropolitan office buildings, and some have won architectural awards for their designs. The centers have no visible razor wire fences, thick block structures, or corner guard towers. There are also no detectable prison bars and no obvious armed patrols circling the facilities. This last feature helps the institutions avoid the cagelike appearance of traditional prison structures. Entrances to the buildings exhibit no obvious indicia of high security,

because transportation of inmates to and from them takes place in large underground sally-port parking driveways, where buses and vans pick up and drop off inmates.

MDC PHILADELPHIA

Visitors to downtown Philadelphia might easily mistake the city's Federal Metropolitan Detention Center for an elegant hotel or a high-tech office building. Typical of the metropolitan detention centers, MDC Philadelphia is situated directly across the street from a federal courthouse and adjacent to other government buildings. It is also close to historic 19th-century buildings such as the Mellon Bank Center. Designers of the Philadelphia MDC intended the building's function not to be apparent to casual passers-by. Built in 1999 at a cost of $68 million, the 11-story concrete structure was constructed with 800 precast concrete panel walls. The designers' goal was to make the structure attractive and well suited to the historic downtown neighborhood. The contractor built a 120-foot-long tunnel from the basement of the detention center to the federal courthouse across the street. The 14-foot-wide tunnel, 30 feet below the street, was dug by hand due to space restrictions. The Philadelphia Metropolitan Detention Center contains 628 housing cells, each measuring 80 square feet and including a slit window. Although one of the newest MDCs, it is similar in its interior layout and operation to the MDCs found elsewhere.

MCC SAN DIEGO

MCC San Diego, first exhibited in 1974, rises 21 stories above a two-block "green belt" among a group of federal government buildings in San Diego. It was the first high-rise correctional institution completed for the U.S. Bureau of Prisons and was designed to hold 500 inmates and 160 staff. Like the metropolitan correctional centers at Chicago and New York, it has a large recreation yard on the top level and has its intake, administrative, and medical facilities on the first three floors. The remaining floors house inmates in modular two-story New Generation-style accommodations.

MCC CHICAGO

Chicago's Metropolitan Correctional Center, built in 1975 as a "skyscraper prison" has an extremely narrow sharp triangular shape, jutting out from the Chicago Federal Center Complex. With 27 floors rising above Chicago's Van Buren Street, MCC Chicago provides a picturesque addition to the city's skyline. The facility was designed to hold 411 detainees and 160 staff but now houses nearly 600. A U.S. magistrate courtroom occupies the second level, and a U.S. federal district court is situated one block away. The upper half of the building contains inmate cells that open into a two-tier multipurpose dayroom. The exercise yard is located on the roof and is hemmed in by 30-foot concrete walls with fenced openings.

MCC NEW YORK

MCC New York is an 11-story facility connected to the offices of the U.S. attorney and the U.S. Courthouse near the Manhattan financial district. When it opened in 1975, MCC New York was intended for 480 detainees and 160 staff. Today it generally holds more than 700 inmates. The three interconnected facilities (the MCC, the U.S. Courthouse, and the U.S. Attorney's Office) are integrated into a single complex with similar styling and materials used for the construction of each. Just as in MCC San Diego and MCC Chicago, inmates are housed in New Generation-style living units with 40 to 100 individuals living in small rooms along two tiers clustered around an open multipurpose dayroom.

INTERIORS

Designers of the MCCs and MDCs sought to "normalize" the character of both the exterior and interior physical environments. Thus the interiors of all the federal metropolitan centers lack traditional symbols of incarceration. They also have exterior windows, carpeting, and bright interior colors to encourage inmates to care for their living areas. Comfortable furniture and wood paneling instead of steel are intended to soften the effect of incarceration on the inmates' minds.

In each center, the lower floors are set aside for administrative offices, admissions, and medical facilities. The outer walls provide a secure perimeter, while central areas of the building are occupied by security control areas for staff. Inmates are housed in New Generation-style settings, with groups of 30 to 100 inmates kept in small modular units with access to larger common areas. All inmate activities in the dayrooms take place behind large glass panels, visible to staff at any angle, either directly or by closed-circuit camera.

MANAGEMENT AND OPERATION

Both metropolitan detention and correctional centers are capable of functioning as long-term prisons for federal inmates. In practice, however, the facilities hold people for relatively short periods of time. Metropolitan correctional and detention centers in cities like San Diego, New York, and Chicago are situated on costly real estate where space is at a premium. Inmates are rarely held for purposes other than trials or court appearances.

Metropolitan detention facilities complement suburban and rural federal prisons with different correctional missions. Each metropolitan facility is located on a federal prison transportation route that connects institutions from all over the United States. Airplanes and buses that travel along the route make regular drop-offs and pick-ups of inmates being transferred to and from the various federal prisons for different purposes. Each of the facilities have built-in vehicle sally-port intake and release areas on or below the ground floor. These are enclosed, secure areas from which inmates can be safely moved to and from transport vehicles.

TRENDS

When the three MCCs were constructed in the mid-1970s, some analysts predicted that metropolitan prison institutions would be a growing trend. Only a handful of similar prisons have been built in the intervening years, however. Like the U.S. correctional system in general, metropolitan detention centers have become crowded holding facilities as the federal prison population has grown. Each center now operates with inmate populations far in excess of its intended capacity. The U.S. Bureau of Prisons (BOP) as well as most state correctional agencies has opted to build their largest facilities in suburban or even remote rural settings to take advantage of opportunities for greater expandability.

CONCLUSION

Metropolitan correctional centers and detention centers provide correctional space in dense downtown areas where inmates and staff have easy access to court facilities, attorneys, and government administrators. Since the mid-1970s, inmate populations held by the U.S. federal prison system have increased dramatically, and the U.S. government has opted to construct its own jail facilities in some downtown environments instead of renting bed space from local jails. Evaluations of these metropolitan correctional and detention centers find that the attitudes of staff and inmates toward the centers can be described as more favorable than their attitudes toward traditional correctional institutions. Inmates in the centers are apparently more active, less violent, and more likely to engage in constructive activities.

—Roger Roots

See also Campus Style; Cottage System; Classification; Federal Prison System; High-Rise Prisons; Jails; New Generation Prisons; Panopticon; Trustee

Further Reading

Bosworth, M. (2002). *The U.S. federal prison system*. Thousand Oaks, CA: Sage.

Fairweather, L., & McConville, S. (2000). *Prison architecture: Policy, design and experience*. Oxford, UK: Architectural Press.

Farbstein, J. (1986). *Correctional facility planning and design*. New York: Van Nostrand Reinhold.

Krasnow, P. (1998). *Correctional facility design and detailing*. New York: McGraw-Hill.

Mays, G. L., & Winfree, L. T., Jr. (2002). *Contemporary corrections*. Stamford, CT: Wadsworth.

National Institute of Corrections. (1985). *Designs for contemporary correctional facilities*. Washington, DC: National Institute of Corrections.

Phillips, T. S., & Griebel, M. A. (2003). *Justice facilities*. Hoboken, NJ: Wiley.

Rush, G. E. (1997). *Inside American prisons and jails*. Incline Village, NV: Copperhouse.

MILITARY PRISONS

Military prisons have been housing offenders from each branch of service since the early 1870s. The system replaced corporal punishment practices and was meant to standardize the treatment of military offenders in correctional facilities. It was designed to separate them from the "influences" of civilian offenders and facilities, decrease rates of desertion from service, and prepare military offenders for return to active duty or to a productive civilian life.

The Department of the Army acts as the Corrections Executive Agent for the Department of Defense and oversees all of the armed services correctional facilities and programs. While each service still operates penal facilities of its own, some are under the guidance of more than one branch. Consequently, the confinement experience varies according to programming and everyday practice, depending on service and facility. The facility on which there is the most available literature is the military's only maximum-security, long-term facility, the U.S. Disciplinary Barracks (USDB) at Fort Leavenworth, Kansas, which houses offenders from all branches and all sentenced officers. Although military prisons continue to differ from civilian federal and state prisons in inmate population characteristics and somewhat in structure, the correctional philosophy of the former is increasingly permeating the walls of the latter. One distinguishing characteristic of the military corrections system is its "restoration to duty" option, where an offender may be sentenced without discharge from service. This is seen by many as both a successful rehabilitative technique, by providing a working goal for the offender while incarcerated, and a form of release preparation. As a result, former military inmates may not experience the extensive stigma and difficulties obtaining employment and housing, upon release, as their civilian counterparts, which may account for decreased recidivism rates.

HISTORY

In 1871, then-Judge Advocate Major Thomas F. Barr began to evaluate the experience of military prisoners living among different stockades and state correctional facilities across the nation. He found that their treatment varied considerably, particularly concerning disciplinary measures. Prior to the formation of separate military prisons, minor infractions tended to be addressed harshly, with punishments such as flogging, shackling, tattooing, branding, solitary confinement, and execution. In a letter to the Secretary of War, William W. Belnap, Major Barr expressed his concerns about the U.S. system and requested that research be conducted on the British Military Prisons in Canada as a comparison.

British Military Prisons ran according to a mission based on three goals: to maintain discipline, reform offenders, and reduce the rate of military reoffending. These facilities were run systematically, with consistent use of discipline and prisoner classification. Authority was highly valued, as long as it was humane and effective in the goals of the overall mission. The findings of this research lead to a legislation submitted by the U.S. Congress in January 1872, establishing the first American military prison, also the first federal penal institution. The bill was written with specifications for the prison to be at Rock Island Arsenal, Illinois. This site, already guarded and situated between two rivers, provided opportunity for prisoner labor in the form of assembly and repair of small arms. Its location was soon criticized, however, as the bordering rivers would necessitate intensified security measures to protect both the arsenal itself and its new residents. In addition, the form of labor would require time-intensive training measures not conducive to the high turnover rate of inmates. Thus, an amendment to the bill in May 1874 led to the establishment of the first military prison at its present location: Fort Leavenworth, Kansas.

The founders of the military prison hoped to regulate the standard treatment of inmates, decrease rates of desertion and other military crimes, separate criminals with more rehabilitation potential, and finally, return the service personnel to a productive military or civilian life upon release from confinement. The establishment of a military prison system led to

the abolition of many of the previous disciplinary measures, with the exception of solitary confinement. Military prisoners could now be segregated from civilian offenders and facilities, and the addition of training while incarcerated would allow them to continue to improve upon basic military principles. These changes were made to reconcile the correctional experience and the overall interests of military service.

MILITARY FACILITIES TODAY

The U.S. Armed Forces is governed by laws specified by the Uniform Code of Military Justice (UCMJ), part of the Manual for Courts-Martial. The corrections system of the Department of Defense consists of institutions organized by tier levels differing by mission and length of sentence. Tier I facilities house inmates confined pretrial and those with sentences of up to 90 days. The majority of military prisoners are housed in Tier II facilities, where sentences range from 91 days to 5 years. Each branch of service has at least one institution under the first two tiers, and usually inmates are housed by the service in which they serve. The U.S. Disciplinary Barracks (USDB) is the only Tier III and maximum-security correctional institution, where those serving terms of five years to life and death sentences are confined.

Facilities run by each branch are generally divided between four security levels: maximum, close (between maximum and medium), medium, and minimum. Prisoners may be as young as 17 years old, the minimum enlistment age. Since 1987, military prisoners include those who have committed any offense on active duty, whether or not service related. The traditional hierarchical ranks among the convicted are not upheld. That is, generally military prisoners are not distinguished by military rank with regard to correctional treatment and daily privileges. Inmates maintaining officer status upon entry may be segregated from enlisted inmates in their own housing units at the USDB only, and upon official dismissal from service they abandon these rights and are required to live within the general inmate population.

DEPARTMENT OF THE AIR FORCE

The Air Force Security Forces Center (AFSFC) has many roles in the correctional process. It seeks to aid in individual problem solving and behavior correction, as well as reformation for specific court-martialed offenders who may return to duty. This organization also conducts transfers of all U.S. Air Force (USAF) inmates and those inmates with sentences longer than three months. In addition, the AFSFC oversees 54 correctional facilities internationally and three Tier II regional correctional facilities. The USAF assists other branches of the military in the operation of three separate facilities: the USDB at Fort Leavenworth, Kansas, and the two Naval Consolidated Brigs in Miramar, California, and Charleston, South Carolina.

DEPARTMENT OF THE NAVY

In the early 1980s, an extensive study of the naval correctional system lead to significant attempts to improve the poor conditions that had plagued small facilities since the closing of the 80-year-old naval prison in Portsmouth, New Hampshire. Two consolidated brigs were built at Miramar, California, and Charleston, South Carolina, to serve as the Navy's new major confinement facilities. Consolidated brigs are direct-supervision facilities housing inmates with sentences ranging from 30 days to one year. They also provide training to prepare inmates for return to active duty or civilian life or hold them until they are ready to transfer to a long-term facility. Each facility has the capacity to house 450 prisoners but instead maintains full capacity at 360 to comply with the accreditation standards of the American Corrections Association (ACA).

The study resulted in a reconstruction of the naval correctional system into a three-tier system of waterfront brigs for detainees awaiting trial and inmates with relatively short sentences, consolidated brigs, and the option to transfer long-term inmates to the Federal Bureau of Prisons. Currently, the Department of the Navy operates six shore brigs, five pretrial confinement facilities, 20 shipboard brigs, and 10 detention spaces worldwide. The Department

of the Navy also manages the Naval Corrections Academy, founded in 1976, located at the Lackland Air Force Base, Texas, where correctional personnel are trained. Finally, as of 1995, the department established a detachment that serves the USDB at Fort Leavenworth, Kansas.

U.S. MARINE CORPS

Before 1968, the U.S. Marine Corps corrections program was under the direction of the Department of the Navy correctional facilities, although staffed by Marine Corps personnel. In 1970, the Marine Corps created their own formal correctional program, including specific corrections Military Occupations of Specialty. By the early part of the decade, policy for the Navy and Marine Corps brigs was standardized in a publication of the Naval Corrections Manual. The closing of the Naval Disciplinary Command in Portsmouth, New Hampshire, saw the transfer of many Marine Corps inmates to the USDB. The end of the Vietnam conflict resulted in a decrease in the inmate population; thus, the need for Marine Corps correctional personnel declined. Six Marine Corps brigs were reclassified as detention facilities by the end of the decade. At the same time, the responsibility for apprehending absentees and deserters moved from the Federal Bureau of Prisons to the newly formed Marine Corps Absentee Collection Unit.

Today, the Marine Corps operates five brigs and two detention facilities in several states. Programs at each brig emphasize the retraining and readaptation of military standards and expectations. Physical training supplements recreational activities, work, and counseling programs.

DEPARTMENT OF THE ARMY

Four regional correctional facilities (medium-security level), two Army confinement facilities (minimum-security), and the USDB (the central maximum-security prison) and three facilities overseas make up the U.S. Army Corrections System. The Regional Corrections Facilities (RCFs) and the USDB implement several custodial and correctional treatment programs for military prisoners across branches of service. Short-term inmates can be found in the Army confinement facilities that provide services and programs on a smaller scale. Reform is the central focus of the official correctional policy, as stated by the Department of the Army and the Department of Defense in 1970. The concept of punishment remains relatively absent from the policy, as it is considered to already be intrinsically part of the nature of correctional confinement.

THE UNITED STATES DISCIPLINARY BARRACKS

The United States Disciplinary Barracks (USDB) is the only all-service, long-term confinement option for military offenders. For the most part, all inmates from every branch serving sentences longer than five years are sent to the USDB. Academy students and officers from each branch also serve their time here regardless of sentence length.

Established in 1874, it was called the U.S. Military Prison until 1915. Less than 20 years after the military prison was founded, the federal government determined that it too needed a federal prison system for civilian offenders who were serving time in various state and local facilities and were experiencing similar problems to those motivating the original establishment of the military prison system. The passage of the Three Prisons Act of 1891 transformed the USDB into the first federal civilian prison (USP Leavenworth), leaving the Army again without its own penal institution. The federal government became unsatisfied with the facility shortly afterward and built a new one nearby, to which the civilian federal prisoners moved. Control of the USDB has alternated between the U.S. Department of Justice as a federal prison and the Department of the Army as a military prison several times, but has remained under the Army since October 1940. Still, military prisoners may be transferred to federal civilian institutions for several reasons, including if the offender is proving harmful to the rehabilitation of other, potentially successful, military inmates.

In 1988, the USDB was the first military institution to be accredited by the American Corrections Association. Today, the facility struggles with deteriorating physical conditions as well as budgetary and staffing constraints due to lack of technological advancement. Thus a new facility is currently under construction.

SECURITY AT USDB

The acting warden of USDB is the Commandant and is ranked a Colonel (0-6) Military Police officer. Even though the prison is classified as a maximum-security institution, only a small percentage of inmates are classified at this level. The level of discipline and subsequent living conditions vary significantly among each level. Maximum custody only includes those serving sentences for severe crimes and/or those with a history of escape attempts. Most inmates are classified as medium custody upon entry. A custody level (Minimum Inside Only), unique to the USDB, exists between medium and minimum levels. At this level, inmates may enjoy minimum-custody privileges inside the facility, while movement outside the facility requires them to undergo medium-security measures. The Trustee Unit houses those reporting to work and other responsibilities without supervision.

Officially, control at USDB is to be achieved with the least amount of force possible, with correctional training as the ultimate goal. Military prisons experience lower rates of internal violence than do its civilian counterparts. A Discipline and Adjustment Board (D&A) is used to maintain discipline in the USDB. The board reviews aspects of each alleged violation of institutional rule or of the UCMJ. Disobedience, rule violations, threatening conduct, and staff harassment are the most frequent offenses appearing before the D&A.

INMATE POPULATION

The inmate population at the USDB has changed significantly in the past century. For most of the 20th century, the most common offenses for which sentences were being served were desertion, fraudulent enlistment, larceny, and assault. By 1996, however, fewer than 1% were serving sentences for traditional military offenses, and a great increase was evident in crimes against persons. Patterns in sentencing length have also changed dramatically. In the mid-1990s, the USDB facility operated at 80% capacity. As in civilian prisons, a steady increase began in 1979 and continued into the early 1980s. This expansion was due, in large part, to the change in average sentence length of those housed at the USDB, where the minimum was six months in the early 1980s and reached five years in 1994. By the late 1990s, the average sentence length had increased to 13.4 years. Inmates serving sentences at all military correctional institutions, however, are not likely to serve the entire term. Good conduct time (GCT), work abatement (WA), or special abatement (SA) in addition to clemency and parole can contribute to shortening the confinement stay.

As of 1999, the majority of all prisoners under military jurisdiction were white (non-Hispanic) (1,262 out of the total 2,279 prisoners) with the next most represented ethnic group black (non-Hispanic) inmates (674). The same year, the total inmate population included only 84 females. This inmate population is different than that of the average civilian prison, in that prisoners are older, more educated, and most often, first-time offenders. The number of inmates awaiting death by lethal injection as of the mid-1990s was under 10.

MILITARY CORRECTIONAL PROGRAMS

Title 10 of the United States Military Code requires that all correctional facilities include educational, training, and rehabilitation opportunities. Programs offered in the Military Corrections System vary across facilities according to service. The mission of military corrections is one of rehabilitation, not punishment, at every stage, from reception to release.

The most extensive correctional training program of all the facilities in the military corrections system is found at the USDB, where the motto is "Our Mission: Your Future." The Directorate of Training is divided into two divisions: academic and vocational. Few inmates are in need of basic education courses

and can take a relevant course as needed; a higher education program option is available. In fact, the average inmates can expect to increase their academic level up to two grade levels with participation in this program. The Vocational Division includes 15 programs wherein a significant portion of the labor products benefits the military in some way. In addition, a large farm with animals and crops acts as a place of work for minimum-security inmates. Finally, counseling programs meant to prepare inmates for reintegration upon release, including job preparation and other workshops, are available. A work-release program, started in November 1970, operates to aid in this process and has shown to be successful. To participate, the inmate needs only to be classified as minimum security and be within two years of parole eligibility. The type of crime for which the individual is confined is irrelevant for eligibility in military work-release programs.

Finally, at the USDB, inmate treatment programs and correctional psychological research projects are the basis of the Directorate of Treatment Programs (DTP). The DTP is divided among three divisions: Treatment Planning, Rehabilitation, and Mental Health.

THE CASE FOR AND AGAINST A SEPARATE MILITARY SYSTEM

To its critics, the military corrections system no longer serves the same unique purposes for which it originated. Restoration-to-duty rates have declined significantly since the Vietnam conflict. This is due both to restrictions of eligibility as well as the ease at which new military personnel may be recruited from the community. Goals of decreasing military crimes have long since been reached, leaving less differentiation between civilian and military sentenced criminals.

For its supporters, however, military crimes not acknowledged by state and federal penal codes need a place for enforcement, and the assembly of military populations would prove useful should military need arise in a time of crisis. Finally, low rates of prison violence, the absence of overcrowding, and lower recidivism rates demonstrate that greater knowledge of the management of military prisons may provide valuable information toward the improvement of civilian correctional facilities suffering from those problems.

CONCLUSION

The military corrections system holds criminal offenders obligated to a given military jurisdiction. While it shares some qualities with other penal systems, particularly the federal one, it is unique in many ways. Criminological research on this part of U.S. corrections is sparse, since access is often denied to anyone not associated with some part of the armed forces. As a result, it is difficult to know whether military prisons are effective, humane, or even completely necessary.

—Jennifer Macy Sumner

See also Enemy Combatants; Federal Prison System; Leavenworth, U.S. Penitentiary; Prisoner of War Camps; Trustee; USA Patriot Act 2001

Further Reading

Acorn, L. (1992). Military cares for its own with one-of-a-kind facility. *Corrections Today, 54*(1), 50.

American Correctional Association. (2002). *2002 directory: Adult and juvenile correctional departments, institutions, agencies, and probation and parole authorities.* Lanham, MD: Author.

Brodsky, S. L., & Eggleston, N. E. (Eds.). (1970). *The military prison: Theory, research, and practice.* Carbondale: Southern Illinois University Press.

Department of the Army. (1994). *Army Regulation 190–47: The Army corrections system*. Washington, DC: Author.

Handling offenders the military's way. (1992, February). *Corrections Today, 54*(1).

Herrod, R., Lt. Col. (1960). The United States Disciplinary Barracks system. *Military Law Review*, 35–72.

Leeson, B. A. (1997). The United States Disciplinary Barracks and military corrections. In R. Gregory Lande, D.O. (Ed.), *Principles and practice of military forensic psychiatry* (pp. 239–268). Springfield, IL: Charles C. Thomas.

Manos, A. M. (1992). *Inmate behavior and internal recidivism at the United States disciplinary barracks: Predictor variables, discipline and adjustment board procedures*. Doctoral dissertation, University of Kansas.

Morris, L. J., Lt. Col. (1996). Our mission, no future: The case for closing the United States Army Disciplinary Barracks. *Kansas Journal of Law and Public Policy 6,* 1–44.

MILLER, JEROME G. (1931–)

Jerome G. Miller has served as a corrections administrator, reformer, and advocate in the United States since the 1970s. Best known for closing the juvenile reformatories in Massachusetts in the early 1970s, he also established and directs the National Center on Institutions and Alternatives and has written two influential books: *Last One Over the Wall: The Massachusetts Experiment in Closing Reform Schools* (1991) and *Search and Destroy: African-American Males in the Criminal Justice System* (1997).

Educated as a psychiatric social worker, Jerome Miller spent 10 years as a clinician in the U.S. Air Force. This experience, together with training in the therapeutic community concepts of Maxwell Jones, greatly influenced his view of institutionalization and care. After a stint as a social work professor at Ohio State University, he received an unexpected appointment as commissioner of youth services in Massachusetts in 1969. It provided him the opportunity to put into practice his progressive views of juvenile institutionalization.

THE "MASSACHUSETTS EXPERIMENT"

The customary difficulties of providing humane and effective treatment in coercive institutional settings stood in the way of Miller's reforming the juvenile facilities. He also encountered major political and bureaucratic obstacles in his attempts to move the reform schools in the direction of the therapeutic community ideal. He benefited, however, from strong support from Governor Francis Sargent, who very much wanted juvenile correctional reform. In addition, Miller found some talented and supportive staff and a lack of preparation and coordination on the part of his foes. Most of all, he was willing to take risks and to sacrifice his appointment if necessary. Both of these characteristics became necessary after he systematically closed all of the state's reformatories.

In 1970, after a year of thwarted efforts to transform them, Miller abruptly began closing the state's reform schools. In March 1972, he and staff closed the Lyman School for Boys, the seventh and final of these institutions. The previous residents of these institutions were not to be forgotten. Instead Miller had developed networks of community-based services throughout the state that were designed to help those who had been released from the institutions. Meant to address a variety of youth needs and to allow for flexible responsiveness in programming, these community-based services ranged from advocacy and mentoring through alternative education and vocational training to foster care and group homes. A residential psychiatric unit housed the small proportion of youth requiring such intervention.

Contemporaneous and subsequent research indicates the effectiveness and appropriateness of the Massachusetts Experiment. The state experienced no significant increase in serious juvenile delinquency. The most developed local systems of care more adequately met youth need without inflicting the harms associated with incarceration. Today, more than 30 years after this major project in juvenile corrections deinstitutionalization, Massachusetts continues to have one of the nation's lowest levels of juvenile institutionalization.

CAREER AFTER LEAVING MASSACHUSETTS

In 1973, Miller accepted an appointment as director of the Illinois Department of Children and Family Services (IDCFS). At about the same time, Governor Daniel Walker appointed David Fogel, a progressive from California by way of Minnesota, as director of the Illinois Department of Corrections (IDOC). As friends and allies, Miller and Fogel came as a package deal with a plan to reform youth services and juvenile corrections in a significant way. The plan, endorsed by the governor, who viewed it as a centerpiece for his administration, would transfer the juvenile division of IDOC to IDCFS. Miller then would establish something like the Massachusetts Experiment, closing juvenile reformatories while developing networks of community-based services for youth. Fogel would concentrate on ensuring that adult prisons operated constitutionally and that field services focused on effective reintegration of former prisoners into their communities. The plan fell apart when the Illinois Senate defeated Fogel's

nomination, due to an unrelated battle between Walker and Chicago's powerful mayor, Richard J. Daley. Subsequently, Miller found himself stymied in intended major reform efforts. As he succeeded in overseeing implementation of the more modest Unified Delinquency Intervention Services (UDIS) project, he became enmeshed in various child welfare controversies and left the state in 1976.

Subsequently, Jerome Miller became commissioner of children and youth in Pennsylvania, where his efforts contributed to removing a thousand youths from adult prisons. He cofounded the National Center on Institutions and Alternatives, which has advanced client-specific sentencing advocacy, and where he serves as clinical director of its Augustus Institute. He also has served as a jail and prison monitor in Florida, under federal court appointment, and as receiver of the District of Columbia's child welfare system.

—Douglas Thompson

See also Zebulon Brockway; Child Savers; Cook County, Illinois; Elmira Reformatory; Incapacitation Theory; Juvenile Detention Centers; Juvenile Offenders: Race, Class, and Gender; Juvenile Reformatories; Robert Martinson; *Parens Patriae*; Rehabilitation Theory; Therapeutic Communities

Further Reading

Coates, R., Miller, A., & Ohlin, L. (1978). *Diversity in a youth correctional system: Handling delinquents in Massachusetts.* Cambridge, MA: Ballinger.

Krisberg, B., & Austin, J. (1993). *Reinventing juvenile justice.* Beverly Hills, CA: Sage.

Miller, A. (1985). *Delinquent and community: Creating opportunities and controls.* Beverly Hills, CA: Sage.

Miller, J. G. (1991). *Last one over the wall: The Massachusetts Experiment in closing reform schools.* Columbus: Ohio State University.

Miller, J. G. (1997). Search and destroy: African-American males in the criminal justice system. New York: Cambridge University Press.

MINIMUM SECURITY

"Minimum security" refers both to those prisoners who pose the least risk of harm to the public as well as to the institutions in which they are housed. Minimum-security prisoners are typically afforded greater freedoms than their counterparts with greater custody classifications; they may be placed in facilities without perimeter barriers, and they often have limited access to the community. Minimum-security prisons have lower staff-to-inmate ratios. The low level of risk to public safety that minimum-security prisoners pose has led many to argue about whether it makes sense to incarcerate such offenders or instead whether they should be placed in the community with structured supervision and support.

CLASSIFICATION CONSIDERATIONS

Factors that weigh in security designation and custody classification vary among correctional systems. However, a minimum-security inmate is typically an offender who presents (1) with no or an insignificant prior criminal record; (2) with no history of violence, particularly no recent threatening or assaultive behavior; (3) with no history of escape or escape attempts; (4) with no gang or organized crime affiliations; and (5) with no outstanding detainers. Other considerations that can affect an inmate's classification include the seriousness of the offense for which the term of imprisonment is being served, the inmate's age and gender. Younger inmates are viewed as more prone to violence and disruption, while women are thought to be generally less aggressive and, therefore, more secure than men. Also, a person's education level, employment history, and the length of sentence to be served are taken into account. Better-educated inmates and those with a stable employment history or shorter sentences to serve are all seen as more reliable.

While the existence of one of the foregoing risk factors can alone preclude minimum-security designation, most classification systems recognize the need for graduated measures that allow for subjective judgments. In other words, correctional officials review classifications on a case-by-case basis. All the elements are added, resulting in a final rating. Correctional officials managing thousands of individuals in volatile settings tend to err on the side

of caution and place prisoners in higher-security institutions should there be any question about potential risk of harm to staff or other inmates.

Because, as noted previously, women are considered to be safer than men, many correctional systems employ separate standards for classifying female inmates. It is thus more likely that a female prisoner will be housed at a minimum-security institution than a similarly situated male. In contrast, non–U.S. citizens are often ineligible for minimum-security placement regardless of their respective backgrounds due to immigration consequences of their convictions and related detainers placed by the U.S. Immigration and Customs Enforcement (ICE) to secure attendance at removal hearings. Indeed, many foreign prisoners are released to ICE custody after completing their sentences only to be held indefinitely pending a removal hearing and deportation should it be so ordered.

HOUSING

Minimum-security housing varies depending on a correctional system's structure and available resources. As an example, some jurisdictions permit the placement of low-risk offenders sentenced to short terms of confinement (e.g., 18 months or less) in community-based facilities, such as halfway houses or work release centers. Such places afford opportunities for daily release into the community to attend to employment, medical, religious, or other obligations. In them, offenders may only leave the institution for preapproved activities and times and are otherwise confined.

However, the most common form of minimum-security confinement is the prison camp, a correctional institution that employs less rigorous supervision over inmate activities and movement than traditional prisons (e.g., penitentiaries). Consistent with the understood level of risk, there are generally fewer perimeter security measures in place at camps, such as fences or walls, fewer patrol officers and towers, and prisoners bunk in either open cells or dormitories instead of locked cells. Work assignments regularly entail duties away from the institution, such as landscaping government property, and minimum-security prisoners might be afforded access to a wider range of rehabilitative programming. For instance, in some correctional systems, an inmate must be classified as minimum security to participate in a boot camp program—a physically rigorous, shortened period of incarceration for offenders perceived as lacking life structure or discipline.

Irrespective of whether it is a camp or work release center, minimum-security housing is designed to promote change in individuals by teaching to them live independently while respecting the rights of others. Accordingly, minimum-security inmates are still subject to most of the same rules, regulations, and policies that govern a correctional system as a whole. Rules violations, disruption of institutional operations, and threatening behavior toward staff or other inmates can result in a minimum-security prisoner's brief period of detention within an administrative segregation unit (i.e., solitary confinement) or transfer to a higher-security institution. Conversely, higher-security inmates who demonstrate positive institutional adjustment through program participation, infraction-free conduct, or contributions to the institution or inmate population can achieve reductions in classification that lead to minimum-security placement and preparation for eventual release. Ultimately, minimum-security placement is considered a gateway toward community reintegration.

MINIMUM SECURITY FACILITIES IN THE FEDERAL PRISON SYSTEM

The Federal Bureau of Prisons has a number of minimum-security prison camps (FPCs) as well as three intensive confinement centers (ICCs) in Lewisburg, Lompoc, and Bryan. Reflecting their security classification, most of these facilities have no fences, and there is a low staff: inmate ratio. To be admitted to an ICC, prisoners should have either no history of incarceration or only a minor one and must agree to participate in a six-month program that is tailored to each inmate. These centers are like boot camps and have limited amenities. Drug treatment is a prominent part of the daily routine.

Usually, a term of confinement in one of these institutions is followed by some time in a ICC.

In contrast to those housed briefly in ICC, residents of prison camps may stay there for many years. Individuals may be either sent to the camps directly from the court or transferred from other higher-security facilities. They are usually housed in open dormitories. Though there is more freedom of movement in these institutions, they generally offer fewer opportunities for education and recreation because they are primarily work-oriented institutions. This is particularly the case for those prison camps located next to higher-security facilities. In the federal correctional centers (FCCs), which the bureau has built since the 1980s, camps are merely part of a series of other institutions, including correctional institutions and penitentiaries. Some prisoners argue that in this arrangement the inmates of the prison camp lose out since "the camp plays second fiddle to the needs of the bigger sister with regard to staff, supplies, requests, and recreational facilities" (Tayoun, 1997, p. 17).

THE CASE FOR AND AGAINST MINIMUM-SECURITY FACILITIES

Critics of minimum-security institutions deride them as insufficiently punitive "country clubs" that are more akin to college than the retributive desire for harsh penalties. Such objections are grounded in unsubstantiated concepts of deterrence that equate the severity of punishment with lower recidivism rates. Indeed, in recent years, states facing budget shortfalls have approved the release of large numbers of minimum-security prisoners, given the estimated annual cost—$22,000—to house and care for a single minimum-security prisoner.

There is a growing call to keep nonviolent, first-time offenders (i.e., minimum security) in the community. Structured community-based sanctions, such as day reporting centers, weekends in jail, house arrest, and community service, provide meaningful, cost-effective punishment while accounting for an individual's background. When an otherwise minimum-security prisoner is kept in the community, there is greater opportunity for treatment, training, and satisfaction of restitution and court costs with an associated reduced drain on taxpayers.

CONCLUSION

As growing numbers of states face deepening fiscal crises and as state and federal prisons become increasingly overcrowded, the treatment of minimum-security prisoners and the form and purpose of minimum-security prisons are being reevaluated. At the same time that people are calling for changes in policy that would enable certain minimum-security inmates to serve out their sentences in the community, minimum-security prisons are increasingly being asked to hold well-behaved offenders with higher security levels in order to reduce the pressure on other institutions. What the long-term effects of these two changes will be is, as yet, unclear.

—Todd Bussert

See also Actuarial Justice; Boot Camp; Celebrities in Prison; Classification; Community Corrections Centers; Deterrence Theory; Home Arrest; Maximum Security; Medium Security; Probation; Rehabilitation Theory; Unit Management

Further Reading

American Correctional Association. (Ed.). (1993). *Classification: A tool for managing today's offenders.* Laurel, MD: American Correctional Association.

Carp, S., & Davis, J. (1989). *Design considerations in the building of women's prisons*. Washington, DC: National Institute of Corrections.

Farr, K. A. (2000). Classification for female inmates: Moving forward. *Crime and Delinquency*, *46,* 3–17.

Petersilia, J. (Ed.). (1999). *Community corrections: Probation, parole and intermediate sanctions*. New York: Oxford University Press.

Tayoun, J. (1997). *Going to prison?* Brunswick, ME: Biddle.

Witke, L. (Ed.). (1999). *Planning and design guide for secure adult and juvenile facilities*. Lanham, MD: American Correctional Association.

MORRIS, NORVAL RAMSDEN (1923–2004)

Norval Morris was one of the world's preeminent legal scholars, criminologists, and penal

reformers. His work on prisons, sentencing, punishment theory, and mental health continues to be influential in both academic and public policy realms.

BIOGRAPHICAL DETAILS

Born in Auckland, New Zealand, in 1923, Morris received his law degrees at Melbourne University and a PhD in Law and Criminology at the University of London. He held several academic posts before serving as the Japan-based Director of the United Nations Institute for the Prevention of Crime and Treatment of Offenders from 1962 to 1964. From 1964 until 1994 Morris was on the faculty of the University of Chicago Law School. He served as Dean of the Law School from 1975 to 1978.

For more than 50 years, Morris worked to advance both the theoretical understanding of his field and to further its effective practice by teaching and mentoring generations of lawyers, policy makers, and scholars. He provided counsel to various components of the criminal justice system, including acting as a federal court's Special Master concerning issues of protective custody at Stateville Penitentiary (Illinois), and serving for more than 25 years on the Advisory Board of the National Institute of Corrections (and as chairman from 1986 to 1989).

EARLY WORK

Morris began his academic career exploring the question of recidivism. He expressed concern about preventative detention and the relevance of prison behavior to the prison release decision. He ultimately asserted that "at the time of sentencing as good a prediction as to when the prisoner can be safely released can be made as at any later time during confinement" (Morris, 2001, p. 186). In the 1950s, Morris also addressed the problem of unjustified sentencing disparity, and argued in favor of systematic, scientific studies on questions of crime and punishment, an approach that was not widely followed at the time.

THE DEVELOPMENT OF PENAL GOALS

Morris was one of the early advocates for punishment limited by principles of just desert. According to him, *desert* is "an essential link between crime and punishment. Punishment in excess of what is seen by that society at that time as a deserved punishment is tyranny" (Morris, 1974, p. 76). While Morris has contended that equality should merely be a guiding principle in part because of finite resources, he has strenuously argued that desert is a limiting principle—an absolute requirement—of just punishment. The punishment must be deserved, or, in Morris's term, it must be within the range of potential punishments that are not undeserved. To further determine an appropriate sentence, Morris has suggested following the concept of parsimony, which requires that the "least restrictive (punitive) sanction necessary to achieve defined social purposes should be imposed" (Morris, 1974, p. 59).

Despite his rejection of rehabilitation as a justification for imprisonment, and contrary to much of the scholarly and political rhetoric of recent decades, Morris repeatedly argued that rehabilitative programs remain crucial to both the theory and practice of incarceration and other sanctions. The important point is that such programs should be voluntary and should not be used to increase the length of an inmate's sentence.

In conjunction with his views of desert, Morris explored the proper role of predictions of dangerousness in the law, particularly in setting a defendant's sentence. Initially he believed that predictions could not properly be considered at sentencing, although he later came to argue that there was a narrow but legitimate purpose for predictions of dangerousness. Morris asserted that predictions of dangerousness cannot justify a more severe punishment than would be permissible without such a prediction. Yet within the array of punishments that satisfy the limiting principle of just deserts, Morris reasoned that reliable predictions of substantially greater than typical dangerousness may appropriately alter sentencing determinations. Morris investigated the relationship between law and mental illness, both in terms of criminal responsibility and sentencing. He

objected to the amalgamation of the criminal justice and mental health systems, and strongly criticized various legal approaches to the mentally ill defendant, including the insanity defense.

Never content with isolated abstract arguments, Morris also described how a prison for recidivist criminals might be structured. The Federal Bureau of Prisons designed the programming and management at FCI Butner, North Carolina, based on Morris's description.

RETHINKING PENALTIES AND PRISON

In the 1990s, Morris turned his attention to the question of intermediate punishments. He and Michael Tonry argued that both prison and probation were overused and that a gap existed between those punishments:

> We are both too lenient and too severe; too lenient with many on probation who should be subject to tighter controls in the community, and too severe with many in prison and jail who would present no serious threat to community safety if they were under control in the community. (Morris & Tonry, 1990, p. 3)

Morris also used his skill as an author and stylist to confront basic problems of crime and punishment, and to bring these questions to a broader audience. In his classic work *The Brothel Boy and Other Parables of the Law* (1996), he brought to life the fictional Burmese experiences of police officer and magistrate Eric Blair, who later gained fame as the author George Orwell. Morris created engaging stories set in 1920s Burma built around challenging legal and moral questions of criminal and mental health law.

CONCLUSION

Morris continued to produce provocative works until he died. Such works included *Maconochie's Gentlemen* (2001), which uses a quasi-fictional form to study the emergence of the modern prison in the 1840s on Norfolk Island, 1,000 miles off the Australian coast. Morris's rich and subtle punishment theory—skeptical about state power, modest in its claims about society's ability to effectively redress criminality, yet hopeful with respect to the human character—permeates the book, and has informed much of his work. "Punishment may avenge, and restraint may, to a certain limited extent, prevent crime; but neither separately, nor together, will they teach virtue" (Morris, 2001, p. xx).

—Steven L. Chanenson and Marc L. Miller

See also Meda Chesney-Lind; John DiIulio, Jr.; David Garland; Incapacitation Theory; Intermediate Sanctions; Just Deserts Theory; Legitimacy; Alexander Maconochie; Mental Health; Jerome Miller; National Institute of Corrections; Nicole Hahn Rafter; Recidivism; Rehabilitation Theory; Stateville Correctional Center; Supermax Prisons.

Further Reading

Morris, N. (1951). *The habitual criminal*. New York: Longmans, Green.

Morris, N. (1974). *The future of imprisonment*. Chicago: University of Chicago Press.

Morris, N. (1983). *Madness and the criminal law*. Chicago: University of Chicago Press.

Morris, N. (1992). *The brothel boy and other parables of the law*. New York: Oxford University Press.

Morris, N. (2001). *Maconochie's gentlemen: The story of Norfolk Island and the roots of modern prison reform.* New York: Oxford University Press.

Morris, N., & Hawkins, G. (1970). *The honest politician's guide to crime control*. Chicago: University of Chicago Press.

Morris, N., & Tonry, M. (1990). *Between prison and probation: Intermediate punishments in a rational sentencing system.* New York: Oxford University Press.

MOTHERS IN PRISON

The female prison population in the United States doubled during the 1990s and is continuing to rise. This increase affected minority women disproportionately, with black and Hispanic females far more likely than whites to be in prison. Two-thirds of the women in prison have one or more minor children. By the end of 1999, more than 53,000 mothers of minor children were incarcerated in state or federal prisons. This resulted in approximately 126,000 minor children with a mother in prison in 1999, almost double the number in 1990. Twenty-two

percent of the children with a parent in prison were under five years old.

Unlike prisoner fathers, mothers in prison were often living with their children immediately prior to incarceration. In 1997, nearly 65% of the mothers in prison reported living with one or more of their minor children prior to their arrest. In the federal prison system, about 63% of women prisoners reported one or more minor children in the home prior to incarceration. As a result, in 1999 there were more than 35,000 women incarcerated who had resided with their children prior to arrest. Minority women and their children are particularly affected by the high incarceration rates of women. In state prisons, nearly half of the incarcerated parents were black, and nearly 1 in 5 were Hispanic. In the federal system, 44% were black, and 30% Hispanic. Several important issues have arisen as a result. The problems include placement of the children, contact between the prisoner mother and her children, the effects on the mothers, and the effects on the children. Furthermore, pregnancy during incarceration is becoming an increasing issue. A growing number of women enter prison pregnant, with some children born while they are incarcerated. Finally, some programs are being developed to address the problems of mothers in prison and their children.

PLACEMENT OF CHILDREN

Because nearly two-thirds of prisoner mothers lived with one or more of their minor children prior to incarceration, placement of the children is a serious issue. Almost half of the mothers in prison were the only parent in the home prior to arrest, and almost one-third of them lived alone with their children prior to incarceration. The children, therefore, must be placed in another household or setting.

While the children of prisoner fathers usually remain with the other parent during incarceration, the majority of children of prisoner mothers do not. The father becomes the caretaker in only about 1 out of 4 cases. Instead, the most common placement of these children is with the prisoner's family, usually with her relatives. The prisoners' parents are most likely to become the caretakers, and siblings are the second most likely. On average, women in state prisons have 2.38 children. In many cases, the children are separated from each other as well as from their mothers. Additionally, they may be moved from one family member to another during the course of the mother's imprisonment. Most incarcerated mothers hope to resume their parenting responsibilities upon release. However, when children are placed in foster care or state custody, it is not uncommon for parental right to be terminated. Therefore, mothers in prison try to avoid nonfamily placement, fearing permanent loss of custody.

CONTACT BETWEEN INCARCERATED MOTHERS AND THEIR CHILDREN

The majority of incarcerated mothers report regular contact with their children. There are three common forms of interaction: telephone calls, mail, and visits. Approximately 60% of mothers in prison report weekly communication with their children, and nearly 80% report monthly contact. The most common form of contact is through letters. Telephone calls are also common. Visiting is the least common method of staying in touch, with only 24% of prisoner mothers reporting monthly visits from their children, and more than half reporting never receiving a visit from their children.

Writing letters to children helps maintain family bonds. However, many of the prisoners' children are under the age of five. For the youngest, letters may not be an effective way to preserve their relationship with their mother. Telephone contact is the next most common form, with nearly 40% of the mothers in prison reporting weekly telephone contact. However, since prisoners must call collect, the toll charges may be prohibitive, and it may be difficult for the mother to call at times convenient for the family.

Prison visits are the least common form of mother-child contact. Visiting is often problematic because of the locations of women's prisons. Because of the smaller number of women prisoners compared to men, there are fewer women's prisons. These are frequently located in remote areas. Therefore, a woman is often incarcerated at considerable distance

from her family. In fact, most are housed at least 100 miles from where they lived prior to incarceration. Women in some states are warehoused in prisons located in other states, creating further difficulties. Visiting is difficult, due to the cost and the time involved. Furthermore, some women do not want their children to see them in prison and discourage visits. However, maintaining the mother–child relationships increases the mental health of both the mothers and the children. Children who are able to visit their mothers are more likely to be able deal with their separation anxiety as well as their fears for their mothers' safety. Furthermore, successful reunification after the woman's release is enhanced by ongoing contact. With less contact, the relationship between the mother and the child weakens, creating problems upon release.

EFFECTS ON THE MOTHERS

Separation from children may be linked to depression in mothers in prison. For many of them, the maternal role is one of few positive roles available. Self-esteem is decreased by the disruption of the relationship. Prisoner mothers may try to minimize emotional pain by distancing themselves from their children, further straining the relationships.

Mental health services for women in prison are limited. The majority of administrators indicate a need for increased mental health services in women's prisons, particularly programs designed to increase self-esteem. There are also some counseling programs available for women to help them deal with separation from their children. However, screening and assessment of women prisoners is frequently accomplished using instruments designed for men, resulting in the needs of women prisoners being overlooked. Few correctional facilities assess the need for counseling related to separation from their children.

EFFECTS ON THE CHILDREN

When a mother is incarcerated, the family unit is disrupted. Children are separated from their mothers and often from their siblings. Furthermore, the relationships of children and their mothers become strained. Children may fear for their mothers' safety, and depression is a common reaction in all age groups. School attendance and performance is frequently affected as well, often resulting in older children dropping out of school. Finally, the children of imprisoned mothers may engage in law-violating behaviors themselves, resulting in arrest and punishment. While the mothers may receive some mental health services while in prison, most states do not provide services for the children of incarcerated parents or for their caretakers.

Placement of a minor child with the mother's family, while usually the mother's preference, may not always be in a child's best interest. The majority of women prisoners have histories of physical and/or sexual abuse. Therefore, children who live with family members of the prisoner may be placed in potentially abusive situations. Furthermore, the additional responsibility of the child or children adds to the economic and emotional strain on families that have limited resources. Some research has suggested that nonfamily placements are associated with higher-quality care, both material and emotional. However, fear of loss of custody leads women to place the children with family, despite the potentially negative consequences.

PREGNANT PRISONERS

More than 5% of women prisoners are pregnant at the time of incarceration, with nearly 1,400 children born to incarcerated mothers in the United States in 1998. Pregnancies in prison are frequently high risk, due to the lifestyles of the women prior to incarceration. Homelessness, poverty, substance abuse, and histories of abuse all increase the potential for problematic pregnancies and births. Moreover, few prisons have the specialized types of care needed to ensure good birth outcomes.

Pregnancy may increase the stress faced by prisoners. In addition to the difficulties of incarceration, the pregnant prisoner must deal with the impending separation from her child, ill-fitting prison uniforms, and decisions about placement of the child. Additionally, her health care will be limited. Often

the pregnant prisoner may be placed in a maximum-security prison, regardless of her own security level, because of the need for medical care. Furthermore, only 15% of state prisons provide a special diet for pregnant prisoners.

Despite these problems, birth outcomes for pregnant prisoners are often better than for those whose children were born outside of prison, since incarcerated women may receive better medical care than they received on the street. Slightly fewer than half of the women's prisons in the United States offer specific prenatal care services, while another 40% provide prenatal services from community agencies. Women who were homeless or living in poverty prior to prison at least have shelter and adequate nutrition in prison, further increasing the likelihood of a positive birth outcome. Alcohol and drug consumption is less likely as well. Thus, the reduction in risk factors can contribute to better birth outcomes for both the mothers and their infants. Prison policies differ in regard to delivery of the infant. In most prisons, the mother is transferred to a local hospital to deliver. Policies concerning restraint of pregnant prisoners vary. In some states, it is illegal to shackle a pregnant prisoner during the move to the hospital for birth. However, in other states, restraints are allowed during the transfer, and in some states they are even used on pregnant prisoners during labor and delivery. In most jurisdictions, the policy is to use the least restrictive measures allowable in the situation.

Policies also vary concerning the contact allowed between the prisoner mother and her newborn. In some jurisdictions, virtually no contact is allowed. The mother may see the infant briefly at birth, then not again until after release. More commonly, the mother may spend time with the infant until she is discharged from the hospital, usually 1–2 days. Finally, some jurisdictions allow the mother to keep her infant with her in prison for about 18 months.

PROGRAM NEEDS AND AVAILABILITY

Mothers in prison and their children have special needs. In a number of prisons, programs have been developed to address those needs. Since the goal of most mothers is reunification with their children after they are released, institutions usually try to deal with the problems faced by prisoner mothers, including development of parental skills, substance abuse treatment, and life skills development. In a recent study, prison administrators reported a need to increase available mental health services for women prisoners, including parenting programs designed to strengthen the women's nurturing and discipline skills.

While there are some mental health services available for mothers in prison, fewer are available to their children and the children's caretakers. A few programs have been developed to ensure that the children are given needed treatment, although they are limited. Substance abuse is also a problem. Mothers in prison are likely to have serious drug abuse histories. More than half the mothers in state prisons reported drug use in the month prior to incarceration, and only slightly less than half committed their offense while under the influence of drugs.

Lack of contact between mothers and their children is another problem, leading to the development of programs to increase mother–child contact. In some locales, transportation is provided to the prison by either the state or a community or church organization. Other prisons have introduced innovative programs utilizing computers to allow "virtual visits." Others have mother–child programs to increase contact, including programs such as "Girl Scouts Beyond Bars" and family visits. In a few correctional systems, programs have been put into place that allow overnight visitation between mother and child. The most innovative programs for mothers in prison are those that allow the children to remain with the mother. The most well-known program, Bedford Hills Correctional Facility Children's Center in New York, not only allows infants to remain with the mothers the first year but also teaches the mothers parenting skills. This program also provides services to children outside of the program and facilitates visitation. The program utilizes prisoners as peer counselors to increase its effectiveness. Eleven states and the Federal Bureau of Prisons have instituted programs that allow

infants and mothers to remain together from 3 months to 18 months after birth.

Finally, there are a few innovative programs that assist in the reunification process. The Women's Prison Association in New York City has a multiphase program that starts with visiting. When the mothers are deemed ready, the children join them in a halfway house setting, where both mothers and children receive services. Finally, the program assists the family with obtaining housing, employment, and social services. They receive follow-up services for one year after completion of the program. Other jurisdictions have implemented community-based programs that allow mother and children to remain together as an alternative to incarceration.

CONCLUSION

While mothers in prison face a wide range of problems, some programs are being instituted to address those problems. The most effective programs are those that deal with multiple issues in a holistic fashion. Successful reunification of mothers and their children is a difficult task. However, through addressing underlying mental health issues, substance abuse issues, life skills, and parenting skills, the chance of success is increased.

—Susan F. Sharp

See also Bedford Hills Correctional Facility; Children; Children's Visits; Fathers in Prison; Foster Care; Gynecology; Parenting Programs; Prison Nurseries; Termination of Parental Rights; Women Prisoners; Women's Health; Visits

Further Reading

Beck, A. J., & Karberg, J. C. (2001). *Prison and jail inmates at midyear 2000.* Washington, DC: U.S. Department of Justice.

Bloom, B., & Steinhart, D. (1993). *Why punish the children?* San Francisco: National Council on Crime and Delinquency.

Daane, D. (2003). Pregnant prisoners: Health, security and special needs issues. In S. F. Sharp (Ed.), *The incarcerated woman: Rehabilitative programming in women's prisons* (pp. 61–72). Upper Saddle River, NJ: Prentice-Hall.

Enos, S. (2001). *Mothering from the inside: Parenting in a women's prison*. Albany: State University of New York Press.

Greenfeld, L. A., & Snell, T. L. (1999). *Women offenders: Bureau of Justice Statistics Bulletin*. Washington, DC: U.S. Department of Justice.

Morash, M., Bynum, T., & Koons, B. A. (1998). *Women offenders: Programming needs and promising approaches.* Washington, DC: U.S. Department of Justice.

Mumola, C. J. (2000). *Incarcerated parents and their children.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Owen, B. (1998). *In the mix: Struggle and survival in a women's prison*. Albany: State University of New York Press.

Sharp, S. F. (2003). Mothers in prison: Issues in parent-child contact. In S. F. Sharp (Ed.), *The incarcerated woman: Rehabilitative programming in women's prisons* (pp. 151–165). Upper Saddle River, NJ: Prentice-Hall.

Sharp, S. F., & Marcus-Mendoza, S. T. (2001). It's a family affair: Incarcerated women and their families. *Women and Criminal Justice, 12*(4), 21–49.

MUSIC PROGRAMS IN PRISONS

Music programs are used in prisons as part of the rehabilitation process. Advocates point to the therapeutic nature of music, the positive outlet of energy, and the stimulation of the creative processes as reasons to support the continuation and proliferation of music programs. Music programs emphasize cooperation and provide a skill that can be used outside of prison—if not as a source of income, then as a productive hobby.

PROGRAM CONTENT

Music programs have traditionally been offered in all kinds of facilities, from lower-security to maximum-security places like Angola and San Quentin. Prison music includes music lessons, playing and performing in groups or bands, and the opportunity to make recordings and/or perform live on radio and television. Historically, prison bands existed in many states in the early 1900s. Today, prison groups and bands sometimes travel outside the prison to perform in parades and at local festivals; others are limited to performing inside the institution for their convict peers only. They have played at rodeos in Texas and still perform at Louisiana's Angola Rodeo. Instruction varies from hiring professional

music instructors to volunteers to prisoner teachers. At Angola, Louisiana, in the 1970s, Charles Neville of the Neville Brothers had full-time work duty in the music room as a convict music teacher.

Music programs can be part of larger overall arts programs that include theater, dancing, and painting, while sometimes they are part of other self-help groups organized by the prisoners themselves. They also can be free-standing music programs and/or part of the prisons' recreational program.

SUPPORT FOR PROGRAMS

Art and music program advocates believe that such classes restore a sense of humanity and safety that is vital to rehabilitation. The sense of completion and of contribution to the creation of something that society values can help inmates increase their self-esteem and recapture a sense of pride and satisfaction in themselves and their work. Other benefits can include relearning responsibility and discipline through individual and group practice and performance. As part of an all-around rehabilitation program, Superintendent Fred Jones appointed Wendell Cannon as Parchman's first director of music in 1960, although prison bands had existed at Parchman, Mississippi, since the 1940s. Cannon was empowered to exempt his choice of convict-musicians from the field and thus lured the black convicts into the music program; only white convicts had participated in the prison bands to date.

Music and art programs also have been shown to reduce recidivism rates. They provide an alternative to traditional education programs, to which inmates who have had negative experience with schooling in the past may be averse. The open structure of these programs also helps them bring together diverse groups of individuals from different racial, ethnic, geographical, and class backgrounds into a harmonious cooperative atmosphere. As part of a multifaceted program to promote tolerance and mutual respect among its inmates, Ohio's Marion Correctional Institution created "Music in the Air." One successful participant of a music program observed, "I traded a pistol for a trumpet!" Music programs have even been used as a form of psychotherapy to develop the relationship between the therapist and the client. Therapists believe that music can help individuals who would otherwise have a difficult time expressing themselves. Evaluation of a music therapy program implemented in a female correctional facility concluded that music therapy reduced tension and anxiety while also increasing motivations and ties with reality for the women convicts. Art and music programs have also been used in the treatment of sexual offenders against children.

Examples

Goals other than rehabilitation prompt prison systems to create music programs. In the late 1930s, the Texas radio program, *Thirty Minutes Behind the Walls* was created to gain favorable publicity for the prison system and to offset the negative publicity surrounding a recent rash of escapes, beatings, and gun fights within the prison. Not only male prison systems initiate music programs. Women prisoners at the Goree, Texas, prison farm for women created a band in the early 1940s because they believed that they might get the attention of then-Governor O'Daniel and be able to play their way out of prison. The women not only performed at rodeos and on the prison radio program; the "Goree Girls" also traveled extensively around the state. None of the women were paroled out of prison because of their singing abilities, but the notoriety of the prison radio show certainly declined when the last and most popular member of the band was paroled in 1943. By 1944, the prison radio show was no more.

Some states provide funding for prison music programs; in others, funding may be left to private foundations that support the arts and have an interest in correctional facilities. Prominent foundations and groups include "Art Behind Bars" in Florida and "Irene Taylor Trust" in England. Inmates have even requested to be transferred to prisons with well-known music programs, including the State Correctional Institution Graterford in Pennsylvania. At this prison, inmates are graded and must receive at least a C in order to get credit as a student in the music program.

Drawbacks

One drawback to music programs is the potential they may provide for smuggling contraband into the prison. In the past, for example, SCI Graterford experienced increased violence and drug overdoses that led to a temporary suspension of the program. Another current stumbling block has to do with negative publicity over such programs, which are viewed by many critics as being "soft" on criminals. A recent VH1 television series that highlighted various states' music programs, *Music Behind Bars,* brought such negative publicity from victims' family members and Bill O'Reilly of *The O'Reilly Factor* that Pennsylvania's Governor Schweiker canceled all prison music programs for murderers in Pennsylvania.

Less controversially, there can be a problem of consistency. Since prisoners are frequently moved from one institution to another during their confinement, they may find that they are unable to continue studying or playing music if they are moved to an institution that does not provide the necessary equipment. Accordingly, music may become yet another source of prison frustration rather than rehabilitation. Even with such positive support for prison programs, musical instruments are expensive and are often difficult to obtain and maintain. Access to them can become a problem for security. Finally, by definition, prison music programs operate as part of the overall system of social control that conflicts with goals of rehabilitation. Prisoners' ability to participate in such programs is not based simply on talents but on one's "good" prison behavior, and in Pennsylvania, the nature of one's crime. "Dark Mischief," one of the current bands at Graterford, must perform regularly. If the convicts do not like the show, the men lose their playing privileges.

CONCLUSION

Music programs, at least in the form of bands, have existed in prisons throughout the country since the early 1900s. Music programs offer a constructive and creative rehabilitation method for the correctional industry. While some may view these types of programs as a luxury that prisoners do not deserve, research supports their positive effects. As long as funding is available, either through the government or private foundations, music programs will continue to offer a piece to the rehabilitation puzzle. However, correctional budgets are being cut in many states across the nation, and prison music programs are suffering. Many bands do not travel anymore, instruments are not repaired, and music rooms are closed in an effort to cut costs.

—Gregory Lobo-Jost

See also Art Programs; Creative Writing Programs; Drama Programs; Education; Furlough; Labor; Parchman Farm, Mississippi State Penitentiary; Plantation-Style Prisons; Prison Literature; Prison Music; Rehabilitation Theory

Further Reading

Art Behind Bars. Retrieved from http://www.artbehindbars.com

Burton-Rose, D., Pens, D., & Wright, P. (Eds.). (1998). *The celling of America: An inside look at the U. S. prison industry*. Monroe, ME: Common Courage.

Daveson, B. A., & Edwards, J. (2001). A descriptive study exploring the role of music therapy in prisons. *Arts in Psychotherapy, 28*(2), 137–141. Retrieved from http://www.elsevier.com/inca/publications/store/8/3/3/

Hollandsworth, S. (2003). O sister, where art thou? *Texas Monthly, 31*(5), 136–147.

Irene Taylor Trust Brochure. Retrieved from mg.carltononline.com/citysurvival/programmes/Irene%20Taylor%20Trust.pdf

Menees, T. (2002). Cellblock cues: On the inside, prison music, and theater programs have positive powers. *Pittsburgh Post-Gazette*, November 4, 2002.

Money, C. (1999). A taste for tolerance fuels prison culture. *Corrections Today*, *61*(3), 99–100.

Naitove, C. E. (1988). Using the arts therapies in treatment of sexual offenders against children. In S. Sgroi (Ed.), *Vulnerable populations: Evaluation and treatment of sexually abused children and adult survivors* (Vol. 1, pp. 265–298). New York: Free Press.

Taylor, W. B. (1999). *Down on Parchman Farm.* Columbus: Ohio State University Press.

N

NARCOTICS ANONYMOUS

Offenders with substance abuse problems make up a minimum of 75% of the U.S. inmate population. Despite this alarming figure, currently fewer than half of U.S. prisons offer targeted substance abuse programming. Those programs that are offered most commonly include self-help programs such as Narcotics Anonymous. Narcotics Anonymous (NA) is a nonprofit organization made up of recovering addicts who meet regularly to support one another in the recovery process. The NA program developed from the Alcoholics Anonymous framework in the late 1940s. The organization grew slowly through North America until the 1980s, when they published their *Basic Text,* which became highly influential. The NA program is centered on complete abstinence from all drugs, although anyone with the desire to stop using may participate.

PROGRAM FRAMEWORK

Narcotics Anonymous is based on the premise that addicts are in the best position to help others through the process of substance abuse recovery. Peer support is considered key to reform; members can rely on others who have been through the same process to help them survive through cravings, deal with their emotions, and build a drug-free lifestyle. New members are encouraged to seek a more experienced person as a sponsor—an individual guide and counselor. Recovering addicts are guided through the recovery process by NA's 12 steps. Addicts must admit that they have a problem and seek help. The other parts of the healing process involve moving through self-examination, self-disclosure, making amends, and finally helping others with their addictions.

The 12 steps also require addicts to acknowledge God in their own terms, as a higher spiritual power key to the recovery process. NA has no religious affiliation; the emphasis is on bringing people to a spiritual awakening that is meaningful to them and on the adoption of a moral code of honesty and responsibility.

PROGRAM DELIVERY IN THE CORRECTIONAL SETTING

Narcotics Anonymous operates within the correctional setting through Hospitals and Institutions (H&I) meetings and presentations. Volunteers from the community, in cooperation with the facility, conduct these meetings and presentations. NA does not employ service delivery professionals; all volunteers are program members. H&I provides presentations introducing the principles of NA and sharing early recovery stories to inmates in short-term

(less than one year) facilities. In longer-term facilities, regular meetings with increased participation and sharing are encouraged as the recovery process takes place within the institution.

NA meetings are usually open discussions facilitated by volunteers. Members share their stories of relapse and recovery and receive support from their peers. Meetings do vary and may include, for example, guest speakers, a book study, or a focus on a particular topic of concern, such as dealing with drugs within the prison environment. The frequency of meetings depends on the availability of volunteers and space within the facility, but usually ranges from one to two meetings per week.

BENEFITS AND CONCERNS

Narcotics Anonymous programs are extremely low cost and require few facility resources to operate. Established NA groups can provide members with a subculture that is separate from the drugs, alcohol, and contraband within the institution. Unintentionally, however, they may also provide a concentrated source of potential clients for narcotics dealers.

ROLE IN THE TREATMENT CONTINUUM

The Federal Bureau of Prisons requires that nonresidential treatment programs be available in all institutions. However, 12-step programs such as NA do not qualify as nonresidential treatments under the Bureau of Prisons' classification; therefore they are usually accompanied by other treatment options. Although 12-step programs can be extremely powerful and successful for some inmates, they are not universally applicable and are best used in conjunction with more intensive interventions. Inmates may, for example, be required to attend NA meetings as follow-up to participation in treatment communities, detoxification, or counseling.

CONTINUITY THROUGH THE RELEASE PERIOD

One of the primary benefits of NA in the correctional setting is its continuity. Men and women approaching release are provided with meeting directories and phone numbers in order to establish contact with an NA group in the community. This outreach provides a source of familiarity and stability for inmates in the community while continuing the substance abuse recovery process. Members are encouraged to find a sponsor immediately upon release to provide an individual source of support through the transition period.

CONCERNS WITH SPECIAL POPULATIONS

The NA framework may be inapplicable or alienating to some prisoner groups. Most women with substance abuse problems have issues relating to self-esteem, emotional expression, and victimization that may interfere with or even be intensified by the open presentation and discussion process of NA. Members of minority ethnic or religious groups may feel alienated by the concepts of God and spirituality presented in NA literature. The required goal of freedom from all substance use may also prevent the participation of inmates with substance abuse problems who see abstinence as unattainable or unnecessary.

CONCLUSION

Narcotics Anonymous provides a low-cost option for a system in need of vastly increased substance abuse programming. The efficacy of NA alone as a solution to substance abuse among inmates remains contentious. However, evidence does indicate that NA can be an important contributing factor within a comprehensive substance abuse program. Support provided by the program within the institution and particularly throughout the release process can be a valuable part of the recovery and reintegration process.

—Rebecca Jesseman

See also Alcoholics Anonymous; Drug Offenders; Drug Treatment Programs; Federal Prison System; Group Therapy; Health Care; HIV/AIDS; Individual Therapy; Overprescription of Drugs; Psychological Services; Therapeutic Communities; Volunteers; War on Drugs; Women's Health

Further Reading

Leukefeld, C. G., Tims, F., & Farabee, D. (2002). *Treatment of drug offenders: Policies and issues*. New York: Springer.

Narcotics Anonymous. (1988). *Narcotics Anonymous.* Van Nuys, CA: Narcotics Anonymous World Service Office.

Narcotics Anonymous World Services. Retrieved July 23, 2003, from http://www.na.org

Ronel, N. (1998). Narcotics Anonymous: Understanding the "bridge of recovery." *Journal of Offender Rehabilitation, 27*(1/2), 179–197.

Wilson, D. J. (2000). *Drug use, testing, and treatment in jails.* Bureau of Justice Statistics Special Report. Washington, DC: U.S. Department of Justice. Retrieved July 23, 2003, from http://www.ojp.usdoj.gov/bjs/abstract/duttj.htm

NATION OF ISLAM

The Nation of Islam was established by Wallace D. Fard in Detroit, Michigan, during the summer of 1930. When Fard mysteriously disappeared three years later, Elijah Muhammad (nee Poole) assumed his position as spiritual leader. Under the direction of Muhammad, the Nation of Islam espoused a black separatist doctrine at odds with the integrationist aims of mainstream civil rights organizations. Muhammad prophesied that the imminent destruction of the white race would allow black people to claim their rightful inheritance to the Earth. Throughout its history, the Nation of Islam has drawn not only much of its grassroots support but also some of its most important leaders from the African American prison population.

ORIGINS OF THE PRISON MINISTRIES

The efforts of the Nation of Islam to recruit the support of black prison inmates occurred largely as a result of the Second World War. Opposing what it perceived as a war of white imperialist aggression, the Nation attempted to claim conscientious objector status for its members who were threatened with enlistment in the U. S. Army. In 1942, Elijah Muhammad was convicted with more than 60 other Black Muslims for draft evasion, and was sentenced to three years' imprisonment.

During his incarceration, Muhammad reflected on the failure of civil rights leaders to recruit support from the black prison population. Following his release in 1946, he set out to establish prison ministries across the United States. These ministries attempted to rehabilitate African American inmates through a process of physical and spiritual transformation. Prison converts were instilled with a strict moral code of discipline, abandoning drugs and alcohol and cultivating the habits of thrift and hard work. Their personal redemption was accomplished by cleansing themselves in body and in mind of the destructive influences of the ghetto. To encourage a new sense of purpose and belonging, prison converts were provided with employment at one of the Nation's temples upon their release.

The most famous prison convert to the Nation of Islam was a petty criminal called Malcolm Little. Malcolm experienced his spiritual conversion while an inmate at the Charleston Penitentiary in Massachusetts. By the time of his release in 1952, Malcolm Little had become Malcolm X, a name that symbolized the rejection of the Christian surname imposed on his forefathers by white slave masters. Malcolm's brilliant oratorical skills swiftly established him as the preeminent spokesperson of the Nation of Islam. His status as a reformed inmate made him an ideal role model for other prison converts to the Nation.

THE FREEDOM OF RELIGIOUS PRACTICE IN PRISONS

The prison outreach programs of the Nation of Islam have received numerous awards. Despite such accolades, the ministries have suffered persistent opposition from prison authorities. Officials often perceive Black Muslim inmates as potential risks to prison security because of their supposed incitement of racial hatred. Converts to the Nation of Islam are also said to create an administrative burden because they demand exceptional treatment, such as the provision of special diets, days of worship, and religious instruction from their own ministers. These tensions have resulted in Black Muslims becoming the targets of harassment, intimidation, and violence. In response, the Nation of Islam has taken legal action on a number of occasions to secure the

protection of its supporters' right to practice their religion under the First Amendment to the U.S. Constitution. Although the courts have not been entirely consistent, they have in broad principle established the freedom of religious practice in prisons.

CONCLUSION

Under the leadership of Minister Louis Farrakhan, the Nation of Islam launched a renewed prison recruitment campaign in 1984 with considerable success. It is not possible to determine the precise number of prison inmates who convert to the Nation of Islam, since the sect does not disclose statistics. More research is needed on the Black Muslims' prison ministries, especially their presence within women's institutions, a subject that has received scant attention from scholars. Prisons certainly continue to be a rich recruiting ground for the Nation of Islam. Although African Americans constitute only 13% of the total U.S. population, nearly half of all prison inmates in the early 21st century are black. The disproportionately large black prison population will likely continue to provide a fertile source of converts for the Nation of Islam.

—Clive Webb

See also Activism; Attica Correctional Facility; African American Prisoners; Black Panther Party; Angela Y. Davis; Deprivation; Importation; Islam in Prison; George Jackson; Malcolm X; Racial Conflict Among Prisoners; Religion in Prison; Resistance; Riots

Further Reading

Gardell, M. (1996). *In the name of Elijah Muhammad: Louis Farrakhan and the Nation of Islam*. Durham, NC: Duke University Press.

Marsh, C. E. (2000). *The lost-found Nation of Islam in America*. Lanham, MD, & London: Scarecrow.

NATIONAL INSTITUTE OF CORRECTIONS

The National Institute of Corrections (NIC) is a subdivision of the Federal Bureau of Prisons in the Department of Justice. The NIC was created in response to a keynote address by Justice Warren E. Burger to the National Conference on Corrections in Williamsburg, Virginia. Justice Burger suggested that an agency should be created to handle national training, promote research and knowledge, develop professional guidelines and standards, and facilitate the exchange of ideas in corrections. His recommendations led to the formation of the NIC in 1974.

Today, a director appointed by the U.S. Attorney General administrates the NIC in conjunction with a 16-member advisory board. The NIC also utilizes staff employed by state and local governments who are appointed for two-year periods. The NIC has two offices in Washington, D.C., and Longmont, Colorado, that coordinate training, technical assistance, policy and program development, and provide information to federal, state, and local correctional agencies. The NIC provides direct assistance in the form of training, program development, and information to adult correctional agencies and personnel. It does not work with juvenile correctional agencies, but it does collaborate with other federal agencies on juvenile corrections, sex offender programs, and the 1994 Crime Bill.

The NIC uses many strategies to meet the goals set forth by local, state, and federal correctional agencies. Jails, prisons, and community-based correctional agencies can utilize information provided by the NIC on planning and management services, education, training and professionalism, and program development. The NIC also provides research opportunities on programs and policies that improve the organizational structure and operation of correctional agencies. Finally, the NIC works to provide programming that holds offenders accountable for their actions, emphasizes public safety and the safety of inmates, and facilitates responsible behavior among corrections staff and inmates.

DIVISIONS AND SPECIAL PROJECTS

The NIC is divided into five divisions and four offices. The Academy Division is primarily responsible for training programs in leadership, management, and training for trainers. It trains local, state, and federal correctional staff in a variety of locations

throughout the United States and its territories. It also provides videoconferences and technical assistance in curriculum development and systems management.

Probation, parole, and community-based sanctions are the focus of the Community Corrections Division. This section of the NIC works with more than 2,500 probation and parole offices and 1,200 community residential facilities to promote diverting offenders from jail, to develop programs for high-risk offenders, and to investigate sentencing policies for female offenders. The Community Corrections Division is also involved in updating and facilitating the use of Interstate Compact for the Supervision of Parolees and Probationers and in providing publications on issues in probation, parole, and community treatment.

The NIC also contains a Jails Division that provides technical assistance to more than 3,000 local, state, and federal jails in the United States and its territories. The Jails Division's mission is to provide training, technical assistance, and resources in jail development, management, and operations. Its main areas are in administration, management of the facility and inmates, mentally ill inmates, the building of new jails, and working with local officials in the understanding of the importance of jails.

The Prisons Division operates in a similar manner to the Jails Division, providing technical assistance and training to more than 1,400 state prisons and 50 departments of corrections in the United States and its territories. Publications in areas of special interest to prisons are also developed within the Prisons Division. Some of the more recent Prisons Division publications include information on male sex offenders, classification and assessment procedures, prevention and detection of infectious diseases inside the institution, and overcrowding. The Prisons Division also produces handbooks for institution administrators on female offenders, staff management, health care issues, and substance abuse problems.

The last NIC division is the Special Projects Division. This office does not focus on one specific aspect of corrections but instead works to secure funding and cooperative relationships with other local, state, and federal governmental offices on all issues of interest to corrections. Some of the programs sponsored by the Special Projects Division include an assessment of children who have incarcerated parents, the planning and implementation of new juvenile facilities, mental health programs, and drug intervention programs. The Special Projects Division has also focused attention on women offenders in the criminal justice system in large part because of the dramatic growth of the female population in every sector of corrections. As a result, the NIC now offers programs in women's facility planning, classification, sentencing, and diversion and treatment.

OFFICES

The four offices found in the NIC are the Administration Office, the Office of International Assistance, the Office of Correctional Job Training and Placement, and the Information Center. The Administration Office houses the NIC director and deputy director along with the NIC advisory board. These individuals are directly responsible for financial management, personnel decisions, and publications associated with the NIC. The International Assistance Office and the Information Center have related duties.

As a result of the Violent Crime Control and Law Enforcement Act of 1994, an Office of Correctional Job Training and Placement (OCJTP) was created in the NIC to improve federal, state, and local job training programs and placement opportunities for offenders and ex-offenders. The goal of the office is to improve offender job training and placement in order to reduce recidivism rates in local, state, and federal jails and prisons. The OCJTP offers these services to correctional agencies through publications, on-site and satellite training programs, and through technical assistance. Some current initiatives of this office include a 36-hour basic training program that develops skills for staff who work with job assistance programs for inmates and a multiyear study of offender job retention. The OCJTP also offers a 108-hour program to five-person teams to improve programs in offender workforce development and to expand relationships with offender

employment service providers. Staff may use the skills gained through many of the OCJTP training programs toward undergraduate or graduate credit hours at participating universities.

CONCLUSION

The NIC provides a variety of services to local, state, and federal correctional agencies in the United States, its territories, and internationally. All information is offered free of charge. Trainings are held at the NIC office, at various locations across the country, and by satellite through teleconferences. NIC staff members are willing to provide agencies, both private and public, with professional consultation on many topics, especially in the areas of agency management and administration. Administrators in need of assistance may contact the NIC for advice on facility planning, offender classification and programs, facility operations, physical plant operations, and pretrial and court services. Administrators may also use the information provided by the NIC to familiarize themselves with common practices in other states and facilities and to become acquainted with systemwide policies and programs. Because of the variety of services offered by the NIC, agency managers do not have to rely on in-house or local trainings but may request technical assistance from the NIC corrections specialists.

—Jennifer M. Allen

See also Accreditation; American Correctional Association; Bureau of Justice Statistics ; Community Corrections Centers; Federal Prison System; Managerialism; National Prison Project; Probation; Professionalization of Staff; Violent Crime Control and Law Enforcement Act of 1994; Work-Release Programs

Further Reading

Alexander, J., & Austin, J. (1992). *Handbook for evaluating objective prison classification systems*. Washington, DC: National Institute of Corrections.

Burke, P., & Adams, L. (1991). *Classification of women offenders in state correctional facilities: A handbook for practitioners*. Washington, DC: National Institute of Corrections.

Greenfield, L. A., & Snell, T. L. (1999). *Women offenders.* Bureau of Justice Statistics Special Report. Washington, DC: Bureau of Justice.

National Institute of Corrections. (2002). Retrieved from http://www.nicic.org

National Institute of Corrections Information Center. (1989). *Overview of substance abuse treatment programs in correctional settings*. Washington, DC: National Institute of Corrections.

NATIONAL PRISON PROJECT

The National Prison Project (NPP) of the American Civil Liberties Union (ACLU) is the only nationwide, private sector organization with a primary mission to litigate on behalf of prisoners. It is based in Washington, D.C., and for the past 30 years has been at the forefront of all major legal battles to make prisons safer and more humane. During the 1990s, the NPP argued five cases in the U.S. Supreme Court and provided technical support to a national network of prisoner rights attorneys.

HISTORY

The NPP was founded in 1972 during a time when the federal courts were just beginning to address prison conditions. In the previous 10 years, the Supreme Court had made a series of decisions favorable to granting prisoners access to the federal courts. For example, in *Robinson v. California* (1962), the Court ruled that the Eighth Amendment ban on cruel and unusual punishment applied to state and local governments. The Court also ruled, in *Cooper v. Pate* (1964), that prisoners could file lawsuits under a federal civil rights law (U.S. Code 42, §1983).

DUE PROCESS, PRISON CONDITIONS, AND ACCESS TO LEGAL ADVICE

The NPP's initial strategy was to target the lack of due process in prison and parole hearings. Two years later, the Supreme Court granted due process rights in disciplinary proceedings and declared, "There is no iron curtain drawn between the Constitution and the prisons of this country" (*Wolff v. McDonnell,* 1974). As encouraging as this was,

the NPP was still faced with two major problems: a lack of meaningful change in the treatment of prisoners, and a lack of resources.

Attaining procedural due process did not guarantee fair treatment. According to Alvin Bronstein, a former executive director of the NPP, corrections officials provided what appeared to be fair hearings but they still made arbitrary, unfair decisions. Bronstein realized that what was needed was a more profound change. In order to achieve this, the NPP had to expand its litigation strategy. For the rest of the 1970s and all of the 1980s, the project focused on prison and jail conditions. Project attorneys challenged the constitutionality of a broad range of prison conditions. They also criticized the lack of parity in the treatment of male and female prisoners. Unfortunately, the NPP was simply too small to provide sufficient legal representation. Even though inmates had access to the federal courts, there were, and still are, no court-appointed attorneys available to prisoners who file civil rights lawsuits. Nor did the incarcerated population, in the early 1970s, have access to prison law libraries. In a 1968 Supreme Court decision (*Johnson v. Avery*), inmates were given the right to confer with each other on civil rights cases, but without formally trained legal advocates or law libraries, the opportunities for success were extremely limited.

A major breakthrough came in 1976 with the passage of the Civil Rights Attorney's Fees Award Act. This federal law guaranteed the recovery of reasonable attorney fees to those who were successful in prisoner civil rights cases. Somewhat predictably, this policy increased the number of private attorneys willing to take prisoner rights cases, as well as providing a source of funding that allowed the NPP to expand.

RECENT DEVELOPMENTS

By 1995, the NPP Washington, D.C., office had a staff of 30 and an operating budget of $2 million per year. The office is busier than ever before, since there are so many prisoners requesting legal assistance, now that the prison population has grown from 200,000 in 1972 to more than 1.5 million in 2001. The federal appellate courts and the Supreme Court have also become increasingly conservative. Prison crowding and judicial conservatism have put enormous pressure on the NPP to protect inmate rights and to ensure that the reforms it had negotiated in out-of-court settlements known as "consent decrees" were implemented. The NPP, however, experienced a major setback in 1996 when Congress passed the Prison Litigation Reform Act (PLRA).

The PLRA places substantial limits on the amount of attorney's fees that can be recovered in prison civil rights cases. This forced the NPP to reduce its staff and budget. Because the PLRA also discourages federal judges from appointing professional monitors or "special masters" to oversee prison reform, the NPP also lost an important source of support. For many years, project attorneys had worked closely with monitors who filed extensive reports on the progress of court-ordered or agreed-upon reforms. Other provisions of the PLRA severely limit the types of relief federal judges can grant in prison conditions lawsuits, and set two-year limits on court-ordered reform. In 1999, the constitutionality of the PLRA was challenged. The Supreme Court upheld the act and made it clear that even prison reform and consent decrees entered into before the act was passed were subject to the two-year limitation (*Miller v. French*, 1999). Many reform agreements the NPP had negotiated and worked on for years would be terminated.

By the late 1990s, the NPP had begun to adjust to a more restrictive environment. It was putting a greater emphasis on creating networks of prison reform activists. These networks were designed to focus on specific issues such as the treatment of HIV-positive inmates, the lack of appropriate medical care for female inmates, and the prevention of sexual assault. Litigation has also begun to focus on specific issues rather than broad prison conditions. For example, in April 2002, the NPP and the ACLU of Colorado filed a jail lawsuit over the treatment of mentally ill prisoners. In May 2002, the project filed suit against Texas prison officials, charging that they failed to protect an inmate they knew was highly vulnerable to sexual assault.

CONCLUSION

Over the past 30 years, the NPP has played an essential role in the reform of correctional institutions and practices. Due largely to the work of this organization, prisons and jails are more humane and safer than they were in the past. Despite the passage of the PLRA, the growth of conservatism among judicial and legislative branches, and continued prison crowding, the NPP and other reform groups continue to try to ensure that imprisonment in the United States is just, fair, and humane.

—Agnes Baro

See also Activism; American Civil Liberties Union; Eighth Amendment; Freedom of Information Act 1966; Jailhouse Lawyers; Overcrowding; Prison Litigation Reform Act of 1996; Prison Monitoring Agencies; Prisoner Litigation

Further Reading

ACLU National Prison Project. (n.d.). *Prisoners' rights*. Retrieved October 26, 2002, from http://www.aclu.org/issues/prisons/npp_missionl.html

Berkman, H. (1996). Proud and wary, prison project director bows out. *The National Law Journal, 18*(19), A12.

Robertson, J. E. (2001). Prison reform, a Faustian bargain: Commentary on prospective Relief before and after Miller v. French. *Criminal Law Bulletin, 37*(2), 195–209.

Legal Cases

Cooper v. Pate, 378 U.S. 546 (1964).
Johnson v. Avery, 393 U.S. 483 (1969).
Miller v. French, 529 U.S. 1051 (2000).
Robinson v. California, 370 U.S. 660 (1962).
Wolff v. McDonnell, 418 U.S. 539 (1974).

NATIVE AMERICAN PRISONERS

American Indians and Alaskan Natives who constitute the indigenous peoples of North America were colonized by the British, the Russians, and finally by the European Americans. In the process, their societies were devastated by conquest, war, and disease. European American policies of "Christianizing the savage" and "manifest destiny" promoted forced assimilation, the destruction of traditional social structures, the creation of an economic dependency, and an overall marginalization of these indigenous groups within the dominant culture. These days, disproportionate numbers of Native Americans inhabit U.S. penal facilities.

POPULATION CHARACTERISTICS

On April 1, 2000, there were 2,475,956 American Indians and Alaskan Natives living in the United States, with about 40% of American Indians residing in rural areas. More than half the American Indians and Alaskan Natives live in 10 states, with Oklahoma, California, and Arizona each having populations of more than 200,000 American Indians. An estimated 63,000 American Indians are under the custody, control, or care of the criminal justice system on an average day, amounting to about 4% of the American Indian population aged 18 or older (Greenfeld & Smith, 1999, p. viii). Consequently, on a per capita basis, American Indians are incarcerated at a rate about 38% higher than the national rate.

American Indians have higher per capita rates of violent criminal victimization than whites, blacks, or Asians. While American Indians make up less than 1% of the U.S. population, they suffer a rate of violent victimization of 124 per 1,000 persons aged 12 or older as compared to a rate for all races of 50 per 100,000, or about 2 1/2 times the national rate. In rural areas, the crime rate for American Indians is more than double that of rural whites or blacks, and the urban crime rate is more than three times that found among whites. Alcohol and drug use are a factor in more than half of violent crimes against American Indians, and American Indian murder victims were more likely to have been killed during a brawl involving alcohol or drugs (13%) than whites (6%), blacks (4%), or Asians (2%).

The violent crime rate for American Indian males in 1999 was 153 per 100,000 and for females 98 per 100,000. This compares to a rate of 40 per 100,000 for white females and 56 per 100,000 for black females. At midyear 2000, the incarceration rate for American Indians was about 15% higher than the overall national rate (Minton, 2001, p. 2). Finally,

American Indians have a rate of arrest for alcohol violations more than double the national rate.

In a study undertaken in the mid-1980s, authors Michael Phillips and Thomas Inui (1986) found that Alaskan Natives were 2.2 times more likely to be arrested, 3.3 times more likely to be arrested for a violent felony, 2.9 times more likely to be hospitalized for psychiatric reasons, and 6.9 times more likely to be treated in alcohol treatment centers. Between 1979 and 1992, homicide rates for American Indians were twice those of U.S. national rates, and suicide rates were about 1.5 times higher. Between 1990 and 1992, homicide and suicide alternated as the second and third leading causes of death for American Indian males aged 10 to 34. For American Indian females aged 15 to 34, homicide was the third leading cause of death.

WOMEN

Few studies document indigenous women's experiences of incarceration. However, from the small amount of existing research it is possible to see that American Indian women, like the majority of women in prison, have been victimized through sexual and physical abuse and often suffer from drug and alcohol dependency. Indigenous incarcerated women often have a background of family dislocation, including sexual abuse as a child or teenager, a high rate of violent death in the family, and depression and loneliness. They also have a history of alcohol consumption at an early age, of being placed in and running away from foster homes or from home, of suffering domestic violence and physical abuse, of being placed in state custody as children, and of drug and alcohol abuse at the time of arrest and jailing.

During their incarceration, indigenous women are disproportionately likely to be prescribed medication for what is considered depression. They also complain of being allocated low-status positions such as cleaning floors and toilets, in contrast to the white women who are given higher-status positions. Finally, American Indian women are disproportionately represented in maximum security and are not allowed visits from family and friends when on that status.

Writing about indigenous women's incarceration in Montana, Luana Ross (1998, pp. 86–87) notes an increase over the past decade in the average sentence length for all women and a trend to incarcerate rather than use alternative sanctions. A typical American Indian woman incarcerated in Montana is 30 years old, single or divorced with two children, with a history of violent victimization, unemployed, an eighth grade education, and is convicted of a crime that is alcohol or drug related and is serving an average sentence of 19.1 years (Ross, 1998, p. 88).

During imprisonment, many women experience sexual intimidation, are overprescribed psychotropic drugs, are placed in lockup for extended periods, and are separated from their children. However, an additional punishment for American Indian women is the denial of their culture. The Montana Women's Correctional Center is located five hours from the nearest Indian reservation, and with the exception of an American Indian woman who conducts therapy sessions with American Indian prisoners, all the staff are white. Women here cope with family separation and cultural dislocation by uniting together in their culture and by forming a close-knit group that is often perceived as threatening by prison staff, who classify some of the women as troublemakers.

While American Indian women benefit from counseling with an American Indian woman counselor whose clients in the prison are wholly American Indian, there are no other culturally specific programs, and prison staff indicate that American Indian women refuse to participate in other programs. The women complain that prison rules prevent them having adequate access to their spiritual leaders and that prison authorities refuse to allow them a sweat lodge, though they are permitted to burn sweet grass during prayer time.

In researching the experience of Alaskan Native women in an Alaskan prison, Cyndi Banks (2002), like Ross, found that many Alaskan Native women offenders had been brought up in foster homes and had family histories involving drug and alcohol abuse. Staff in this institution often perceived the silence of the Native women during counseling and group treatment as a denial of their responsibility for their criminality and as resistance to treatment,

instead of recognizing it as a cultural tendency first to observe unfamiliar events rather than instantly and actively to participate in them. Many staff seemed to resent the women's quietness and unwillingness to display the emotional patterns characteristic of European American women.

MENTAL HEALTH

Disproportionate numbers of Native Americans in prison are diagnosed with and treated for mental health problems, leading some to argue that prisons have become an alternative treatment option for American Indians. In a study based in New York State, for example, the authors discovered that more than half of the American Indians seen at mental health clinics were diagnosed with antisocial personality disorder compared to 25% of white patients. Yet, interviews with American Indian inmates, including women, revealed that the inmates often believed there was no basis for their referrals for mental health treatment. According to them, referrals were most likely if you acted in a "strange" manner, defined, they believed as "not behaving as most white Americans would behave" (Earle, Bradigan, & Morgenbesser, 2001, p. 127).

RELIGION

As a result of litigation concerning First Amendment rights, particularly the right to practice religion, the correctional system has been forced to accommodate American Indian beliefs, adjust to their rituals and religions as well as to their approaches to rehabilitation. In states like Nebraska, which has a substantial American Indian population, Indians living on reservations often speak their indigenous language as their first language and are usually familiar with aspects of their culture, including spiritual concerns, while prisoners from urban areas are likely to be less familiar with culture and religion. Imprisonment can serve as a cultural unifier for rural and urban American Indian prisoners because both are drawn into cultural and religious activities conducted within the prison system.

Religious activity among American Indian prisoners includes attendance at sweat ceremonies and sweat lodges, and these have become the single most important and widespread religious activity among these prisoners. However, despite a degree of acceptance by the correctional authorities, American Indians continue to feel that their cultural practices do not receive the same respect as, for example, the practice of a Western religion, and their access to sweat lodges continues to be impeded even though these structures are now found at nearly all facilities incarcerating American Indians.

CONCLUSION

The existing but scant research on indigenous women and men in prison reveals a number of issues, including the (mis)reading of Native culture by prison staff, the unfamiliarity of many indigenous groups (especially those in rural areas or on reservations), with the values, beliefs, and expectations of the European American culture, as well as how to cope with a prison sentence, and the necessity for culturally specific treatment programs. Few prisons offer cultural programs for American Indians, but those institutions that do rely mainly on Native Americans from the community willing to volunteer their time. Special items required for these programs are frequently viewed as "security risks" and are often denied by the prison authorities. The legacy of colonialism is evident in the incarceration rates and treatment of indigenous peoples, especially in the form of European American cultural dominance, which continues to inform many of the practices imposed on the indigenous incarcerated woman.

—Cyndi Banks

See also African American Prisoners; Asian American Prisoners; Drug Offenders; Health Care; Immigrants/Undocumented Aliens; Mental Health; Native American Spirituality; Race, Gender, and Class of Prisoners; Religion in Prison; Resistance; Women Prisoners; Women's Prisons

Further Reading

Banks, C. (2002). Doing time in Alaska: Women, culture and crime. In R. Muraskin (Ed.), *It's a crime: Women and justice* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.

Duran, E., & Duran, B. (1995). *Native American postcolonial psychology*. Albany: State University of New York Press.

Earle, K., Bradigan, B., & Morgenbesser, L. (2001). Mental health care for American Indians in prison. *Journal of Ethnic and Cultural Diversity in Social Work, 9*(3/4), 111–132.

Greenfeld, L., & Smith, S. (1999). *American Indians and crime* (Vol. NCJ 173386). Washington, DC: U.S. Department of Justice.

Grobsmith, E. (1994). *Indians in prison: Incarcerated Native Americans in Nebraska*. Lincoln & London: University of Nebraska Press.

Kunitz, S., & Levy, J. (Eds.). (2000). *Drinking, conduct disorder, and social change: Navajo experiences*. Oxford & New York: Oxford University Press.

LaPrairie, C. (1987). Native women and crime: A theoretical model. *Canadian Journal of Native Studies, VI*(1), 121–137.

Marsh, R., & Cox, V. (1996). The practice of Native American spirituality in prison: A survey. *The Justice Professional, 8*(2), 79–95.

Minton, T. (July 2001). *Jails in Indian Country, 2000* (Vol. NCJ 188156). Washington, DC: U.S. Department of Justice.

Pedersen, P., Draguns, J., Lonner, W., & Trimble, J. (Eds.). (1989). *Counseling across cultures*. Honolulu: University of Hawaii Press.

Phillips, M., & Inui, T. (1986). The interaction of mental illness, criminal behavior and culture: Native Alaskan mentally ill criminal offenders. *Culture, Medicine and Psychiatry, 10*, 123–149.

Razack, S. (1998). *Looking white people in the eye: Gender, race, and culture in courtrooms and classrooms*. Toronto, Buffalo, London: University of Toronto Press.

Ross, L. (1998). Inventing the savage: The social construction of Native American criminality. Austin: University of Texas Press.

NATIVE AMERICAN SPIRITUALITY

Native spirituality speaks of the world as one spirit, referring to the creator of all things as the "Great Spirit." Mainstream religions might use words such as *God, Allah,* or *Mind* to describe this metaphor. In Native spirituality, every aspect of life is sacred, including the spirit that lives inside every human being. Sacred or holy teachings are often passed on through storytelling and the wisdom of the Elders or medicine men; such teachings, most often, include an intrinsic connection to land, tradition, and culture. Native spirituality is a highly ceremonial and experiential religion, with the ceremonies and traditions varying from tribe to tribe.

For traditional Native Americans, there is no separation between the sacred and the ordinary, nor any special day set aside for religious practices. Every act, every thought, every feeling walks hand in hand with Spirit. Rather than going to church, the traditional Native might attend a sweat lodge; rather than accepting bread from the Holy Priest, they may smoke a ceremonial pipe to come into Communion with the Great Spirit; and rather than kneeling with their hands placed together in prayer, they may let sweetgrass be feathered over their entire being for spiritual cleansing and allow the smoke to carry their prayers into the heavens.

With the arrival of the Europeans, the Native way of life and its connection to the land, culture, ceremonies, language, and to the Creator began to dissolve. Tens of millions of Native Americans died due to sickness, ill-advised government programs, persecution, greed, and the dogma of the Christian clergy. Many would say that the Natives lost their self-esteem because all they knew was forcibly removed from their life. They were also impoverished, as they had not functioned in a mercantile economy before. As a result, many ended up in prison. In the 1940s and later, the Native population in prisons grew disproportionately to the rest of the population. Prisons are often called "Iron Fences" or "Iron Houses" by Natives.

SUPPRESSION OF RELIGIOUS RIGHTS

Historically, only Christian beliefs were endorsed by prison administration and clergy, with the result that Native religion was suppressed inside of prisons. Today, despite federal laws guaranteeing the freedom of religious rights, Native Americans often face many difficulties in practicing their faith in U.S. prisons. For example, in 1999, the Brothers of Chillicothe Correctional Institution in Ohio started a campaign to fight for their Native rights. In this prison, they had been denied even the basic tenets of their spirituality, and are continually harassed during their prayer circles and private meditations. They had filed numerous grievances and Religious Accommodation Forms requesting the possession of certain medicine tools, a designated area of the yard for prayer, and recognition as an authentic religious group.

Prejudice and persecution exists elsewhere, too. For example, Canadian prisons have only recently

allowed Native sweat lodge ceremonies in every province; approximately half the states in the United States allow Native sweat lodge ceremonies. Often, these sweat lodges and other Native spiritual ceremonies are the only spiritual and psychological sustenance that Native American inmates receive.

As the strength and political awareness of the Native people increases, Native organizations, such as Native American Prison Support (NAPS) and the Ik8ldimek Legal Clinic have fought to ensure the basic human, civic, and religious rights for all Native American prisoners, as guaranteed by the U.S. and Canadian Constitutions. These groups, and others like them, have been fairly successful. As a result, sweat lodges, talking circles, sacred pipes, Elders, and other forms of traditional healing are gradually becoming more available in many correctional institutions.

GENDER AND NATIVE AMERICAN SPIRITUALITY

Native women are incarcerated mostly from crimes involving drugs, alcohol, or child abuse. Outside prison, some Native American women will only practice their religion with women, while others celebrate their traditions in a nonsegregated environment. Few Native American women helpers work in prisons. Most of the spiritual advisors are male, and they are not allowed to conduct a sweat lodge ceremony for the female inmates. Instead, Native women often gather together with leaders elected as spokespersons to conduct talking circles, which often include opening prayers, smudging, and the keeping of minutes of what they talk about.

CONCLUSION

A belief in the critical role of religion in the rehabilitation of prisoners was integral to the development of penal systems in the United States. While most clearly articulated in the early penitentiary movement, themes of spiritual reformation have been central as a goal of prison discipline. Controversy has continued to center on whose voices are to be heard in a system that has been dominated historically by those of evangelical Christianity. There has been limited recognition that spiritual reformation could occur through other Christian traditions and rituals, and even less awareness of the healing presence for those whose experience of spiritual truth is rooted in the beliefs and practices of Islam, Judaism, and Native spirituality. While an increasing awareness is reflected in the efforts to provide for the diversity of beliefs present within the prison populations, there are still a number of barriers facing Native Americans who wish to practice their spirituality in prison.

—Harry Derbitsky

See also Chaplains; Contract Ministers; Islam in Prison; Judaism in Prison; Native American Prisoners; Religion in Prison

Further Reading

Neihardt, J. G. (1979). *Black Elk speaks.* Lincoln: University of Nebraska Press.

Ross, L. (1998). *Inventing the savage: The social construction of Native American criminality*. Austin: University of Texas Press.

Various Native authors. (1985). *The sacred tree*. Lethbridge, UK: Four Worlds Development Press.

NEW GENERATION PRISONS

Since the late 1970s, most new prison construction in the United States has been modeled according to "New Generation" prison designs. These buildings are intended to maximize security and efficiency by means of easy observation and electronic surveillance of inmates. Such patterns utilize advancements in electronic communications and shatterproof glass materials to replace steel bars and stone blocks, creating a lighter, more comfortable environment that is also very secure.

New Generation prison architecture is largely a response to the rapidly changing penal population of the past three decades. New Generation prisons, along with methods of correctional management that deemphasize patrolling staff, have streamlined corrections operations at the same time as they have increased security. The early prototypes for these

designs were the metropolitan correctional centers (MCCs) built by the Federal Bureau of Prisons in the 1970s and Minnesota's Oak Park Heights facility constructed in 1982.

CONTRASTS WITH OLD GENERATION PRISONS

According to British criminologist Roy King (1999), New Generation prisons represent the third major stage in Western prison architectural development. The first generation prisons were generally built with long rows of cagelike cells arranged in tiers, intermittently patrolled by guards. They tended to mimic fortresses in their pronounced size and scale of exterior stonework with imposing turrets and gates. Large slabs of stone, immense Gothic gateways, and castle-like styling gave the impression of institutional imperviousness. Second generation prisons, for the most part, kept this same architectural style, but withdrew staff and introduced remote supervision by closed-circuit television.

In contrast to these older styles, New Generation prisons are designed to fit in with surrounding structures or landscapes, or to appear like college campuses or office buildings. The high-rise federal MCC complexes in downtown Chicago and New York, for example, cannot easily be distinguished from the bank and office towers that surround them.

DESIGN

Most New Generation prisons borrow from the radial "Panopticon" design developed by Jeremy Bentham in the early 19th century. They position observation stations at central locations surrounded by inmate units. Large floor-to-ceiling aquarium-style windows allow guards an unrestricted view of inmate cells, living quarters, and recreation areas. Prisoners generally live in standardized cells within self-contained modular units of 30 to 100 inmates.

New Generation units are often segmented into triangular living quarters, with two or more stories of cells along two sides overlooking an open association area. The large floor-to-ceiling shatterproof windows provide the third side. Observation stations generally appear outside the glass, providing a distinctive fish-tank-like appearance and allowing officers a full view of all inmate sleeping and living areas.

"LABOR REPLACEMENT TECHNOLOGY"

New Generation prisons are a product of sociological and psychological research that claims that people function most comfortably when they are housed in small groups. They are also influenced by the free-market competition among architectural firms and private prison firms for the most cost-effective designs. New Generation prisons are, in other words, designed for penal and fiscal efficiency.

In many cases, the mass incarceration trends of the 1980s and 1990s were accompanied by fiscal restraint among lawmakers, so prison designers had to incorporate cost-saving mechanisms into their proposed structures. Because salaries usually account for the majority of an institution's budget, New Generation layouts have been designed to minimize staff requirements. Closed-circuit TV surveillance and two-way communication devices have reduced the need for face-to-face encounters. Electronic door controls and computerization of many inmate operations allow for smooth inmate movements and strict adherence to daily schedules. Subdivided recreation pens connected to each block or unit instead of large facility-wide yards increase security by segregating populations into manageable groups. New Generation window designs allow one or two officers to monitor and control 200 to 300 prisoners.

STANDARDIZATION OF DESIGN

Since the 1970s, there has been a movement toward increased uniformity of cell and cellblock architecture. Cell segments are now standardized to allow for ease of remodeling and additions. In both Europe and the United States, designs have become so similar that separate facilities are often undistinguishable from each other. In the United Kingdom, for example, a single New Generation prison design has been identically repeated at several locations.

Some manufactures are now fabricating prison cells in factories rather than constructing them in the field, allowing sections of units to be transported and assembled on site. These trends have greatly increased the speed of delivery and installation of new cell space.

MANAGEMENT STYLE

New Generation prisons involve more than simply architecture. They encompass management techniques developed in response to the massive increases in penal populations of the past quarter-century. Their primary objective is to deliver recreation, work, exercise, sleeping, and eating to the inmate in as efficient a manner as possible. New Generation prisons tend to attempt cost cutting by reducing or downgrading staff, switching procurement from public to private sectors, and in some cases inviting wholesale privatization.

Unit management is also standardized. Inmates generally spend their nights in the smaller cells and are released into the larger dayrooms during the day. In the dayrooms, the inmates have access to shower facilities, game tables, television viewing, and pharmacy call. Meals can be delivered to the dayroom or to each individual cell. During counts, lockdowns, and whenever necessary, all inmates in a unit can be directed and locked in their individual cells.

WOMEN'S PRISONS

These trends in prison management and construction have also affected women's prisons. Standardized "unisex" architecture has taken the place of the small reformatory cottage-style women's housing. Indeed, most women's prisons now look more like prisons for men than ever before. New women's facilities, like FCI Victorville in California, are large, with central mess halls and multiple-person cells or dormitories.

MEASURABLE BENEFITS

New Generation designs have greatly decreased the costs of penal administration, enabling jurisdictions to incarcerate more inmates than ever before. Cost savings have in some cases been substantial; the state of California, for example, reported in 1995 that its substitution of electrified fencing instead of teams of snipers at its Calipatria Prison saved the state $2 million in labor costs per year.

Escape rates have also decreased considerably. The separation of inmates into self-contained living segments has made it easier for guards to track and monitor inmates designated to each unit. Abolition of opportunities for inmates of different blocks to mix with each other in dining halls and recreation yards have limited the means by which inmates can evade counts and identity checks.

New Generation proponents have also touted the safety improvements that have come with the new architectural designs. There are fewer edges, corners, and "ligature points" upon which inmates might hang themselves or others. It appears that New Generation prisons have decreased suicides as well as suicide attempts.

CRITICISMS

Not all observers however, support New Generation institutions. The facilities have been criticized for violating prisoners' privacy by exposing all inmate activities to observation at all times. Such institutions have also tended to move perceptively toward greater security than may be necessary. Some New Generation prisons have been deliberately modeled so that every inmate can be reduced to "supermax" security levels with relative ease. Some extreme examples of New Generation facilities, like the county jail in San Rafael, California—which is 60 feet below ground—seem to offer security far in excess of institutional needs. New Generation management style is also criticized for neglecting interpersonal interaction between inmates and staff, intelligence gathering, and direct communication between prisoners and staff.

Above all, New Generation prisons have helped fuel the move toward mass incarceration by making penal administration more efficient and cost effective. Critics maintain that these "improvements" are actually detriments to sound criminal justice

policymaking and that they promote incarceration above rehabilitation.

CONCLUSION

Almost every large prison or detention center constructed in the United States since the 1980s has incorporated elements of New Generation design. Many European countries have also adopted New Generation concepts in their new facilities. Such designs have been popular with prison purchasers because of increased labor efficiency, and also because they complement hardened attitudes toward crime control.

—Roger Roots

See also Campus Style; Contract Facilities; Cottage Style; High-Rise Prisons; Increase in Prison Population; Metropolitan Correctional Centers; Panopticon; Privatization; Supermax Prisons; Telephone Pole Design; Unit Management; Women's Prisons

Further Reading

Davis, M. (1995). Hell factories in the field: A prison-industrial complex. *The Nation*, February 20, p. 229.

Fairweather, L., & McConville, S. (Eds.). (2000). *Prison architecture: Policy, design and experience*. Oxford, UK: Architectural Press.

Farbstein, J. (1986). *Correctional facility planning and design*. New York: Van Nostrand Reinhold.

Kerle, K. E. (1998). *American jails: Looking to the future*. Woburn, MA: Butterworth-Heinemann.

King, R. D. (1999). The rise and rise of Supermax. *Punishment & Society, 1,* 163–186.

Pollock, J. M. (2002). *Women, prison and crime*. Belmont, CA: Wadsworth.

NEW MEXICO PENITENTIARY

Built in 1957, the Penitentiary of New Mexico has until recently served as the state's primary prison. Designed to house 850 inmates, it has long been plagued by poor administrative practices, inadequate security, and the absence of basic amenities. The penitentiary first gained national notoriety when a class-action suit was filed in 1979 in which its inmates alleged that confinement at the penitentiary violated their constitutional rights. In 1980, a large-scale riot at the prison brought the problems identified by the prisoners to the fore. Their suit, which later became the basis for the Duran Consent Decree, identified 14 areas of the penitentiary needing improvement. These areas included legal correspondence, food and medical services, and classification and disciplinary processes. The decree mandated court oversight of all medium- and maximum-security prisons operated by the New Mexico Corrections Department.

STAFF AND INMATE INTERACTION

For most of the penitentiary's history, staff maintained institutional control by cooperating with inmate leadership. However, as the 1970s ended, the relationship between staff and prisoners turned increasingly hostile. Administrative personnel eventually wrestled much of the power away from the well-established inmate leadership. To accomplish this, they increasingly relied on the use of physical coercion, segregation, and inmate informants. Ultimately, the relationship between staff and the inmate population turned mutually antagonistic and violent.

Compounding the problems existing between staff and prisoners, the penitentiary experienced five different administrations from 1975 to 1980. This turnover increased anxiety within the institution, leading to heightened levels of distrust and violence. Ultimately, these conditions culminated in a full-scale riot.

THE 1980 RIOT

On February 2, 1980, the penitentiary was the site of one of the bloodiest prison riots in American history. In a matter of minutes, prisoners overpowered four correctional officers and gained access to the penitentiary's control center. Once the control center was breached, keys permitted prisoners to gain access to most areas. Following the riot, investigations revealed that approximately 150 inmates had actively participated. During the 36-hour disturbance,

33 inmates were murdered. Two hundred additional inmates were raped or otherwise brutalized.

In addition to the enormous loss of life, the riot left the education, kitchen, and administrative areas gutted. The cost of facility repair was estimated to be between $70 and $100 million. The attorney general later reported that crowding, understaffed security, correctional officer misconduct, and classification inadequacies were contributory factors.

TODAY'S PENITENTIARY COMPLEX

Following the riot, the state legislature appropriated nearly $88,000,000 for the construction of new institutions. Today's penitentiary consists of three additional facilities located adjacent to the original building. With the addition of these three prisons, the original building was designated the main unit. In September 1985, the north unit was opened to house administrative segregation and close- and medium-security inmates. In April 1988, the south unit began operation and was designed to house medium-custody inmates. In September 1990, the minimum-restrict unit began operation holding inmates with the two lowest levels of security classification, minimum and minimum restrict. The addition of these facilities ensures that those offenders deemed to be the most dangerous are segregated from those who are less serious or violent.

Conditions at the penitentiary, though improved, have remained a concern of inmate advocacy groups and legislators. In 1997, authorities at the main unit discovered a 30-foot tunnel, complete with kitchen, tools, and riot plans. This discovery led the governor to declare an institutional emergency. Many others called for the prison's permanent closure. In 1998, the main unit was closed due to its dilapidated condition. Furthermore, the Corrections Department saw closure of the main unit as an opportunity to disassociate itself from its bloody and storied history. Recent debate has centered on leasing the now-vacant facility to a private correctional contractor for the housing of federal prisoners. The main, north, south, and minimum-restrict units are referred to, in their entirety, as the Penitentiary of New Mexico at Santa Fe.

CONCLUSION

The Penitentiary of New Mexico is an example of a prison historically plagued by a lack of basic amenities, mismanagement, and administrative turnover. More recently, the penitentiary provides a case study in how to effectively operate a contemporary prison complex with a concern for staff and inmate safety. This concern is reflected in the establishment of the nation's first accredited correctional training academy as well as in the operation of modern facilities that ascribe to well-established penological principles.

—Curtis R. Blakely

See also Attica Correctional Facility; Contract Facilities; Correctional Officers; Disciplinary Segregation; Governance; Managerialism; Maximum Security; Medium Security; Minimum Security; Overcrowding; Riots; Security and Control; Violence

Further Reading

Blakely, C. R. (1997). Santa Fe—17 years later: The status and effect of the Duran Consent Decree. *Corrections Today*, *2,* 66–68.

Colvin, M. (1982, June). The 1980 New Mexico prison riot. *Social Problems*, *25*, 449–463.

Dilulio, J., Jr. (1991). *No escape: The future of American corrections*. New York: Basic.

Johnson, R. (2002). *Hard time* (3rd ed.). Belmont, CA: Wadsworth.

Montgomery, R., & Crews, G. (1998). *A history of correctional violence: An examination of reported causes of riots and disturbances*. Lanham, MD: American Correctional Association.

Nash, J. R. (1990). *Encyclopedia of world crime*. Wilmette, IL: Crime.

Reid, S. (1981). *The correctional system: An introduction*. Austin: Holt, Rinehart & Winston.

Rolland, M. (1997). *Descent into madness: An inmate's experience of the New Mexico State Prison riot*. Cincinnati: Anderson.

Silverman, I. (2001). *Corrections: A comprehensive view*. Belmont, CA: Wadsworth.

Useem, B., & Kimball, P. (1989). *States of siege: U.S. prison riots, 1971-1986*. New York: Oxford University Press.

NEW ZEALAND

New Zealand is a nation of 3.9 million people, located in the South Pacific approximately 1,200

miles southeast of Australia. The country consists of two main islands, known simply as the North and the South Islands. The North Island has more than twice the population of the South Island. Native or part-native New Zealanders, known as *Maori,* constitute about 14% of the total population. Inhabited by Europeans from 1792, New Zealand became a British colony in 1840. Although it has been fully independent since 1907, in its statutory development, New Zealand has often modeled that of England, and its early prison system reflected the same influence.

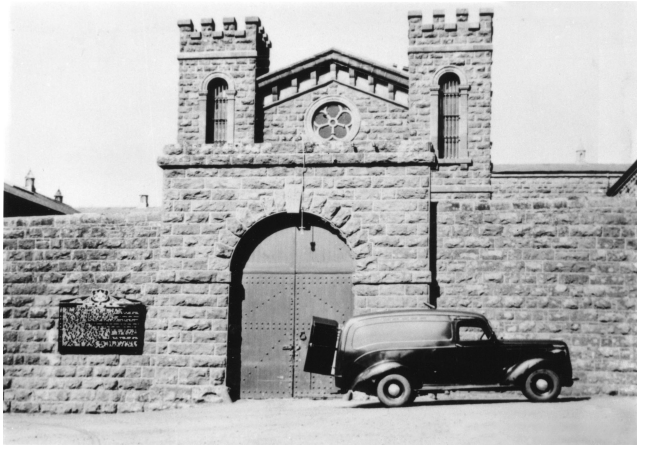

Photo 1 *Entrance to Mt. Eden Prison in the 1950s; a "Black Maria" (prisoner escort vehicle) is in the foreground.*

CORRECTIONS HISTORY

Before 1880, New Zealand's prisons were ineptly and often corruptly administered by local authorities, but in 1880 the system started to become centralized, and Captain Arthur Hume, an English prison deputy governor, was appointed as the country's first Inspector General of Prisons. Hume created a harsh regime similar to that of Victorian Britain, and he instituted an ambitious prison building program. The most enduring legacy of this program is Mt. Eden Prison, a radial-style institution designed in 1882 from plans shipped out from London. Mt. Eden still operates today and is one of the country's oldest surviving prisons (see Figure 1).

New Zealand has a long history of liberalism in corrections. Although Hume himself was an authoritarian, in 1886 New Zealand developed the world's first national probation system. After Hume's retirement in 1909, reflecting the country's growing reliance on farm exports, a vigorous agricultural program was pursued. Between 1910 and 1922, tens of thousands of acres of rural land were purchased and turned into prison farms or forests. Many of these enterprises still operate today. After 1909, security was deemphasized. By 1913, the issuing of firearms to guards had ceased at most prisons, and distinctive arrow markings had been removed from prisoners' clothing. Between 1910 and 1923, the percentage of inmates employed in outside work schemes grew from 8% to 70%. Segregation of young offenders began in 1910, and a system of juvenile reformatories, known as "Borstals" after their British counterparts, commenced in 1917. Borstal Training for juveniles continued until 1980, when, due to high recidivist rates, it was abolished.

Between 1840 and 1935, 76 men and one woman were hanged in New Zealand (all but one for murder), but in 1935 executions ceased, and in 1941 capital punishment for murder, along with corporal punishment, was legally repealed. Hanging for murder was reintroduced in 1951, and eight more men were executed before the penalty was struck out again in 1961. Hanging remained for crimes such as treason but was repealed completely in 1989.

The 1950s and 1960s were periods of great experimentation in New Zealand corrections. During the 1950s, full-time welfare officers were appointed to all prisons, hours of lockup were reduced, education services were improved, and opportunities for recreation were extended. In 1950, centralized training for prison officers commenced. In 1961 the first "boot camps" for juveniles—known initially as Detention Centers after their British counterparts and renamed Corrective Training Centers in 1981—were established and remained until high recidivism prompted their closure in 2002. In 1961 a work-release scheme was started, and in 1965 weekend furloughs for low-risk inmates began. Today, minimum-security prisoners (more than half of all inmates) are eligible to apply for a 72-hour "home leave," plus traveling time, every two months.

The 1960s also saw the beginning of experimentation with alternatives to incarceration. The most successful was periodic detention, launched in 1963. Periodic detention started as weekend incarceration in a work center for juveniles, but was extended to adults in 1966. In 1980, due to cost, Periodic detention became restricted to day attendance only, but its popularity as a sentencing option continued to grow. In 2002, periodic detention and a sentence called community service, which had been created in 1980, were merged under a new sentence named "community work." Approximately 29,000 offenders are sentenced to community work every year.

PRISONS TODAY

New Zealand operates 15 male and three female prison facilities, which cater to a total of approximately 6,000 inmates. Because it is an island nation from which escape is difficult, security levels are low. Of all classified inmates, just 2.5% are classified maximum security, 15% are high-medium, and 28.3%, are low-medium. The remainder, 53.8%, are minimum security. Apart from the Auckland Central Remand Prison (discussion following), there are no jails in the American sense. Arrested persons may be held overnight in police cells, but if bail is denied, they are transferred to special "remand" sections within local prisons, where they await trial and sentence.

In 1994, following international trends, New Zealand legislated for the contracting of prison services to private enterprise. The move was highly controversial, and political opposition held up the tendering process for a number of years. However, in July 2000, Australasian Correctional Management Pty. Ltd., a subsidiary of the U.S. Wackenhut group, began operating a purpose-built, 275-bed remand prison in Auckland. Known as Auckland Central Remand Prison (ACRP), it is the only privately run correctional facility in use in New Zealand. There are currently no plans for the contracting of any more.

Prisons in New Zealand range from the archaic and decrepit to the modern and new. Seven of the 15 male prisons have buildings that are more than 70 years old, and facilities in these institutions are run down and extremely limited. They cater principally to prisoners classified as high-medium security risks, and inmates in these prisons often have to share their cells with another prisoner. There are no dormitories. There are also a number of modern medium-security institutions, all of which have single-cell accommodation and facilities such as playing fields and gymnasiums. An innovation over the past decade or so has been the building of cheap but effective 60-bed units for low-medium- and minimum-security prisoners. In fact, today the majority of prisoners live in units of this type. Inmates in 60-bed units all have their own cells, which are equipped with flush toilets, hot and cold running water, and a heating pipe. Cells are of wooden or concrete block construction, with a pleasant interior, and are set in a rectangle that looks out onto a grass compound with a tennis or basketball court in the center. The units are self-contained, with a visiting room, education rooms, a weight room, flower gardens, and often a vegetable garden and a kitchen. They are surrounded by a double mesh wire fence, but many prisoners work outside the wire, and most have permission to play sport outside as well.

There is one maximum-security prison in New Zealand, located at Paremoremo, 14 miles north of Auckland, the country's largest city. Officially known as Auckland Prison (East Division), the facility is more commonly referred to as Paremoremo Maxi (see Figure 2). Modeled on America's USP Marion, Paremoremo Maxi was opened in 1969 and normally holds no more than 200 men. Only about two-thirds of Paremoremo's inmates are actually classified as maximum security; the rest are high-mediums awaiting transfer elsewhere or inmates with special needs such as psychiatric or medical problems. In the 1970s, Paremoremo was a showpiece of correctional liberalism, with numerous programs and activities for prisoners. However, in the 1980s, fighting between gangs—which, typically for New Zealand, was not of a racial nature—necessitated closure of many of these. In the late 1990s, radical changes in administrative philosophy saw a further tightening of security, with a dramatic increase in lockup hours and the virtual abandonment of reformative efforts.

There are three institutions for females. The oldest and largest is Arohata, near the capital city of Wellington. Opened during the Second World War and catering mainly to low-security inmates, Arohata is set in a semirural area where some inmates are able to work outside. The principal female prison is Christchurch Women's Prison, commonly known as Paparua Women's. Opened in 1974, Paparua Women's has a small maximum-custody unit, but deals principally with 80 or so female prisoners with medium- and minimum-security classifications. The facility is badly situated—in the South Island and 600 miles from Auckland, where most women prisoners come from. Because of this, a women's division at Mt. Eden Prison in Auckland has been expanded and upgraded, currently holding about 45 inmates at a time. Occasionally the construction of a new women's prison nearer to Auckland has been mooted (proposed), but with female inmate numbers having grown only by about 120 in the past 20 years and with existing facilities often operating below capacity, the expense is difficult to justify.

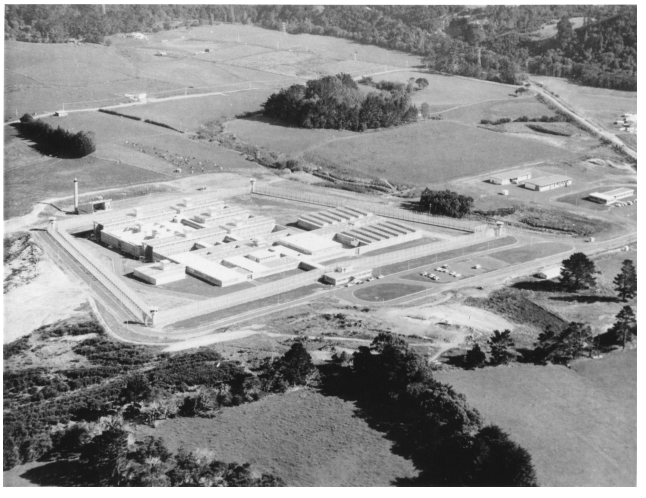

Photo 2 *Aerial photo of Auckland Maximum Security Prison (Paremoremo)*

SENTENCES

Compared with America, sentences in New Zealand are short. Although average terms have increased by 75% since 1981, in 2000, 79% of all inmates were given seven years or less, and the average prisoner served about eight months. The average American inmate who is released spends about 30 months in prison. Apart from murder, the longest sentences are given for rape (average 96 months), attempted murder (average 88 months), and manslaughter (average 69 months). Approximately 8.6% of the New Zealand prison population is serving non-determinate sentences of life imprisonment for murder or selling Class A drugs (such as heroin, LSD, and cocaine; 6.5%), or preventive detention for repeated violent or sexual offending (2.1%). The standard nonparole period for murder is 10 years, and for preventive detention it is five years. The majority of prisoners serving life sentences will be released after about 12 years. Since 1987, judges have had discretion to sentence those with life sentences and preventive detainees to minimums that are longer than 10 years, and in 2002 the Sentencing Act mandated a 17-year minimum for all murders committed with certain aggravating features. Although the figures will no doubt increase as a result of the new law, in 2002 only 25 inmates in the entire country had done more than 12 years on their current terms, and only four had done more than 15 years. In 1995, the longest nonparole period ever was given—25 years, for serial rape. The longest nonparole period awarded for murder is 20 years, given to a man in 2002 who had killed his wife and daughter with an axe.

Since July 2002, there has been no automatic release on "good time" for inmates serving more than two years. Those doing two years or less are released automatically at half-sentence, and all others, provided they are not subject to a nonparole minimum, are eligible to apply for parole after serving one-third of their sentences or 10 years, whichever is the lesser. Prisoners released on parole may be recalled to prison if they reoffend or commit significant breaches of parole conditions. In recent years, 28% of parolees have been found to have breached the conditions of their parole. Many of these have been dealt with by a warning, and not all have been recalled to prison.

A recent innovation in New Zealand has been home detention. First proposed in 1991, legislated in

1993, and piloted for two years beginning in 1995, home detention originally allowed the electronic monitoring of certain offenders in their homes toward the end of their sentences. In 1999, legislation was passed enabling courts to grant offenders serving two years or less leave to apply for home detention immediately after sentencing. Prisoners serving terms of more than two years may apply to the parole board for release on home detention, for up to two years, prior to final discharge. At the end of 2001, approximately 200 offenders were serving prison sentences under conditions of home detention.

THE PRISON POPULATION

The primary purpose of home detention, like the liberalization of the parole laws, was to reduce the prison population. As happened in the United States, the prison population of New Zealand increased steadily after the Second World War. From 1,000 inmates in 1950, the average inmate population (including remands) reached 2,000 in 1967, 3,000 in 1984, 4,000 in 1991, and 6,000 in 2002. This last figure equates to a ratio of 154 per 100,000 mean population. Principal causes of the increases have been jumps in youthful crime in the 1950s, the advent of recreational drug use in the 1970s, and leaps in serious violent offending in the 1980s. Average sentences for violent offending almost doubled between 1985 and 1998, and between 1987 and 2002, violent offenders were ineligible for parole. This led to an accumulation of violent offenders in prison. Today, 62% of all inmates are doing time for violence, compared with 42% in 1987. The next largest group of offenders in prison are there for property damage (21%), followed by drug offences (7.5%).

Liberalizations in parole for nonviolent offenders, which allowed parole at half-sentence in 1985 and then at one-third-sentence in 1993, had only a temporary effect on prison populations. This was largely a result of high recidivist rates. In New Zealand, 58% of all prison releases are reconvicted within a year, and 86% are reconvicted within five years. More than half of all prisoners are reimprisoned within five years of release.

MAORI PRISONERS

Maori and part-Maori, who, as noted, represent about 14% of New Zealand's total population, are overrepresented in crime statistics and in the country's prisons. Maori are significantly more likely than the overall population to be unemployed, to have problems with heavy alcohol use, to come from single-parent families, and to experience physical and sexual abuse at the hands of adults when they are children. As adults, they are far more likely than non-Maori to be convicted of crimes involving serious violence such as aggravated robbery, injurious assault, rape, and homicide. They are also much more likely than non-Maori to belong to outlaw gangs, and the largest gangs by far are the Maori gangs. As a result, Maori are grossly overrepresented in prisons. More than half of all inmates are Maori: 3.7 times what would be expected on the basis of population. Recidivist rates of Maori are also higher than for non-Maori.

WOMEN

There are three institutions in New Zealand that cater to women prisoners, one in each of the three major urban centers. Numbering 233 in 1999, or 4% of the male inmate population, women prisoners are less likely than men to be serving terms of more than three years. Compared with men, women are more likely to be imprisoned for crimes involving drugs, property, and serious traffic violations, but are equally likely to be doing time for nonsexual violence. There is good evidence to suggest that, even when relevant sentencing factors are held constant, women are less likely than men to be imprisoned, and if imprisoned, their terms tend to be shorter. Recidivism figures for women are lower than men's, despite the fact that the proportion of female inmates that are Maori, at almost 60%, is higher than for men.

JUVENILES

In New Zealand, young people under the age of 17 cannot be prosecuted other than for purely indictable offences such as murder, manslaughter,

rape, or dealing in Class A drugs. Children aged 10 to 13 can only be prosecuted for murder or manslaughter. The youngest killer ever prosecuted for murder was 12 when he committed the offence. He was convicted of manslaughter in 2002 and sentenced to seven years.

Most juveniles who are sentenced to imprisonment serve their sentences in facilities administered by the Department of Child, Youth, and Family Services (CYFS) until they turn 17, when they are transferred to prison. Teenagers are normally segregated from adults in special sections of adult prisons. In addition, since 1999 four dedicated youth offender units catering for about 150 inmates have opened, which deliver special programs designed to address the specific needs of pre-adults. Three of these units are smoke-free, and positive drug test returns are close to zero. In 1999 there were 435 inmates aged 15 to 19 in New Zealand prisons—9% of the adult sentenced population.

PRISON PROGRAMS

For nearly 100 years, New Zealand has had a comparatively progressive approach to correctional reform. One consequence, with small prisons and high wages for staff, is that incarceration costs are high. In New Zealand, where the local spending power of the New Zealand dollar is about equivalent to that of the U.S. dollar, it costs an average of approximately $60,000 to keep an inmate in prison for a year—almost three times the American figure. About one-eighth of the corrections budget is spent on rehabilitative services and programs. In 1990, an experiment known as *He Ara Hou* ("A New Way") commenced, emphasizing rehabilitation as an equivalent to custody in the administration of prisons. A serious attempt was made to reduce authoritarianism and break down the barriers that exist between staff and inmates. Formal systems of unit management and case management were installed, and unit managers were given considerable discretion in running their units. Inmates were actively encouraged to participate in programs.

He Ara Hou was partially successful in achieving its objectives. Inmates report that tension with staff did decline in the early 1990s, and many officers took a personal interest in their welfare. Enrolments in educational and other programs increased, and there was an apparent decline in assaults, escapes, and suicides. But the new initiatives were never systematically analyzed, nor were they properly monitored. Lax procedures at some institutions led to irregularities in financial and general management, abuse of some prisoners, and corrupt relationships between some inmates and staff. By 1992, a series of embarrassing scandals had commenced, involving drugs, sex, money, escapes, and abuse of prisoners. The gravity of these matters prompted the resignation of the Assistant Secretary for Justice at the end of 1993, followed by the Secretary for Justice himself in 1994. Thus, *He Ara Hou* came to an end.

In 1995 the Department of Justice, which administered prisons, ceased to exist. A Ministry of Justice was created as a partial replacement, but the task of prison management fell to a new department known as the Department of Corrections. Under this title, a fresh experiment in rehabilitation commenced, known as Integrated Offender Management (IOM). Unlike its predecessor, IOM was systematically planned and gradually phased in over a five-year period. It consists of a sophisticated computerized offender recording program and a psychological approach to rehabilitation based in a series of "interventions" designed to address an inmate's "criminogenic needs." Central to the plan is an intense 10-week tailored program administered toward the end of an offender's sentence.

Although IOM has been introduced in all prisons, high running costs have restricted its applicability. Initially, the department anticipated that nearly all inmates would be exposed to IOM and that it would reduce reoffending between 10% and 15%. But the scheme has been more expensive and less effective than hoped. In 2001, only 18% of eligible inmates were able to receive IOM, despite $12 million in expenditure. Moreover, to date, those exposed to IOM have exhibited recidivist rates that are not significantly different from those not exposed to it. However, with the program still in its infancy, in 2002 the department still remained optimistic of being able to cut recidivism rates by up to 10%.

PRISONER SOCIETY AND CULTURE

There has never been a study of female convict culture in New Zealand, but among men, the social code of inmates is highly similar to that described by Sykes and Messinger (1975) in their landmark study. The male prisoner community is traditionalistic in its notions of masculinity. Men are expected to be strong, stoical, principled, and honest. The ideal man handles his problems on his own and without complaint. He does not bully the weak, nor does he compromise with bullies. He protects his dignity and is prepared to use violence when necessary: for example, when threatened, when abused, or when dealing with thieves and informers. Thieves ("tealeaves") and informers ("grasses") are the lowest form of life in a prison, and no self-respecting prisoner has anything to do with them. The ideal convict does not fraternize with staff; he sees them as a necessary nuisance, but otherwise of little consequence in his life.

Of course, such ideals are seldom realized, but men who approximate them achieve high respect. In truth, staff frequently receive information from prisoners, the weak are always at risk of being bullied, there are numerous disputes over stolen property or unpaid debts, and long-term inmates are often on friendly, first-name terms with long-term staff. That said, however, prisoner society in New Zealand is markedly different in certain respects from that reported elsewhere, particularly the United States. There is little inmate stratification in New Zealand prisons. As a general rule, a high level of egalitarianism prevails, and it is unusual for an inmate or a cabal of inmates to have power over others. Related to this is the fact that homosexuality is rare and homosexual rape is almost unheard of. There are a number of reasons why this is so.

First, prisons are small, units are restricted to about 60, and most inmates have their own cells. It is difficult for any individual or group to dominate in such an environment without being noticed by staff and transferred to a more secure setting.

Second, sentences are fairly short. Population turnover is high, making it difficult for any group to stabilize its membership and consolidate power.

Third, prisons are well staffed and staff are well paid. This renders the cooptation of inmate leaders for administrative purposes unnecessary and removes the incentive of staff to support or ignore the activities of power groups. Conversely, powerful inmates have little to gain and much to lose (e.g., privileges and parole chances) by attempting to "stand over" other inmates.

Finally, in New Zealand itself, class structure is less pronounced than in many capitalist countries. Wealthy entrepreneurs and workers often mix together in pubs, in clubs, and in other recreation. Exploitation of the rich by the poor is adulterated. New Zealand is a compassionate society, with a relatively generous welfare system, which generates few homeless and no beggars. Linked to this, particularly in the working classes, is a strong egalitarian ethic. Class and racial tension is largely dormant, and there is popular contempt for authority. The rich and the powerful are tolerated, but only as long as they act like "ordinary blokes."

This same culture is clear in prisons. Here, racial conflict is rare, and inmates who attempt to dominate others are denounced as "standovers," "screws," and "coppers." Doing one's own time and minding one's own business are highly valued. Those who do not risk ostracism, abuse, assault, and general hostility from the body of inmates as a whole. As a result, there is high incentive in New Zealand prisons, supported by management, the custodial environment, and years of social conditioning, for the preservation of equality among the incarcerated.

CONCLUSION

New Zealand is a country that, like many others, has faced rising prison numbers in recent decades. With some success, it has attempted to address the problem by creating alternatives to imprisonment and by liberalizing parole. It has also attempted to reduce recidivism, and for many years has had a humane approach to the treatment of criminals. Sentences are relatively short, prison conditions are generally good. Sincere efforts are made to assist inmates to discard the criminal lifestyle. So far, the

results of these efforts have been disappointing, and recidivist rates are high. But one positive spin-off of this liberalism is that prison society itself is comparatively nonexploitive and the experience of living in custody is relatively benign.

—Greg Newbold

See also Australia; Canada; Community Corrections Centers; England and Wales; Furlough; Juvenile Justice System; Maximum Security; Native American Prisoners; Parole; Privatization; Prison Culture; Probation; Gresham Sykes; Wackenhut Corporation; Women Prisoners; Work-Release Programs

Further Reading

Jeffries, S. (2002). Just or unjust?: Problematising the gendered nature of criminal justice. *Women's Studies Journal*, *18*(1), 24–41.

Newbold, G. (1982). *The Big Huey*. Auckland, NZ: Collins.

Newbold, G. (1989a). Criminal subcultures in New Zealand. In D. Novitz & B. Willmott (Eds.), *Culture and identity in New Zealand.* Wellington, NZ: GP.

Newbold, G. (1989b). *Punishment and politics: The maximum security prison in New Zealand*. Auckland, NZ: Oxford University Press.

Newbold, G., & Eskridge, C. (2003). History and development of modern correctional practices in New Zealand. In C. B. Fields & R. H. Moore (Eds.), *Comparative criminal justice: Traditional and non-traditional systems of law and control*. Prospect Heights, IL: Waveland.

Sykes, G. M., & Messinger, S. L. (1975). The inmate social system. In R. A. Cloward, D. R. Cressey, G. H. Grosser, R. McCleery, L. E. Ohlin, G. M. Sykes, & S. L. Messinger (Eds.), *Theoretical studies in social organization of the prison*. Millwood, NY: Kraus.

NEWGATE PRISON

Newgate Prison was authorized by the Connecticut General Assembly in 1773 to utilize incarceration as a punishment for crime, the same year that construction began on the more famous Walnut Street Jail in Philadelphia. All male offenders who were not under sentence for a capital crime were to be imprisoned at Newgate. Prior to this time, most crimes, other than those deemed to be capital crimes, were punished through specific acts, such as branding, flogging, the stocks, fines, public shaming, and banishment. Unlike the Walnut Street Jail, Newgate was not influenced by the movement for reform as advocated by the Quakers or by individuals such as Benjamin Rush and Thomas Eddy.

THE INSTITUTION

Newgate Prison was constructed within an abandoned copper mine in East Granby, Connecticut. Prisoners worked, lived, and were housed in huts and cabins that were constructed inside the underground caverns and shafts of the mine.

The underground structure of the prison and installation of an iron door over the entrance shaft were at first believed to be escape-proof. Consequently, few if any guards would be required to run the prison. Captain John Viets, Newgate's first keeper, appointed by the Connecticut General Assembly, initially provided the only security for the institution. However, within three weeks, the first prisoner had escaped (with assistance) through a mineshaft. Although additional security measures were implemented by new legislation from the General Assembly, escapes were frequent and sometimes violent.

In addition, overcrowding became a serious issue over time. In one instance, 32 men were housed in an area only 21 feet by 10 feet by 7 feet. As well as escaping, prisoners also regularly burned any structures that were built over the mine. All of these problems were exacerbated by a combination of untrained staff and poor management. Ultimately, the difficulties with security would contribute to the closing of Newgate.

THE PRISONERS

Initially, the Connecticut General Assembly only dictated imprisonment for males convicted of five offenses: robbery, burglary, horse theft, counterfeiting, and forgery. However, it eventually included women, murderers, political prisoners, and prisoners of war. Newgate also housed Tories during the American Revolutionary period.

Prison labor was one of the core components of life at Newgate. Although at first prisoners worked

in the mines, it quickly became evident that they lacked the training and skills necessary to make the venture profitable. Instead, they were set to work making nails, barrels, shoes, and wagons as well as doing farm work.

The prisoners housed at Newgate worked in close quarters with one another and were housed collectively, in contrast to the solitary system proposed in the Pennsylvania model. They were allowed to congregate after the workday to gamble and trade their rations for the day. These rations included a pound of meat, a pound of bread, a pint of cider, and potatoes. Additionally, those who had money from working or other sources had access to a tavern near the prison in the evenings. Such close contact between the inmates provided some savings on the cost of imprisonment, but it also made it easier for violence, riots, and insurrections to occur.

PROBLEMS

It was evident almost immediately that Newgate would have serious problems. Riots, uprisings, and escapes became commonplace. During many escapes and escape attempts, the inmates would burn, vandalize, and attempt to destroy the prison. After each incident, additional security measures were added, and new guards were hired. This became a problem especially when the prison was used to house Tories during the Revolutionary Period. As Durham (1990) notes, "The combination of these prisoners and the traditionally weak security of the prison were causes for local alarm" (p. 311). The result was an order by the Council on Safety that oversaw the prison to increase the number of guards. However, the repeated increases in the number of guards securing the prison ultimately defeated the purpose of using the abandoned mine, with its unique structure, as a prison in order to limit operational costs.

It was not merely the increased cost of running the prison that forced its abandonment in 1827. The effect of the prison on the inmates, evident upon release, also became a major factor. The prison environment further corrupted the inmates and helped to breed "cruelty, riots, insurrections, vice and crime" (Lewis, 1967, p. 67). Amplifying this problem was the use of measures including flogging, the stocks, the treadmill, and the hanging of an inmate by the heels as a punishment for unruly behavior, escapes, and riots. Furthermore, as noted previously, the congregation of the inmates enabled many to learn additional criminal skills from each other, thereby increasing their abilities and skills.

CONCLUSION

Despite its shortcomings, Newgate was still believed to be the preeminent prison in the United States until it closed in 1827, when the last prisoner was transported to Wethersfeld Prison in Connecticut. Even so, the legacy and impact of Newgate on the evolving penal theories was not great. These days, it is remembered most commonly as one the first institutions to utilize imprisonment as a form of punishment in the U.S.

—Sarah Conte

See also Alderson, Federal Prison Camp; Auburn System; Eastern State Penitentiary; Framingham, MCI; History of Prisons; Pennsylvania System; Philadelphia Society for Alleviating the Miseries of Public Prisons; Benjamin Rush; Quakers; Solitary Confinement; Walnut Street Jail

Further Reading

Barnes, H. E. (1920, October). *The historical origin of the prison system in America*. Paper presented at the annual meeting of the New York State Historical Society, Bear Mountain Park, NY.

Durham, A. M. (1989). Newgate of Connecticut: Origins and early days of an early American prison. *Justice Quarterly, 6*(1), 89–116.

Durham, A. M. (1990). Social control and imprisonment during the American Revolution: Newgate of Connecticut. *Justice Quarterly*, *7*(2), 293–323.

Lewis, O. F. (1967). Newgate of Connecticut. In Lewis, *The development of American prisons and prison customs 1776–1845* (pp. 64–67). Montclair, NJ: Patterson-Smith.

Phelps, R. H. (1969). *A history of Newgate of Connecticut.* New York: Arno Press and the *New York Times.*

NORFOLK PRISON

Massachusetts Correctional Institution (MCI) Norfolk was the first "community-based" prison in the United States. It was designed to be a community, with a central quadrangle, similar to that of many

traditional colleges. Dormitories lined the longer sides of the quadrangle. A community services building and an education center were located at either end. Industry buildings were placed outside the quadrangle. Though it has grown beyond this layout, the central quadrangle is still the focal point of the institution today.

HISTORY

Howard Belding Gill (1890–1989), a Harvard MBA with an interest in prison reform, was first superintendent of the Prison Colony at Norfolk. He was appointed in 1927 and directed the completion of work on the prison. The first prisoners came to the site in 1927 from the Charlestown State Prison. They finished building much of the prison complex itself, including the construction of the perimeter wall.

Gill considered Norfolk to be one of the first examples of "a new prison discipline." In contrast to the traditional Auburn prison model, which he believed was designed to "break the spirit of the criminal," Gill envisioned a community with an emphasis on education and industry (Gill, 2001, p. 49). Norfolk prisoners would not wear traditional prison uniforms. They were granted a stake in the management of the institution through participation in an advisory council.

Gill's philosophy depended upon classification. At its simplest, this entailed sorting the tractable from the intractable. He argued that the traditional view that "every prisoner should be treated alike" (2001, p. 51) could not be supported in light of the recent psychological studies by such criminological pioneers as William Healy (1915) and Bernard Glueck (1916). "Tractable prisoners," he proposed, should be housed in cottages or dormitories, rather than "massive, monolithic monkey cages" (Gill, 2001, p. 51) and provided with "work, education, medical care religion, recreation [and] family welfare . . . designed to *adjust the offender to the society to which he will return*, i.e. acculturation" (Gill, 2001, p. 52; italics in original).

After four inmates escaped from the colony, Gill came under fire from the Massachusetts legislature, and following a controversial hearing in 1934, he was removed as superintendent (Johnsen, 1999). The second superintendent, Maurice N. Winslow, continued many of Gill's policies, though he instituted uniforms and did not allow prisoners to own dogs. Norfolk maintained a reputation as a progressive institution, supporting such diverse activities as poetry reading, debating society, and an academic quiz team.

Perhaps the most famous alumnus of the Norfolk Prison Colony was Malcolm Little (Malcolm X), who lauded the "culture" of the institution as he found it in 1948 and credited the educational support he received there with enabling him to achieve a level of fluency that far surpassed his formal eighth grade education. According to Malcolm X:

> The Norfolk Prison Colony's library was in the school building. A variety of classes were taught there by instructors who came from such places as Harvard and Boston universities. The weekly debates between inmate teams were also held in the school building. You would be astonished to know how worked up convict debaters and audiences would get over subjects like "Should Babies Be Fed Milk?"
>
> As you can imagine, especially in a prison where there was heavy emphasis on rehabilitation, an inmate was smiled upon if he demonstrated an unusually intense interest in books. There was a sizable number of well-read inmates, especially the popular debaters. Some were said by many to be practically walking encyclopedias. They were almost celebrities. No university would ask any student to devour literature as I did when this new world opened to me; of being able to read and understand. (Malcolm X, 1992, pp. 199–200)

TODAY

Today, MCI Norfolk houses more than 1,400 prisoners. It is the largest medium-security prison in Massachusetts. It has a 19-foot-high maximum-security perimeter wall that is 5,000 feet long surrounding 18 dormitory-type units and two modular units. Current educational programs include those offered through the MCI Norfolk School: adult basic education through general equivalency diploma and vocational programs including barber school, computer technology, culinary arts, welding, and the Boston University college program. Treatment

programs include Correctional Recovery Academy, Sex Offender Treatment Program, and Security Threat Group Program.

CONCLUSION

The vision of the prison community established in the planning of Norfolk did not come to pass. However, many of the reforms espoused in the "modern penology" of the 1920s have been instituted and accepted throughout correctional systems: classification, full-time schooling, treatment programs, and meaningful vocational study are the norm. As Gill stated in the State House hearing in 1934, "You seek to remind me that the men at Norfolk are criminals; I seek to remind you that the criminals at Norfolk are men" (Janusz, 1990, p. 57).

—Robert T. Cadigan

See also ADX Florence; Attica Correctional Facility; Auburn Correctional Facility; Corcoran, California State Prison; Malcolm X; Marion, U.S. Penitentiary; San Quentin State Prison; Sing Sing Correctional Facility

Further Reading

Gill, H. B. (2001). A new prison discipline. In E. J. Latessa, A. Holsinger, J. W. Marquart, & J. R. Sorensen (Eds.), *Correctional contexts* (2nd ed., pp. 49–55). Los Angeles: Roxbury.

Glueck, B. (1916). *Studies in forensic psychiatry*. Boston: Little, Brown.

Healy, W. (1915). *The individual delinquent*. Boston: Little, Brown.

Janusz, L. (1990, Fall). Voter rights. *Odyssey: Creative Alternatives in Criminal Justice*, 56–57.

Johnsen, T. C. (1999, September–October). Howard Belding Gill: Brief life of a prison reformer: 1890–1989. *Harvard Magazine*. Retrieved September 2, 2004, from http://www.harvardmagazine.com/issues/so99/vita.html

Malcolm X. (1992). *The autobiography of Malcolm X* (as told to Alex Haley). New York: Ballantine.

Massachusetts Department of Correction. (n.d.). Retrieved from http://www.state.ma.us/doc/default.htm

NOVEMBER COALITION

The *November Coalition* is a nonprofit, grassroots organization that seeks to educate the public about the war on drugs. According to their Web site, the coalition includes

> a growing body of citizens whose lives have been gravely affected by our government's present drug policy. We are prisoners, parents of those incarcerated, wives, sisters, brothers, children, aunts, uncles and cousins. Some of us are loving friends and concerned citizens, each of us alarmed that drug war casualties are rising in absolutely horrific proportions. (November Coalition, n.d.)

It is one of a number of prison reform groups lobbying to rescind current federal and state laws on drugs.

WHAT DOES THE NOVEMBER COALITION DO?

Formed in 1997, the November Coalition uses real-life examples to illustrate how a drug arrest can become a "frightening introduction to conspiracy statutes, government's liberal use of informants, guideline-sentencing laws, and the nightmare usually leaves defendant and family confused and full of despair." Through individual accounts, they show how long-term imprisonment has dramatic effects on personality and personal relationships. Prisoners suffer from severe restrictions on their human and constitutional rights, and all of these difficulties exact a personal toll on offenders and those who love them.

The November Coalition seeks to rehumanize prisoners by telling their stories. This strategy reveals the damaging impact of mandatory minimum sentencing on individuals and their families. Autobiographical accounts help to demonstrate that many drug offenders are regular people, good citizens and neighbors, whose lives have been derailed by a misguided sentencing policy. Some of these stories remind us that those in prison are children who are also victimized—in part by the actions of their parents, and in part by the draconian measures used to fight drug use. Other stories share the painful experiences of aging parents who have lost their children due to the long sentences they must serve. The firsthand accounts document the disparate impact that drug policies have on different races and social classes. These stories also relay

feelings about politicians who have escalated the drug war even though they have admitted past drug use that could have sent them to prison rather than to the White House.

The November Coalition argues that the discriminatory impact of drug policies, in which members of minority communities far outnumber whites in prison, should have been predicted. If that were not possible, then the discriminatory impacts are certainly clear to today's policymakers. According to the coalition, drug policies have created a situation in which the most vulnerable are least able to defend themselves against injustice. Such policies do not constitute a war on drugs; they have become a war on people. The coalition also points out the similarities between alcohol prohibition of the 1920s and drug prohibition today. Drug users have been dehumanized through demonizing propaganda, in particular "the crack epidemic," that dominated national media during the late 1980s.

PUBLICATIONS

The coalition produces a newsletter called *The Razor Wire* to report on drug policy reform efforts, legislative updates, and news about drug law vigils and meetings. This publication also includes letters from prisoners and others who have been victimized by the war on drugs. The organization also puts out *The Wall,* which is an online collection of prisoner photos and stories that document the impact of the war on drugs. *The Razor Wire* and *The Wall* can be found on the November Coalition Web site. The Web site also includes essays, statistics, and other information that supports efforts toward changing prisons and our views toward punishment. In addition to educating people about the necessity of penal reform, the coalition has demonstrated that the Internet can be an effective tool for information sharing and for organizing those who share an opposition to a policy that has shaped our justice system and filled our prisons.

CONCLUSION

The November Coalition provides an example of the effectiveness of grassroots challenges to policy. Working with limited resources, the group has made great progress in their efforts to educate the public and policymakers about problems associated with current legislation for drug crimes. The November Coalition succeeds in providing an arena where prisoners' voices and stories can be heard. These stories and voices are invaluable in the effort of challenging the status quo.

—Kenneth Mentor

See also Activism; American Civil Liberties Union; Drug Offenders; Families Against Mandatory Minimums; Federal Prison System; National Prison Project; Prison Monitoring Agencies; Stop Prisoner Rape; War on Drugs

Further Reading

Bonczar, T., & Glaze, L. (1999). *Probation and parole in the United States.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Common Sense for Drug Policy. (n.d.). Retrieved from http://www.csdp.org/

Criminal Justice Policy Foundation. (n.d.). Retrieved from http://www.cjpf.org/

Drug Policy Alliance. (n.d.). Retrieved from http://www.drug policy.org/

Harrison, P. M., & Beck, A. J. (2002). *Prisoners in 2001.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Irwin, J., Schiraldi, V., & Ziedenberg, J. (1999). *America's one million nonviolent prisoners*. Washington, DC: Justice Policy Institute.

Journey for Justice. (n.d.). Retrieved from http://www.journey forjustice.org/

Media Awareness Project. (n.d.). Retrieved from http://www. mapinc.org/

National Drug Strategy Network. (n.d.). Retrieved from http://www.ndsn.org/

November Coalition. (n.d.). Retrieved from http://www. november.org

Students for Sensible Drug Policy. (n.d.). Retrieved from http://www.ssdp.org/

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OAK PARK HEIGHTS, MINNESOTA CORRECTIONAL FACILITY

Oak Park Heights, in Minnesota, is one of the first "New Generation" prisons constructed after the demise of the medical model in penology, which saw the role of imprisonment as the diagnosis, treatment, and cure of criminal behavior. It represents one of three fundamental changes in Minnesota penal policy in the 1970s and early 1980s: the introduction of a new sentencing system, an alternative to incarceration initiative, and the decision to build a new high-security prison.

OVERVIEW

The new sentencing system specified the number of months to be served for specific offenses and designated those crimes that would result in confinement in state prison and those that could be dealt with by alternatives to incarceration. Under the Sentencing Guidelines, only offenders convicted of crimes against persons (e.g., murder, assault, armed robbery, rape, child molestation) and drug trafficking, as well as those who had failed in the various alternatives to imprisonment, would be sent to state prison. Once in prison, they must serve two-thirds of their sentences in prison and one-third on supervised release. The second change, the Community Corrections Act, provided state funds to enable Minnesota counties to keep nonviolent offenders in their jails, under probation supervision, or placed in community-based facilities and programs. The third new direction in penal policy was the decision to build a high-security prison to replace the State Penitentiary at Stillwater built in 1914. This decision was influenced by a series of inmate homicides (3 in 1975) and suicides (11 between 1971 and 1974), an increase in assaults on inmates and on staff, and allegations of drug trafficking that led to a legislative investigation.

In 1976, the Joint House-Senate Committee on Minnesota State Prison issued a detailed report that found that the state's only penitentiary for adult males was seriously mismanaged, that staff and inmates feared for their safety, and that dangerous prisoners were not effectively separated from the general inmate population. The investigation concluded that controlling prisoners in giant cell halls that were four tiers high, each containing 512 cells, made visual surveillance of inmate activity "impossible."

A new Commissioner of Corrections, Kenneth F. Schoen, replaced the warden at Stillwater with the Department of Corrections' Inspector of Jails, Frank W. Wood. With a promise of no interference from departmental headquarters, Wood introduced

Photo 1 *Oak Park Heights, administrative building in the foreground*

Photo 2 *Oak Park Heights security facility, Minnesota*

a proactive strategy to restore order in the prison. He greatly restricted and controlled all inmate movement, initiated random lockdowns and shakedowns of inmate cells, work and recreation areas, built walls to divide the large cell blocks into more manageable spaces, and replaced most of the administrative staff. Wood's management philosophy was summed up in words that have become widely quoted in penology: "If you gave me the choice between this place [the new prison] with a dishonest, incompetent staff and a tent with honest, competent staff, I'd take the tent" (King, 1991).

While Wood was bringing Stillwater Prison under control, planning moved ahead for the construction of the new high-security prison at Oak Park Heights (OPH). The new institution was to employ a nontraditional design to house a relatively small population of violent and predatory prisoners. Wood was appointed warden and began outlining security and staffing needs, along with inmate programs and services. With Wood's management strategy in place, Oak Park Heights began receiving prisoners in March 1982.

DESIGN

Oak Park Heights is an earth-sheltered maximum-security prison built into a hillside overlooking the St. Croix River Valley (Photos 1–3). From a nearby road and residential area, all that is visible of the facility is a one-story brick administration building. Because it lies 30 feet or more under the ground, OPH has been able to achieve significant economies in heating and cooling costs. Double parallel fences with razor ribbon between them and equipped with electronic motion detection devices provide perimeter security.

OPH is comprised of nine separate 52-man units arranged in a U-shape; the units are connected by two separate traffic corridors, one for prisoners, the other for staff. Except for disciplinary segregation units, each unit has its own eating and indoor recreation areas and a heavy wire mesh enclosed outdoor recreation yard. A larger institution yard can accommodate prisoners from up to, but not more than, two units for softball, handball, and other sports. An unusual feature of these units is the use of wood covers on railings.

In each unit, an officer in a secure control "bubble" is able to observe other staff interacting with prisoners as well as inmates moving in the adjacent corridor. As a result, prisoners can move from one part of OPH to another without a staff escort. Two staff in each unit rotate every two hours with the officer in the bubble. In the event of trouble, the control officer records the names and actions of prisoners and calls for assistance.

The nine units serve a variety of custodial and program functions within the same physical perimeter. One provides the medical needs for the

entire department of corrections; while another houses mental health cases. There is an educational unit, an industries unit, and an honor unit. There is also a disciplinary segregation unit for short-term punitive confinement and two special housing units (SHU) for inmates who are permitted to leave their cells only for individualized exercise. The ninth unit, recently completed and operational, offers a long-term control or "supermax" function. Here a prisoner cannot leave his cell without wrist and leg restraints and under the escort of several officers.

Inmate cells, called rooms, range in size from 70 square feet to 153 square feet for medical and mental health rooms. Standard cells have horizontal concrete slabs to hold a foam mattress and to double as a desk or table during the day; a vertical concrete configuration built into the wall contains shelves, storage space, and a flat surface for a television set. Toilets and wash basins are made of stainless steel and are set in concrete. Showers in all units are individually enclosed, locked stalls. Rooms have narrow, vertical windows providing natural light and looking into the large interior yard; from second-floor rooms inmates can see the river valley. OPH has never been crowded, since all cells were designed for one person.

STAFFING

Oak Park Heights opened with a staff complement of 289, of whom 234 had no previous experience working in prisons; the plan was to avoid hiring, in Warden Wood's words, "people with bad habits." Only 55 had worked in other Minnesota correctional facilities. Thirty of the new staff were women. Almost half of the new recruits had four-year college degrees—compared to 15% at nearby Stillwater Prison. The new staff were trained to deal with prisoners, as Wood said, in a "nonabrasive way," and they continue to receive 40 hours of in-service training each year. The absence of violence has been the measure of this strategy. Recently, however, 30 of the original positions have been eliminated due to state budget cuts, with the result that prisoners now remain in their cells during weekends. What effect this change will have on inmate violence is, as yet, unclear.

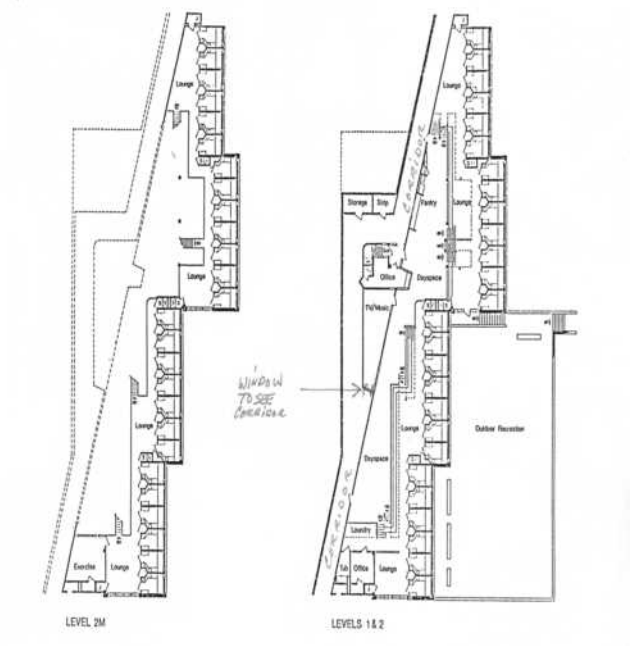

Photo 3 *Oak Park Heights diagram*

INMATE POPULATION AND PROGRAMS

Oak Park Heights' population is comprised of Minnesota's most violent offenders, who are serving long sentences, as well as prisoners who have been designated as escape risks or are viewed as management problems in other Minnesota prisons. Individuals who have committed violent crimes against others, including murder, assault, criminal sexual assault, kidnapping, and robbery, constituted 86.5% of the population in February 2003.

For the past 20 years, prisoners from the high-security federal prison at Marion, Illinois, have been accepted as "boarders." Almost all of these transfers, serving long sentences for serious crimes, have engaged in violence in prison, often associated with the major federal prison gangs that do not have a significant presence in Minnesota. Other boarders are interstate transfers. In exchange, the Department of Corrections has sent some Minnesota prisoners to other jurisdictions for purposes of protective custody. Oak Park Heights inmates who may engage in physical confrontations with rap partners, witnesses, or other inmates can be readily separated by transfer to another unit within the prison—as

can prisoners observed or reported to be forming a gang or any illegal organized activity.

Job options at OPH include working as an orderly, joining the kitchen crew, or other maintenance and recreation services. Educational programs include classes and self-study courses. Courses in anger management and critical thinking skills are also offered. Prisoners can take remedial classes to obtain a general equivalency diploma (GED), and, if they pay for courses themselves, they can earn a BA degree. Religious and recreational activities are also available, as is access to legal resources. Inmates are allowed up to 16 hours of contact visits each month—although those in disciplinary segregation may have only noncontact visits. All inmate telephone calls are monitored and tape recorded.

MANAGEMENT PHILOSOPHY

The importance of the management philosophy that goes with a new design is fundamental in understanding how Oak Park Heights has functioned since 1982. Remarkably, five wardens, including the current warden Lynn Dingle, have continued the Wood strategy that was first employed at Stillwater and carried over to Oak Park Heights. All gained their prison experience working under Wood at Stillwater, Oak Park Heights, or both.

In addition to the points already noted, the management philosophy at OPH includes the following guidelines: At least one officer will always be stationed in each unit's protected control bubble so that staff can call for assistance in the event of any altercation or disruption of normal activities. Forty out of 200 custodial staff are women; they are assigned to all units because experience at OPH has shown that they have often helped deescalate problems. The institution also maintains a high ratio of staff to inmates. Prisoners will be frequently "pat-searched" to condition them to submit to staff authority, as well as to detect weapons or contraband. Any prisoner not assigned to a job or involved in an educational or treatment program will be locked in his cell. No protective custody unit will be established; such cases are transferred to other prisons.

Only such physical force as is necessary will be used to control prisoners who are acting out. Staff who are assaulted will be restrained and allowed no "payback," since they cannot preach nonviolence to prisoners and solve their own problems with violence. State or federal transfers will be given a fresh start at arrival but will be required to sign a contract agreeing to abide by facility rules; violation of the contract will lead to their prompt return to the jurisdictions from which they came.

A variety of services and program offerings will be made available to inmates, because going to prison *is* the punishment. OPH is not responsible for rehabilitating prisoners, but it is responsible for maintaining an environment that is conducive to change for those who are so inclined. The regimen at OPH is intended to reduce the frequency, scope, and seriousness of the inevitable incidents that will occur in a high-security prison. The regimen is not intended to aggravate the conditions of confinement under the mistaken belief that it will make inmates averse to coming back.

CONCLUSION

Essential measures of the success of the penal principles at Oak Park Heights relate to the control of violence and the protection of inmate rights. Since the prison opened, no inmate or staff member has been killed, nor have there been any escapes—not even any attempts—and no riots or major disturbances that have involved as much as an entire unit. The Federal District Court has had no case in which OPH has been found to violate the constitutional rights of any prisoner, and the prison received a 100% compliance score from the American Correctional Association the first time it applied for accreditation.

—David A. Ward

See also Correctional Officers; Cottage System; Maximum Security; Medium Security; Minimum Security; New Generation Prisons; Security and Control; Supermax Prisons; Telephone Pole Design; Unit Management

Further Reading

King, R. D. (1991). Maximum-security custody in Britain and the USA: A study of Gartree and Oak Park Heights. *The British Journal of Criminology, 31*(2), 126–152.

Ward, D. A. (1987). Control strategies for problem prisoners in American penal systems. In A. E. Bottoms & R. Light (Eds.), *Problems of long term imprisonment* (pp. 74–96). Aldershot, UK: Gower.

Ward, D. A., & Schoen, K. F. (1981). *Confinement in maximum custody: New last resort prisons in the United States and Western Europe*. Lexington, MA: Lexington Books.

OFFICER CODE

Correctional officers form a distinct subculture within prisons, with their own beliefs and informal code of conduct that set them apart from inmates, administrators, and the world outside. The *officer code* is organized principally around ideas of solidarity within the subculture. The strength of the officer subculture within different prisons can be measured by the degree to which officers adhere to the code and by the severity and certainty of consequences imposed on those who violate the code.

CENTRAL NORMS OF THE OFFICER SUBCULTURE

Norm 1: Don't Rat

The prohibition against informing against others is fundamental to most codes of solidarity. In law enforcement, the manifestation of this norm is commonly referred to as "the blue wall of silence." In the prison world, the injunction is strongest in regard to testifying against a fellow officer for abuse of an inmate or informing on an officer to an inmate.

Testifying against a fellow officer is the most obvious and flagrant violation of the officer code. An officer who violates this norm in effect forfeits his or her membership in the subculture and the protection it provides within the prison world. It is a sanction that in most prisons cannot be borne. As an officer working in a maximum-security prison noted, "If nothing else, you do believe that you need, you *know* you need, the rest of the officers in order to perform, and if you're alone, you can't last in a place like that a long time." Even officers who might be secretly sympathetic to a fellow officer who testified would turn their backs "because of that unwritten code that says that I violated them or I violated their code and I'm a *correctional officer*" (Kauffman, 1988, p. 98).

Events at Corcoran Prison in California during the 1990s illustrate the strength of this norm. Over a five-year period, some officers at the prison staged "gladiator fights" between inmates belonging to rival gangs. The fights frequently ended with officers shooting the inmates. Of 50 who were shot, seven died. By comparison, only eight other inmates in the entire California prison system were killed by officers during the same time period. When two Corcoran officers eventually blew the whistle on their fellow officers, they were threatened and harassed to the point that they felt compelled to resign. Ratting out an officer to an inmate, for example, by revealing the identities of officers who beat up an inmate or tore up an inmate's cell, is also a serious offense in the officer subculture, because doing so may endanger the lives of the officers involved. "Payback" is a constant threat within the prison world where antagonists can put little distance between themselves, and few distractions from long-standing grudges exist.

Norm 2: Always Go to the Aid of an Officer in Distress

The most important positive obligation under the officer code is to go to the aid of any fellow officer in distress, except in those rare instances when an officer has forfeited his or her membership in the officer subculture (see Norms 1 and 3). The obligation to provide immediate, unquestioned assistance to fellow officers in danger lies at the heart of the officer code. It is the norm on which positive feelings of officer solidarity are based. This norm is so important that those who consistently uphold it can sometimes violate other parts of the officer code without fear of reprisal.

For obvious reasons, the injunction to aid a fellow officer is strongest at those prisons in which

employees perceive themselves to be in the greatest danger. Officers, especially rookies, who consistently violate this norm at prisons where tensions are high between staff and inmates are likely to be ostracized by their fellow officers, thus making their own situation at the prison untenable.

Norm 3: Don't Deal Drugs With Inmates

The prohibition against dealing drugs with inmates is based not on negative attitudes toward drugs per se, but rather on fear of the increased danger to officers presented by inmates under the influence of drugs. Officers who violate this norm risk ostracism, harassment, and the threat of physical harm by fellow officers. The norm is taken so seriously in some prisons that, if an officer persists in dealing drugs with inmates, the norm against ratting no longer applies.

Despite the vehemence with which officers may espouse this norm, drugs are plentiful in many prisons, and officers suspect one another of involvement. Demand is great, making incentives strong. Dealing drugs not only offers economic rewards, but it also can offer at least temporary respite from fear and threat of violence by inmates who can trade protection as well as money in exchange for drugs. Because the incentives to violate this norm are strong, informal sanctions for violating it are severe.

Norm 4: Always Support a Fellow Officer in a Dispute With an Inmate

Officers strive to maintain solidarity against inmates in appearance as well as in fact. Whether they agree with the actions of a fellow officer or not, they should never make another officer look bad in front of an inmate. Any disagreements between officers should be handled out of prisoners' hearing and sight. Officers are not supposed to act as impartial arbiters in disputes between inmates and fellow officers. Instead, the code mandates that they provide immediate and unquestioning support for one another as long as prisoners are present.

The expectation that officers will back one another is sufficiently strong in some prisons that officers will sign disciplinary reports as witnesses to events for which they were not, in fact, present. In its most extreme form, this norm calls for officers to support informal sanctions imposed by fellow officers on inmates, including acts of violence against inmates. Especially in prisons with sustained levels of conflict between officers and inmates, many officers believe that the only way to deter violence is to punish violence with violence. Those who refuse to support such sanctions (passively, by not participating; less commonly, by interceding) risk ostracism and harassment. Although seasoned officers who abide by other norms of the officer code can often abstain from violence without fear of censure, younger officers are more vulnerable. The norm mandating unquestioned support for officers in disputes with inmates, combined with the norm against ratting against fellow officers, promotes and protects the development of a violent officer subculture in some prisons.

Norm 5: Don't Fraternize With Inmates

The officer subculture is shaped by its opposition to the inmate subculture. The role of the officer, as defined by the subculture, is to neither help nor befriend inmates. It is, instead, to maintain order and security within the prison and protect fellow officers. The norm against fraternization may even prohibit expressions of sympathy or support regarding inmates made in private conversation with other officers.

Officers who are too lenient or too popular with inmates can jeopardize the safety of more hard-line officers, or at the very least make their jobs more difficult. Those who fraternize with inmates also attract suspicion that they are dealing drugs with inmates or cannot be relied upon in disputes with them.

Sanctions for violating this norm vary widely from prison to prison and often from shift to shift or unit to unit within prisons. But as long as officers uphold all other norms mandating solidarity vis-à-vis inmates, they rarely risk more than mild censure and harassment by their peers if they interact too closely with inmates.

Norm 6: Maintain Solidarity Versus All Other Groups

Officers ideally maintain solidarity versus anyone who is not an officer, including prison administrators, social workers, government officials, and, perhaps most of all, representatives of the news media. Officers typically view prison administrators, even those who have come up through the ranks, as pandering to inmates and unwilling to back officers in the difficult and dangerous work that they do. They have no illusions about how those outside the prison world see them: violent, power hungry, corrupt, racist, a "breath away from being inmates themselves." Members of news and entertainment businesses seem to revel in contrasting the depths and variety of the inmate experience with the stereotypical image of the brutal "screw." The beliefs, expectations, and obligations embodied in the officer code are designed in part to shield officers from these negative images, to allow them to reject their rejecters. As a result, the correctional officer subculture rivals, and in many prisons exceeds, police adherence to a code of silence versus the world outside.

Norm 7: Show Positive Concern for Fellow Officers

This last norm represents a behavioral ideal subscribed to, if not carried out, by most officers. That ideal prescribes consideration for fellow officers on the job—not leaving the person on the next shift with a problem, taking time to share important information with colleagues, covering for each other. It also prescribes—but does not require—concern for fellow officers off the job, especially if an officer or family member is injured or ill.

The officer code mandates no sanctions for those who fail to show positive concern for fellow officers. Yet the close bonds and tight-knit community that are the hallmark of the officer subculture in numerous prisons are for many officers the most rewarding aspects of their job.

CONCLUSION

Important variables affecting the nature and strength of the officer code at each individual prison include the security level of the prison, history of violence at that institution, size and nature of the inmate population (adolescent, geriatric, insane, etc.), and gender of the inmates and staff. Thus, large maximum-security facilities for men like Corcoran Prison tend to have far stronger officer subcultures and codes than do small, low-security prisons for women, where relatively congenial relations between officers and inmates may exist and neither officers nor inmates are fearful for their lives. Little has been written about the officer code, least of all by officers themselves. Those who study prisons have paid scant attention to varieties and intricacies of the officer subculture, in sharp contrast with rich detail provided about inmate subcultures. Yet, the prison world is largely defined by dynamic interaction between these two subcultures and the norms of behavior that each group mandates for its members.

—Kelsey Kauffman

See also Corcoran, California State Prison; Correctional Officers; Correctional Officer Unions; John DiIulio, Jr.; Governance; History of Prison Officers; Legitimacy; Managerialism; Prison Culture; Race Relations

Further Reading

Conover, T. (2000). *Newjack: Guarding Sing Sing.* New York: Vintage.

Kauffman, K. (1988). *Prison officers and their world.* Cambridge, MA: Harvard University Press.

Quinn, T. (Ed.). (1999). *Maximum security university: A documentary history of death and cover-up at America's most violent prison*. San Francisco: California Prison Focus.

O'HARE, KATE RICHARDS (1877–1948)

Kate Richards O'Hare, known by many as "Red Kate" because of her outspoken socialist beliefs, her political activism for the rights of women, workers, and children, and her vocal opposition to the United States' entry into World War I, was

imprisoned for her political beliefs in 1919. Following her experience as a federal prisoner in the Missouri State Prison, she actively advocated for the reform of prisons. Her life story demonstrates the manner in which the government may use prisons to control public dissent. It also shows how individuals may effect changes in penal practices and beliefs.

BIOGRAPHICAL DETAILS

Kate Richards was born in Ada, Kansas, on March 26, 1877. She attended school in Nebraska for a short period of time before becoming an apprentice machinist working alongside her father in a Kansas City, Missouri, shop. Richards joined the International Order of Machinists union and, on her own time, devoted herself to temperance work through the Women's Christian Temperance Union.

POLITICAL INFLUENCES

During her tenure as a machinist, Richards became interested in the writings of many radical authors, including Henry George, Ignatius Donnelly, and Henry Demarest Lloyd. However, it was a speech made by Mary Harris "Mother" Jones and a meeting with Julius Wayland, the editor of *Appeal to Reason,* that ultimately converted Richards to socialism.

Richards joined the Socialist Labor Party in 1899, and two years later moved to the more moderate Socialist Party of America. She then enrolled in the first class of the International School of Socialist Economy in Girard, Kansas. This school was founded by the influential journalist Julius Wayland and was designed to train socialist organizers. Richards met and married Francis O'Hare while attending school in 1902. They spent their honeymoon lecturing on socialism and continued their efforts for 15 years. Their journeys on their lecture tours reached from the Great Plains states to places as far away as Britain, Canada, and Mexico.

In 1904, Kate O'Hare successfully published a socialist novel titled, *What Happened to Dan?*, later revised and reprinted as *The Sorrows of Cupid* in 1911. The O'Hares then became copublishers and coeditors of the radical weekly publication *National Rip-Saw,* published in St. Louis, which they subsequently renamed the *Socialist Revolution* in 1917. In 1910, Kate O'Hare unsuccessfully ran for the Kansas Congress on the Socialist ballot. In 1917, she became chair of the Committee on War and Militarism and toured the country to speak against the United States' entry into World War I. Shortly after her coast-to-coast travels, the Federal Espionage Act was passed that made it a federal offense to make speeches undermining the war effort.

IMPRISONMENT AND PENAL REFORM

In July 1917, Kate O'Hare was indicted under the new Federal Espionage Act for making an antiwar speech in North Dakota, and was convicted and sentenced to five years in prison. The trial judge acknowledged that the United States was a nation of free speech, but reminded all that war was also a time of sacrifice when people should not weaken the spirit or destroy faith or confidence of the people. Two years later, in April 1919, after her appeals failed, Richards became a federal prisoner, joining anarchist Emma Goldman in the women's section in the Missouri State Penitentiary, at the time the largest prison in the country.

O'Hare's prison confinement made a lasting impression on her. She immediately began to write widely circulated letters that were collected and published as *Kate O'Hare's Prison Letters* (1919) and *In Prison* (1923). Her protests about the absence of treatment for syphilitic women, the unhealthy living conditions and the inadequate food, the silent system, and more significantly, the illegal use of the contract labor of the federal prisoners by the Oberman Manufacturing Company, led to the visit by the federal inspector of prisons, Joseph Fishman. In his subsequent report he demanded that the prison officials remedy some of the more flagrant abuses. In 1920, her prison sentence was commuted after a nationwide campaign by socialist and civil libertarians. Later that year, she later received a full pardon from President

Woodrow Wilson and immediately sent to him a 63-page report on the conditions for federal women prisoners at the Missouri State Prison, likening their conditions to slaves stripped of their human rights, yet affirming that within the prison she found the opportunity for social service.

In 1922, Kate O'Hare recommenced her political activities, concentrating on various aspects of prison reform. First, she organized and lead a march on Washington called the Children's Crusade. The march was headed by children of antiwar agitators who were still in prison to demand immediate amnesty for all. Two years later, O'Hare began a national survey of prison labor in 1924 that took two years to complete. She increasingly spoke on the need for prison reform in her numerous public lectures, focusing on the inhumanity of the prison system and reaffirming the call she had made in her published memoir, *In Prison* (1923), that the federal government should build a federal prison for women that would be the model for all state prisons. Her voice became one of many that resulted in the development of the Federal Reformatory for Women at Alderson, West Virginia. Following also from her prison experience, she began to speak and write on the outrage of convict labor contracts where prison-made goods produced under abusive conditions competed with the work of free labor. While supporting the discipline of work for prisoners, she argued for fair wages and working conditions.

After her divorce from Frank O'Hare in 1928, she married again and moved to California, and initially thought she would remove herself from an active political life. However, her efforts at prison reform had not come to an end. As a result of her reputation and political connections, with the election of a Democratic governor interested in bringing significant change to an archaic penal system, a new director of penology was appointed, and O'Hare was appointed his assistant. During her tenure from late 1938 to 1940, she headed a major investigation that resulted in the dismissal of all of the members of the boards of directors for incompetence and neglect, the greater centralization of the prison system, the initial development of the first minimum-security facility for men at Chino, and the appointment of the famous Clinton T. Duffy as warden of San Quentin State Prison. When she retired from the position after one year, California was on the way to developing one of the most progressive penal systems in the United States. In appreciation of her services, she was invited to attend the sessions of the State Crime Commission, and she continued to be present until the year of her death in 1948.

CONCLUSION

Kate Richards O'Hare stands out among historical U.S. prison reformers because of her socialist beliefs and activities. Her personal experience of incarceration was clearly important in shaping her consequent dedication to challenging the inhumanity of the prison system while actively working for change in practices and policies. Though rarely remembered these days in discussions of imprisonment, O'Hare demonstrates the importance of free speech, the way in which an individual may challenge the power of the state, and the ongoing need for changes to this nation's prison system.

—Kimberly L. Freiberger

See also Activism; Alderson, Federal Prison Camp; Critical Resistance; Angela Y. Davis; Enemy Combatants; First Amendment; Elizabeth Gurley Flynn; Fay Honey Knopp; Prison Monitoring Agencies; Resistance; USA Patriot Act 2001 Women's Prisons

Further Reading

Foner, P. S., & Miller, S. M. (Eds.). (1982). *Kate Richards O'Hare: Selected writings and speeches*. Baton Rouge: Louisiana State University Press.

Franklin, H. B. (1998). *Prison writing in 20th century America*. London: Penguin.

Gorn, E. J. (2001). *Mother Jones: The most dangerous woman in America*. New York: Hill & Wang.

Miller, S. M. (1993). *From prairie to prison: The life of social activist Kate Richards O'Hare*. Missouri Biography Series, William E. Foley (Ed.). Columbia: University of Missouri Press.

O'Hare, K. R. (1977 [1923]). *In prison*. Seattle: University of Washington Press.

Sassoon, D. (1998). *One hundred years of socialism: The west European left in the twentieth century.* New York: New Press.

OPTOMETRY

In the 2003 standards for jail and prison medical care issued by the National Commission on Correctional Health Care (NCCHC), there is no specific standard for optometry. Yet, the NCCHC requires a full health assessment of all inmates entering the facility, which comprises a systematic review of all bodily systems, including inmates' visual needs. Inmates must be referred to specialists when they require consultation or care beyond the capabilities of the correctional facility, and they are entitled to eyeglasses if a physician deems them necessary for proper functioning.

EYE CARE AND THE LAW

Eye care is guaranteed to all prisoners in the United States both through the U.S. Constitution and through state constitutions and state laws. However, optometry services do not have to be the best available or even very good to meet legal requirements. Instead, the courts have merely set a threshold for the minimally acceptable ophthalmologic care that inmates are to receive.

Federal Law

Under the U.S. Constitution, prison officials must practice eye care that is not deliberately indifferent to serious medical needs (*Estelle v. Gamble*, 1976). Ordinary negligence in providing optometric treatment and/or differences of opinion as to matters of medical judgment does not lead to successful lawsuits under the Eighth Amendment (*Keyes v. Strack*, 1997). Courts have ruled that it is constitutionally permissible to prescribe an inmate with eyeglasses for a serious eye condition that the inmate thinks requires further treatment and evaluation (*Perkins v. Pelican Bay State Prison*, 1994), provided that the glasses are an appropriate treatment for the inmate's condition (*Dunville v. Morton*, 2000).

Under the deliberate indifference standard, even incompetent care may not be actionable under Title 42, U.S. Code §1983. Medical personnel must do the best they can, acting on their professional medical opinion. Even an inmate with a detached retina who complained about his blurred vision and worsening eye condition but who did not get timely treatment until months later may not be able to show deliberate indifference as long as prison officials continued to rely on their medical judgment and provide some treatment, even if substandard (*Keyes v. Strack*, 1997). As long as eye care is consistent with professional medical opinion (*Hodge v. Coughlin*, 1994), dissatisfaction with the treatment provided is inactionable under Section 1983 (*Grove v. Prison Health Services*, 1990).

Liability may, however, result if prison officials house inmates in such a way that contagious conditions are spread among cellmates. Thus, in *Freeman v. Lockhart* (1974), the inmate was placed in a prison cell with a cellmate whom prison authorities knew was infected with tuberculosis. After contracting tuberculosis in his eyes, the inmate received eye drops instead of undergoing the surgery suggested by an optometrist. The court ruled that the prisoner might be able to prove the allegations stated in the Section 1983 lawsuit.

Denial of eye care for serious eye conditions may invoke liability, including when a doctor refuses to provide eyeglasses to an inmate at the state's expense. In *Ennis v. Dasovick* (1993), for example, an inmate who wore glasses for 28 years was denied a new pair of eyeglasses by prison medical officials. The North Dakota Supreme Court found that the doctor may be liable for refusing to provide new eyeglasses to the inmate at the state's expense. Similarly, delay of care for serious eye conditions might also invoke liability, including actions that delay the time before an inmate can be seen by an ophthalmologist. Thus, in *Brady v. Attygala* (2002), an inmate with a serious eye injury repeatedly requested to be seen by a specialist outside of the prison facility. When he finally saw an ophthalmologist several weeks later, the physician informed him "his eye was infected, that it could not be saved, and that his vision could not be restored"

(p. 1018). The court ruled that the inmate might be able to recover damages for officials' deliberate indifference to serious medical needs.

State Law

Under state law, the standard for liability is medical malpractice. Courts have ruled that eye care given to inmates must meet acceptable standards of professional competence; care that falls below professional standards is negligence. An optometrist may violate a national standard of care by not immediately referring an inmate with a serious eye injury to an ophthalmologist. Such was the case in *Moss v. Miller* (1993), in which an inmate suffered serious eye injuries, but the two examining physicians and the optometrist did not refer him to an ophthalmologist for treatment of an orbital fracture or blowout fracture of the eye socket. Over the next two months, the inmate was examined 10 times and arrangements were made for the inmate to receive X-rays and an eye patch. Eight weeks after the injury, he was referred to an ophthalmologist who attempted corrective surgery, but the double vision remained a permanent disability. A jury found that the optometrist violated a national standard of care by not referring the inmate immediately to an ophthalmologist.

Delaying the proper diagnosis and treatment of a serious eye condition for two years might also result in medical malpractice. In addition, inappropriately treating eye infections with non-efficacious doses of antibiotics may be medical malpractice. In *Jacques v. State* (1984), after nasal surgery an inmate developed a serious infection of the eye area. The inmate received antibiotics, suffered pain, underwent subsequent surgery, and was permanently scarred under the eye. The Court of Claims of New York held that the "failure to use antibiotics post-surgery constituted medical malpractice" (p. 466).

CONCLUSION

Delivering eye care to prisoners is complicated by the specialties involved, the equipment needed, and the lack of optometric expertise in most correctional health care facilities. It is also sometimes compromised by the relatively scarce information available about specific eye ailments in jails and prisons. Data are not systematically collected on these issues, and very few studies have been written on the topic. Eye care for inmates frequently involves much more than providing glasses for poor vision. There are ailments that result from diabetes, high blood pressure, and other chronic diseases that adversely impact vision. There are also violent prison encounters that damage prisoners' eyes and require treatment and referral to specialists. Getting eye specialists to practice inside the prison walls or transporting inmates to and from free-world specialists presents security and logistical concerns for correctional administrators. While most facilities do a reasonable job of providing this basic medical service to inmates, given the lack of expertise among correctional health care personnel and the contractual nature of most optometry in prison settings, even well-intentioned personnel find it challenging to deliver quality eye care to inmates.

—Michael S. Vaughn

See also Doctors; Eighth Amendment; *Estelle v. Gamble*; Health Care; Pelican Bay State Prison

Further Reading

National Commission on Correctional Health Care. (2003a). *Standards for health services in jails*. Chicago: National Commission on Correctional Health Care.

National Commission on Correctional Health Care. (2003b). *Standards for health services in prisons*. Chicago: National Commission on Correctional Health Care.

Vaughn, M. S., & Carroll, L. (1998). Separate and unequal: Prison versus free-world medical care. *Justice Quarterly*, *15*, 3–40.

Verma, S. B. (1989). Optometric services in the prison system. *Optometry and Vision Science*, *66*, 6–8.

Legal Cases

Brady v. Attygala, 196 F.Supp.2d 1016 (C.D. Cal. 2002).
Butler v. Legesse, Lexis 16660 (E.D. Pa. 1990).
Dunville v. Morton, Lexis 21990 (7th Cir. 2000).
Ennis v. Dasovick, 506 N.W.2d 386 (N.D. 1993).
Estelle v. Gamble, 429 U.S. 97 (1976).
Freeman v. Lockhart, 503 F.2d 1016 (8th Cir. 1974).
Grove v. Prison Health Services, Lexis 14519 (E.D. Pa. 1990).

Hodge v. Coughlin, Lexis 13409 (S.D. N.Y. 1994).
Jacques v. State, 487 N.Y.S.2d 463 (Ct. Cl. 1984).
Keyes v. Strack, Lexis 4858 (S.D. N.Y. 1997).
Moss v. Miller, 625 N.E.2d 1044 (Ill. App. 4 Dist. 1993).
Perkins v. Pelican Bay State Prison, Lexis 34541 (9th Cir. 1994).

OVERCROWDING

Determining whether a correctional facility is overcrowded involves consideration of a facility's rated capacity, operational capacity, and design capacity. The *rated capacity* refers to the number of beds or inmates assigned by a rating official to institutions within a specific jurisdiction. *Operational capacity* is the number of inmates who can be accommodated based on an institution's staff and existing programs and services. Finally, the *design capacity* refers to the number of individuals that planners or architects intended the facility to hold.

Overcrowding is not distributed evenly throughout the country. For example, according to the Bureau of Justice Statistics, the California prison system has a design capacity of nearly 80,000, however, by the end of 2001, it had an inmate population of more than 150,000—or almost 100% more than its design capacity. That same year, 21 additional states and the federal system were operating at or above their design capacity. Despite such figures, the situation seems to be improving as the number of state facilities ordered to limit population dropped from 216 in 1995 to 119 in 2000.

POPULATION GROWTH AND ITS CAUSES

By the end of 2002, more than 1.4 million inmates were incarcerated in federal and state prisons, compared to 1.0 million in 1995. After dramatic increases in the 1980s and 1990s, the incarceration rate has leveled off in recent years, though it is still growing. From 2001 to 2002, the prison population grew 2.6%, which was less than the average annual increase of 3.6% since 1995. More than half of the increase in the prison population since 1995 has been due to increased convictions for violent offenses.

One reason for the increase in inmate population is that the response to certain types of offenses and certain types of offenders (e.g., repeat offenders, drug offenders, violent offenders, immigration violators, and those convicted of drunk driving or weapons offenses) has become harsher. In the 1980s, the Reagan administration ushered in a "Get tough on crime" era that still influences sentencing practices today. In 1986, Congress enacted mandatory sentencing laws, which required judges to impose fixed sentences to those convicted of certain crimes in an effort to deter and incapacitate offenders. Currently, all 50 states have adopted one or more types of mandatory sentences. Then, in 1994, Congress passed stricter penalties for repeat offenders under the Violent Crime and Control Law Enforcement Act. The act mandated life imprisonment for individuals convicted of two or more felonies, serious violent felonies, and serious drug crimes. Many states responded by passing similar legislation. In March 1994, for example, Governor Pete Wilson of California signed the nation's first "three-strikes" law. Bill 971 ordered judges to impose a sentence of at least 25 years to life, or three times the normal sentence attached to the crime—whichever entailed the longer sentence—on offenders who were convicted of selected serious felonies or who had previously been convicted of any two felonies. In 2003, 26 states and the federal government had laws similar to California's, typically allowing a prison term or something close to it for someone convicted of a third felony.

Another reason for overcrowding is that convicted inmates are remaining incarcerated for a larger portion of their prison sentence. Traditionally, judges had discretion in sentencing an offender under felony class guidelines. Following the mandatory sentencing laws of 1986, however, states began implementing minimum sentence requirements for certain crimes. If a crime under these guidelines called for a minimum of 10 years and no greater than 30 years, the offender must serve at least 10 years. For crimes that have mandatory minimum requirements, judges may not pass alternative sentences to ease already crowded conditions in state prisons. In addition, truth-in-sentencing laws require offenders to serve 85 percent of their allotted time.

Although these laws satisfied legislators and lobbyists seeking "get tough" on crime approaches, by effectively abandoning parole, they have filled and often overfilled many state prison systems, since prisoners no longer circulate through them as rapidly as they once did. Other factors that contribute to overcrowding include high rates of recidivism and the difficulties associated with accurately projecting the inmate population.

CONSEQUENCES

Prison overcrowding strains resources and contributes to budgetary problems and a lack of programs. As states are forced to expand their correctional budget each year, other state-funded programs like public assistance programs and education suffer. Budgetary problems have made it difficult to offer programs such as drug and alcohol rehabilitation, education, and recreation. Given that an estimated 97% of those incarcerated will eventually be released to the mainstream society, the absence of such offerings is problematic. For example, most prisoners come from low-income families and have little education and few marketable job skills. Since the 1960s, the number of industrial-sector jobs (which historically have provided work to unskilled or uneducated workers) has been cut in half, making a significant impact on local employment opportunities. As more facilities operate at and above capacity, however, funding to provide prisoners with marketable job skills becomes harder to secure as resources become scarcer. Also, in order to accommodate more prisoners, many administrators are retrofitting classrooms, gymnasiums, and recreation rooms into large dormitories. Many newly constructed facilities designate minimal space for education and recreation programs. Consequently, prisoners must cope with greater idleness, which in turn contributes to greater stress and possibly greater violence.

RESPONSES

Three popular responses to overcrowding are prison construction, selective incapacitation, and the control of populations. The construction strategy responds to prison overcrowding by adding beds and building new facilities. The number of federal, state, and private facilities increased 14%, from 1,464 in 1995 to 1,668 in 2000. While this strategy is popular throughout the United States, it is very expensive. Nationwide, it costs an average of $54,000 to construct one bed space in a prison. In addition, the average cost of housing an inmate for one year ranges from $30,000 to $60,000. Many states are suffering large budget deficits as a result of the rapid growth of their prison system. California, for example, between 1980 and 1990 spent more than $5 billion building new prisons. The cost of financing the new prisons runs another $5.2 billion. Across the nation, prison construction has outpaced the construction of new schools. Moreover, while construction addresses overcrowding, it has no impact on reducing prison populations and may actually contribute to growing incarceration rates. States such as California, Texas, and Florida have spent millions of dollars on new prison construction, yet their prison populations continue to swell. Critics argue that the construction strategy is based upon an "If you build it, they will come" philosophy; that is, the more prisons that are built, the more inmates will be found to fill them.

Advocates of selective incapacitation hold that judges should only incarcerate a select group of offenders (i.e., repeat, violent offenders) whom they deem dangerous to society. Nonviolent offenders could be sentenced to community correctional facilities, probation, or rehabilitation programs. The idea is to free up bed space while keeping the public safe from the violent offenders. In reality, however, the passage of mandatory sentences such as Three-Strikes Laws, mandatory minimums, and truth-in-sentencing provisions have limited judges' discretion, as they must adhere to sentencing guidelines.

According to the population sensitive flow-control strategy, judicial districts are allotted a certain number of prison beds to which they may sentence offenders. Once that number is reached, the judge of that particular district must pursue alternative means of sentencing. Intensive Supervision Programs (ISP) developed as a popular type of alternative or intermediate sanction. After its

introduction in the late 1960s and early 1970s, however, ISP was abandoned, based on research that it did not lower arrest rates for those participating. In 1982, Georgia modified ISP for use with first-time offenders or people convicted of less serious crimes. States across the nation soon followed Georgia's lead and developed similar ISP programs. ISP soon became a tool in easing prison crowding conditions when state prisons were near or at the designed capacity. ISPs involve more frequent contact between offenders and their supervising officers and more restrictions compared to regular probation. Studies of their effectiveness have had mixed results with some research suggesting that ISPs have not succeeded either in reducing correctional costs or in preventing crime.

Another possible means of reducing prison overcrowding is to make greater use of community corrections. Community corrections refer to programs designed to punish, supervise, or treat offenders within the community. The most popular forms are probation and parole. Other programs include pretrial diversion, dispute resolution and restitution, community service, day fines and probation fees, work-release programs, halfway houses, and electronic monitoring. The same goals and philosophies that apply to institutional corrections also apply to community corrections. Although much less expensive than incarceration, community corrections programs are still costly.

CONCLUSION

Greater reliance on incarceration combined with longer and mandatory sentences have contributed to the crowding problem facing many state and federal prison systems. Historically, the public has not supported policies that are perceived as "soft" on crime. The situation, however, is changing. Declining crime rates have made people less concerned about street violence and more concerned about issues such as education, the economy, and health care. Currently, state governments are grappling with the high costs of maintaining prisoners in a poor economy. Consequently, legislators have been prompted to reexamine some of the most stringent laws, such as those imposing mandatory minimum sentences and forbidding early parole. This may signal the beginning of a reversal in a 20-year trend toward more punitive anticrime measures, which in turn may reduce the use of incarceration and reduce crowding (Flavin & Rosenthal, 2003).

—Kristi M. McKinnon

See also Community Corrections Centers; Deterrence Theory; Federal Prison System; Home Arrest; Incapacitation Theory; Increase in Prison Population; Indeterminate Sentencing; Intermediate Sanctions; Just Deserts Theory; Parole; Probation; Riots; Sentencing Reform Act 1984; Three-Strikes Legislation; Truth in Sentencing; Violent Crime Control and Law Enforcement Act 1994; War on Drugs

Further Reading

Bureau of Justice Statistics. (1999). *Truth in sentencing in state prisons*. Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2002). *Prisoners in 2001*. Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2003). *Census of state and federal correctional facilities, 2000*. Washington, DC: U.S. Department of Justice.

Cook, J. R. (2001). *Asphalt justice: A critique of the criminal justice system in America*. Westport, CT: Praeger.

Flavin, J., & D. Rosenthal. (2003). La Bodega de la Familia: Supporting parolees' reintegration within a family context. *Fordham University Urban Law Journal, 30*(5), 1603–1620.

Gottfredson, S. D., & McConville, S. (1987). *America's correctional crisis: Prison populations and public policy*. Westport, CT: Greenwood.

Harrison, P. M., & Beck, A. (2003). *Prisoners in 2002*. Washington, DC: U.S. Department of Justice.

Welch, M. (2003). *Corrections: A critical approach.* New York: McGraw-Hill.

OVERPRESCRIPTION OF DRUGS

The issues around control and regulation of offenders through medical practice have provoked considerable debate. In particular, much controversy has centered on the extent and ethics of using psychotropic drugs for disciplinary and control purposes in prisons.

The use of psychotropic medications as a means of controlling inmate populations is not new. Prisoners in the 19th and early 20th centuries were known to be given "sleeping draughts" to alter their behavior. However, the emergence of the drug industry involving multinational companies, the large-scale manufacture and availability of powerful new combinations of chemicals, the worsening prison crisis, and increasing concern for order and security in prison meant that the prescription of drugs took on a new significance in the postwar period.

ORDER AND CONTROL

Prison reports and accounts from ex-prisoners, ex-governors, and prison doctors and other medical workers in Britain from the 1950s and 1960s provided some evidence of the use of psychotropic drugs to control "difficult" or "unruly" prisoners and those with various mental disorders, including schizophrenia and dementia. As the crisis of containment intensified and a small number of subversive prisoners were blamed for the increasing number of prison disturbances in the 1970s, so the allegations became stronger that drugs were being used for disciplinary purposes. Similarly, in the United States, there is evidence to suggest that psychotropic drugs were used in prisons and jails since at least the 1970s as a "quick, cheap, and effective" solution to warehousing increasing numbers of inmates into smaller spaces, while using fewer support services. "Healthy" inmates are frequently medicated without diagnosis or proper psychiatric and physical assessments. In *Liles v. Ward* (1976), a group of female inmates in a New York state prison were transported to a state mental hospital because they were deemed to be "disciplinary problems" by the correctional staff and placed on psychotropic medications (sometimes by force) in order to maintain peace and tranquility on the ward.

GENDER

The overprescription of psychotropic drugs has to be understood in the context not only of wider concerns about prison (dis)order but also of the differential understandings of male and female criminality. Medical professionals and other criminal justice experts have traditionally sought to analyze, categorize, judge, and treat female offenders differently than men. The medicalization of female deviance, the drive to normalize women's behavior according to particular ideals of femininity, and the tendency of medical professionals to overprescribe mood-altering drugs for women are common practices. In the United States, significantly more women than men receive prescriptions for antidepressants, tranquilizers, and sedatives. They are also given them for different reasons. Within correctional facilities, the use of psychotropic medications on male inmates is often justified with reference to "problems of institutional control," while female inmates tend to be drugged in the name of "treatment" in an attempt to correct their deviant behavior in a psycho-physiological manner.

There is some evidence to suggest that psychotropic drugs have been used disproportionately in terms of the rate of prescription per head of the female prison population. In their research study in Britain, Genders and Player (1987) found that large doses of antidepressants, sedatives, and tranquilizers were dispensed to women in prison, proportionately five times as many doses of this type of medication as men received in prison. A recent debate in Parliament also rekindled concerns that neuroleptics and other heavy tranquilizers are routinely prescribed to young women prisoners who mutilate themselves, and that medical drugs are used as pacifiers that move prisoners from nonaddictive illegal drugs to highly addictive medicinal drug use. In the U.S. context, Auerhahn and Dermody Leonard (2000) also found that it is the combined effect of being female and exhibiting behavior inconsistent with the normative requirements of the feminine ideal that often triggers the use of medication in their sample of inmates. Furthermore, they argued that the drugging of female prisoners and jail detainees can lead to disproportionately harsh outcomes for these offenders, including inability to participate fully in their own defense and to receive due process of the law.

RACE

Another important dimension in the debate around the overprescription of drugs has been the assessment and treatment of ethnic minorities. Critics argue that many medical and criminal justice professionals tend to operate on the basis of ethnocentric assumptions or racist stereotypes and view acute stress reactions in black people as symptoms of mental disorder, especially schizophrenia. One result is that black psychiatric in-patients are more likely than whites to be defined as "aggressive," placed in secure units, and subjected to harsh and invasive forms of treatment such as intramuscular medication and electroconvulsive therapy. More specifically, there were a number of cases involving black prisoners in Britain during the 1980s that raised issues around the psychiatric assessment of these prisoners, the inappropriate and/or inadequate medical treatment they received, the question of force-feeding, the use of drugs as controlling mechanisms, and their certification as either mentally ill or insane, which meant that they could be transferred to mental hospitals.

RESISTANCE AND LITIGATION

Medical practices in the prison system have not gone unchallenged. In Britain, the formation of prisoner rights campaign groups in the 1970s provided a forum for prisoners to articulate their concerns. At the time, concern over the disciplinary role of prison doctors in general and emerging allegations about the overprescription of drugs in prisons in particular led to an alliance between various prison reform groups, drug agencies, and mental health campaign groups and the setting up of the Medical Committee Against the Abuse of Prisoners by Drugging in 1977.

Resistance has also taken the form of litigation by prisoners over enforced medical treatment with mixed results. In the United States, the Eighth Amendment, which protects citizens from cruel and unusual punishment, has been used to challenge inadequate medical care in prison and, perhaps more significantly, to challenge a requirement to participate in treatment programs and/or be subjected to involuntary injection of psychotropic drugs. For example, the court held that the use of aversive drug therapy, which caused temporary painful and frightening medical problems as a way of "encouraging" better behavior, could constitute cruel and unusual punishment; this decision was upheld in *Knecht v. Gillman* (1973). The Fourteenth Amendment, with its equal protection clause, and the due process clause have also been used in prisoner rights suits in this area. In *Harper v. State* (1988), the Washington Supreme Court held that prison inmates had the right to refuse to take antipsychotic drugs prescribed by prison authorities, and that this right could be overridden only when the state proves a compelling state interest to administer medication. However, the U.S. Supreme Court reversed this ruling in *Washington v. Harper* (1990) and found that psychotropic drugs can be administered to unwilling prisoners if the prison and medical staff can show that medicating the inmate is related to "legitimate penological interests," including the maintenance of prison order.

CONCLUSION

It has become increasingly difficult for prisoners to challenge the appropriateness of medication they receive against a background of a worsening prison crisis. To the extent that the courts are prepared to defer to the expertise of prison administrators in the management of prisons and medical intervention into the lives of some of the most vulnerable prisoners, there is a danger that the emphasis on prison security and control will prevail at the expense of prisoner rights. While some prisoners may genuinely require certain prescription drugs, the historical precedence of overprescription of certain kinds of drugs for certain sections of the inmate community, along with various more recent legal challenges about the provision of medications, suggests that this practice is vulnerable to misuse.

—Maggy Lee

See also Doctors; Drug Offenders; Eighth Amendment; *Estelle v. Gamble*; Health Care; Medical Experiments; Prisoner Litigation; Psychiatric Care; Women's Prisons

Further Reading

Allen, H. (1987). *Justice unbalanced*. Milton Keynes, UK: Open University Press.

Auerhahn, K., & Dermody Leonard, E. (2000). Docile bodies? Chemical restraints and the female inmate. *Journal of Criminal Law and Criminology, 90*(2), 599–634.

Bhat, A., Carr-Hill, R., & Ohri, S. (1988). *Britain's black population: A new perspective*. Aldershot, UK: Gower.

Carlen, P. (1983). *Women's imprisonment*. London: Routledge & Kegan Paul.

Genders, E., & Player, E. (1987). Women in prison: The treatment, the control and the experience. In P. Carlen & A. Worrall (Eds.), *Gender, crime and justice* (pp. 161–175). Milton Keynes, UK: Open University Press.

Genders, E., & Player, E. (1995). *Grendon: A study of a therapeutic prison*. Oxford, UK: Clarendon Press.

Mandaraka-Sheppard, A. (1986). *The dynamics of aggression in women's prisons in England*. Aldershot, UK: Gower.

Prison Reform Trust. (Ed.). (1985). *Prison medicine: Ideas on health care in penal establishments*. London: Prison Reform Trust.

Sim, J. (1990). *Medical power in prisons: The prison medical service in England 1774–1989*. Milton Keynes, UK: Open University Press.

Legal Cases

Harper v. State, 759 P.2d 358 (Wash. 1988).

Knecht v. Gillman, 488 F.2d 1136 (8th Cir. 1973).

Liles v. Ward, 424 F. Supp. 675 (S.D.N.Y. 1976).

Washington v. Harper, 494 U.S. 210 (1990).

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PANOPTICON

The Panopticon is an idealized architectural form designed by British philosopher Jeremy Bentham (1748–1832) in the 18th century. Originally put forward as a design for a range of institutions, including schools, factories, and military barracks, the Panopticon has been particularly influential in prison architecture, theory, and management.

OVERVIEW

In 1787, Jeremy Bentham visited Russia to see his brother, Samuel, who was working as an engineer for Prince Potemkin, Prime Minister of Catherine the Great. At the time, Samuel Bentham was constructing a circular textile mill designed so that overseers could monitor their workers without being seen. Jeremy Bentham found this design intriguing and thought it would work well for other types of buildings, including prisons. He wrote several letters to a friend, in which he described his ideas for what he came to call the "Panopticon," based on what he had seen in Russia. Printed in 1791, though never sold in bookstores, Bentham's letters and two postscripts written in 1790 and 1791 describe the architectural design and its possible application in detail.

Despite years of planning and lobbying by Bentham, a Panopticon prison was never been built in his home country of England. However, Panopticon-style prisons were built in Spain, Holland, the United States, and other parts of the world, including Cuba. Additionally, many of Bentham's ideas about the need for constant surveillance exist in corrections today, including video cameras or in-home confinement with electronic monitoring systems that control and monitor an inmate's whereabouts.

THEORY

The Panopticon, as planned by Bentham, is a prison in which the jailer or a guard can view all the inmates in their cells without being seen himself. Ideally, inmates would be watched at all times. However, Bentham recognized that constant surveillance was not possible. Instead, the Panopticon would make each inmate unsure of whether he or she was being viewed. Such ambiguity would make prisoners feel as if they were always being watched.

Bentham believed that constant surveillance would both punish and reform inmates. It would also make them efficient workers. Each person would behave in a way that he or she thought acceptable to the prison guard simply because the guard might be watching. Prisoners would also work hard at whatever task they were set, to avoid reprimand and punishment. Gradually, they would become

better citizens, because they would be more aware of others and learn and have practice in behaving in socially acceptable ways. Furthermore, the solitary situation of each prisoner would help the inmate consider his or her wrongdoing and repent.

ARCHITECTURE

The omnipresence of the guard in the Panopticon is created through its architecture. The Panopticon was to be a circular building of several stories. The cells would be placed along the circumference of the building, and the prison guard or inspector would occupy the center of the prison, allowing him to view each of the cells around and above him.

In the Panopticon, each cell would be shaped like a pie wedge with the point cut off. Each cell would be partitioned from the one next to it by a wall protruding from the outer wall of the prison toward the center, in the form of radii. The outer edge of the cell, the one along the outer edge of the prison building, would have a window. According to Bentham, this window would be large enough to provide light to the inmate's cell and to the guard's area in the center of the prison. As a result, the Panopticon would reverse the principles of the dungeon, because the prisoners would be kept in the light instead of the dark. However, since the prisoners would never know whether they were being watched, they would be in the dark in another sense.

The narrower end of the cell, across from the window, would have a grate so as to allow the all-seeing guard to view the inmate at all times and to allow the lighting to come through from the inmate's cell to the guard area. Within the grating or bars on the door, there would be a door to allow prisoners entry into the cell when he or she arrived and to allow the prison keepers in as they saw fit. Bentham was careful to plan the building so inmates would be kept separate. He thus included what he called "protracted partitions" on each cell. These partitions were extensions of the walls separating each cell from the one next to it that went beyond the grating into the open area to prevent the inmates from viewing one another.

The guard or prison keeper would work in the center of the prison, where he or she could view each of the cells and thus each of the inmates. However, it was important that the inmates were not able to see the guard if they were to believe that they were under surveillance at all times. Thus the windows of the guard area would have blinds as high as needed to prevent the inmates from seeing the guard. Furthermore, the guard area, or lodge, would have four quarters divided by removable partitions of thin material to prevent the inmates from seeing shadows and determining where the guards were or exactly what they might be looking at. Additionally, Bentham planned for small lamps, backed by reflectors, to be placed outside of each window of the guard area, which would make it impossible again for the inmate to see where the guard was in the light of the day or in the night. These lamps would allow the guard to see into the inmates' cells at all hours of the day and night.

Bentham believed that if inmates were to hear the guard talking to a specific inmate, they would realize they were not being viewed at that time, and thus the goal of the all-seeing and all-knowing Panopticon would be undermined. Thus, Bentham suggested that a small tube made of tin could be stretched from each cell to the guard area, allowing the guard and an inmate to talk to one another without the other inmates hearing.

Bentham did not spare any detail in his plans for the Panopticon. He suggested that the cells and the guard area could be warmed by flues surrounding them, yet they would all be housed on the inside of the building, thus preventing the wasting of warming air. And, somewhat apologetically, Bentham also noted that a plan for the removal of human waste was also important, and thus he suggested an earthen pipe much smaller than a human be attached to each cell that would allow excrement to flow downward and away. Further, he suggested that a water pipe be included in each cell as well, for cleanliness.

PANOPTICON INSTITUTIONS

Unfortunately for Bentham, his Panopticon was never built in England, though he spent many years

lobbying for it. Panopticon prisons were planned in France and Ireland but were never built there either. The Western State Penitentiary, which opened in Pittsburgh in 1825, was modeled on Bentham's ideas, but it was ordered rebuilt after Bentham's death in 1833 due to its unsuitability. Other circular prisons resembling Bentham's design were built too late for Bentham to see, including several in Spain in 1852 and three in Holland during the 1880s.

More than a century after Bentham fought so diligently for his Panopticon, two prisons were built that closely followed the Panopticon design, though on a larger scale. The first, built on the Isle of Pines in Cuba in 1926, was designed to hold 5,000 inmates. A circular dining area was surrounded by five tiers of cells that opened onto balconies on each level, allowing the inmates to be seen at all times. The second was Stateville Penitentiary in Joliet, Illinois, built between 1916 and 1924.

Joliet was built originally with four circular cell houses. Each cell house was four stories high, with cells lining the outer wall of the building and a domelike top with several panels of windows in the ceiling to let light from the outside help light the inside of the building. The guard house in the center had an elevated platform where the guard could view all of the cells. However, the guard area did not have an intricate system of blinds that kept the inmates from seeing the guard, as in Bentham's original design. It is important to note that the circular Panopticon buildings were not well received, and because of budgetary concerns the final cellblock built at Joliet was built as a long, rectangle-shaped building.

THE PANOPTICON AS A PHILOSOPHICAL METAPHOR

Though more than 200 years old and never built exactly to Bentham's specifications, Bentham's idea of the Panopticon is still a guiding concept in the field of punishment, particularly as it is explored in the writings of French philosopher Michel Foucault. In *Discipline and Punish*, Foucault (1995 [1977]) argues that today's society is very much like Bentham's Panopticon, since citizens are under constant surveillance. Like prisoners in the Panopticon prison who self-police their own behavior because the guard may be watching, we too discipline ourselves, keeping society ordered and calm.

Foucault's philosophical expansion of the idea of the Panopticon as a metaphor for society has become increasingly apt in the computer age. With the Internet, we see Bentham's ideas linked to the invasion of our privacy, as noted by Docker (2002):

> The Internet is the most sophisticated and insidious surveillance system yet invented. Cookies and web bugs allow marketing companies, political organizations, governments and cyber stalkers to find out everything they want to know about users from their height and weight to their political, religious and breakfast cereal preferences. Every time a user logs on, an electronic trace of their activities can be recorded, collated, assessed and manipulated to create profiles and databases. We don't know precisely who may be doing it or for what purpose, but we know that it's happening or could be happening. It makes the least paranoid of us disconcerted. (p. 1)

Within contemporary prisons, discipline is frequently maintained through surveillance. Rather than relying on architectural design alone, however, modern institutions utilize closed circuit television cameras throughout. Prisoners are constantly monitored, both physically and through complex classification systems in which information about them is regularly entered.

CONCLUSION

The Panopticon as originally designed by Jeremy Bentham in the 18th century was a circular design with a guard house constructed in the center that permitted a prison guard to view all inmates at all times. Under Bentham's scheme, the inmates could not see the guard and thus would never be sure when they were under surveillance. To avoid the risk of punishment they would behave at all times. Several such prisons were built in Holland, Spain, Cuba, and at Joliet, Illinois, in the United States, although none functioned as seamlessly as Bentham had hoped. Some people, even if they are monitored, will

always resist. Others will find sophisticated ways of avoiding the penal gaze.

Despite the practical inadequacies of the Panopticon, as Michel Foucault has demonstrated, the ideas behind its design provide a rich source of analysis for modern society. By arguing that there are significant commonalities between prison and the community, Foucault suggests we may all, on some level, be imprisoned. In turn, this idea provides an intriguing way to analyze the distribution of power throughout society and its many institutions, of which the prison is just one.

—Kim Davies

See also Cesare Beccaria; Jeremy Bentham; Campus Style; Cottage System; Michel Foucault; Metropolitan Correctional Centers; New Generation Prisons; Stateville Correctional Center; Telephone Pole Design

Further Reading

Bentham, J. (1995). *The Panopticon writings.* Ed. and intro. M. Bozovic. London: Verso.

Clear, T., & Cole, J. (1997). *American corrections.* Belmont, CA: Wadsworth.

Docker, L. (2002). The greatest happiness—Watson Mangioni. Mondaq Ltd. Retrieved July 25, 2002, from http:/www.mondaq.com

Foucault, M. (1995 [1977]). *Discipline and punish: The birth of the prison*. New York: Vintage.

Johnston, N. (1973). *The human cage: A brief history of prison architecture*. New York: Walker & Company.

Johnston, N. (2000). *Forms of constraint: A history of prison architecture*. Chicago: University of Illinois Press.

Staples, W. (1997). *The culture of surveillance: Discipline and social control in the United States*. New York: St. Martin's.

PARCHMAN FARM, MISSISSIPPI STATE PENITENTIARY

Situated in a remote area of the Yazoo Delta of Mississippi, Parchman Farm is, perhaps, the most notorious penal institution in the American South. For many years, prison authorities based their regime on the racial oppression and physical exploitation of inmates and resisted nearly all attempts at reform.

HISTORY

Parchman Farm was founded by Mississippi Governor James K. Vardaman in 1904. Vardaman conceived the prison as a solution to the convict lease system, under which state authorities hired out black prison inmates to private contractors who employed them as unpaid laborers. The governor believed that the railroad barons and plantation owners had no interest in promoting the reform of prison inmates, but sought only to bolster their profits at the public expense. Parchman Farm was therefore intended to improve the condition of black prisoners by instilling them with the habits of hard work and respect for white authority.

In many respects the new prison proved to be as brutally repressive as the convict lease system it replaced. Parchman was a working plantation on which inmates toiled to produce cotton. Prison authorities pushed their labor force hard in pursuit of profit. Discipline was enforced through the threat of and actual physical punishment. Most inmates formed an intimate acquaintance with "Black Annie," the leather strap used to whip slow or insubordinate workers. Few prisoners attempted to escape; fewer still succeeded. Many of the guards (or "trusties") were themselves convicts who stood to gain a complete pardon from the governor should they shoot an attempted escapee.

RACE

The overwhelming majority of Parchman's population was black. In 1917, for instance, African Americans constituted 90% of inmates. The racial balance altered during the interwar era. One explanation for this is the increasing migration of African Americans out of Mississippi in search of employment opportunities in the industrialized Northern states. Another is the hard times of the Great Depression, which led to a large increase in economically motivated crimes among whites. As a result, by the 1930s, whites represented almost one-third of the inmate population.

GENDER

Women prisoners at Parchman never made up more than 5% of the total population. These women were almost exclusively black. One of the most serious problems women faced was the absence of a female prison staff. White male warders were insensitive to their needs, and women prisoners were exposed to persistent violence and sexual abuse.

EARLY REFORMS AND THE CIVIL RIGHTS MOVEMENT

The first reforms of conditions at Parchman occurred in the 1940s. Programs in basic education and vocational training were introduced at this time, although they suffered from serious lack of funding. All prisoners served their full sentences until 1944, when a parole system was finally introduced.

Despite the promise of these early reforms, inmates did not experience substantial improvements in their condition until several decades later. The limitations of reform were underlined by the experiences of civil rights activists known as the Freedom Riders, who were imprisoned at Parchman in the early 1960s. In 1960, the U.S. Supreme Court prohibited the segregation of terminal facilities used by interstate bus passengers (*Boynton v. Virginia*, 1960). The following May, the Congress of Racial Equality attempted to test this decision through a direct-action campaign known as the Freedom Rides. Black and white activists boarded two buses in Washington, D.C., and traveled south toward New Orleans. Savagely assaulted by segregationist mobs in Alabama, the activists decided to abandon the buses and fly to their destination for a final rally. Black students from Nashville nonetheless resolved to continue the Freedom Rides. Anxious to avert any further violence, the Kennedy administration secured an agreement from Mississippi authorities to secure the peaceful arrest of the protesters when they reached the state capitol of Jackson. More than 300 students were arrested and imprisoned at Parchman Farm, where they were crowded into the cells and exposed to physical mistreatment by prison warders. By late summer, most of the students had posted bond. The political embarrassment caused by the Freedom Riders led the Justice Department to secure an order from the Interstate Commerce Commission in October 1961 mandating compliance with the Supreme Court decision. However, although the imprisonment of the Freedom Riders publicized the appalling conditions at Parchman Farm, state authorities resisted political pressure to introduce reforms.

It was another decade before serious efforts were made to reform conditions at Parchman. In February 1971, civil rights lawyer Roy Haber launched a class action suit on behalf of four inmates. The U.S. Justice Department filed a brief in support of the plaintiffs, the first time that the federal government had intervened in a prison reform case at the state level. In October 1972, Judge William C. Keady issued his "Findings of Fact and Conclusions of Law." The report exposed Parchman as a brutal institution that denied prisoners of many of their basic human rights. Living conditions were squalid and overcrowded. Medical facilities were unsanitary. And, despite the passage of civil rights legislation in the 1960s, the prison continued to practice racial segregation. Although Keady ordered immediate reform, conditions improved only slowly as a result of the obstructionist tactics of prison authorities.

CONCLUSION

Parchman Farm is nearly a century old. According to the 2000 annual report of the Mississippi Department of Corrections, Parchman currently has a total inmate capacity of 5,631. None of these prisoners are women. Female offenders are now held at the Central Mississippi Correctional Facility in Pearl. Despite the relocation of women prisoners, the inmate population at Parchman continues to increase because of the imposition of tougher sentencing policies. Many of the harshest sentences are handed down to African Americans, who still represent a disproportionate share of the prison population: 70%, according to one recent study. The increase in inmate numbers continues to place an intolerable strain on prison resources.

Parchman is therefore still in desperate need of modernizing reforms. In January 2002, death row inmates launched a hunger strike in protest at what they claimed were the inhumane conditions in which they were held. The American Civil Liberties Union filed a lawsuit on behalf of six of the prisoners. According to reports conducted by court-appointed experts, inmates continue to suffer from poor sanitation, punitive disciplinary practices, and inadequate health care programs. Although a decision on the case still has to be made, it is has once more underlined the harsh realities of this most notorious penal institution.

—Clive Webb

See also African American Prisoners; Angola Penitentiary; Convict Lease System; Corporeal Punishment; Plantation Prisons; Prison Music; Race, Gender, and Class of Prisoners; Racism; Slavery; Trustee

Further Reading

Cabana, D. A. (1996). *Death at midnight: The confession of an executioner*. Boston: Northeastern University Press.

Oshinsky, D. M. (1996). "*Worse than slavery": Parchman Farm and the ordeal of Jim Crow justice*. New York: Free Press.

Taylor, W. B. (1999) *Down on Parchman Farm: The great prison in the Mississippi Delta*. Columbus: Ohio State Press.

Legal Case

Boynton v. Virginia, 1960.

PARDON

A *pardon* is an official act, typically by someone in the executive branch of government, setting aside punishment for a crime. Although the term "pardon" is sometimes used interchangeably with "clemency" to refer generally to all nonjudicial reductions in punishment, it is more accurate to think of pardon as a distinct component of the executive clemency power.

A pardon is the most expansive type of clemency recognized under American law. Courts generally hold that a pardon not only releases the offender from punishment, but also eliminates moral guilt for the offense, so that in the eyes of the law pardon recipients are as innocent as if they had never been charged or convicted. By contrast, commutations and reprieves are less expansive forms of clemency, with a *commutation* substituting a lesser punishment for a greater one, and a *reprieve* temporarily postponing punishment.

The U.S. Constitution vests the power to pardon violations of federal law in the president. Most state constitutions authorize the governor, acting exclusively or in concert with an administrative body, to issue pardons for state law violations.

HISTORY

The power to pardon can be traced directly to the prerogative of the British crown. Historically, English monarchs used pardons not only to soften harsh penalties imposed by the common law but also to accomplish other ends. Pardons were sometimes issued to win the support of key nobles and clerics during times of strife, and were even used to fund the treasury through the outright sale of pardons. The king employed pardons to provide cheap labor for the American colonies: Felons were typically granted a pardon if they agreed to work on colonial plantations. Pardons were also helpful in extracting testimony from accomplices that would incriminate codefendants.

FEDERAL POWER TO PARDON

Article II, section 2 of the U.S. Constitution gives the president authority "to Grant Reprieves and Pardons for offenses against the United States, except in cases of Impeachment." According to Alexander Hamilton, this power was intended to be expansive so that exceptions in favor of "unfortunate guilt" could readily be made. Although the Constitution does not mention types of clemency other than pardons and reprieves, the U.S. Supreme Court has consistently interpreted the president's pardon authority broadly and has held that it also includes the power to grant other types of clemency, such as commutations. Presidential pardons may be

granted either before or after conviction, and also with conditions attached.

Although the frequency with which pardons are issued has declined in recent decades, the power to pardon historically was employed in a variety of ways. In 1795, President Washington granted an unconditional pardon to many of the participants in the Pennsylvania Whiskey Rebellion. After the Federalists were defeated in the election of 1800, President Jefferson pardoned those convicted and sentenced under the Alien and Sedition Act, which the Federalists had used in clear violation of the First Amendment to silence the Jeffersonian Republicans. Presidents also used the pardon power to help man the Navy.

The pardon power was employed to heal the wounds of a divided nation after the Civil War. President Lincoln and his successor Andrew Johnson pardoned many who had fought against the Union, conditioned on their voluntarily taking an oath to uphold the Constitution. In response, Congress sought to curtail the clemency power through legislation. However, Congress's efforts to restrict the president's power were frustrated by the judiciary in cases such as *Ex parte Garland* (1866), where the U.S. Supreme Court held that the pardon power "is not subject to legislative control."

As a practical matter, the exercise of the pardon power has been subject only to the constraints that each president has chosen to recognize, leading to some controversial uses of the power. The most famous of these was President Gerald Ford's pardon of Richard Nixon for all federal crimes he had, or may have, committed in connection with the Watergate scandal. President George H. W. Bush, shortly before leaving office, likewise was criticized when he pardoned several members of his administration for violations of federal law connected with the illegal sale of arms to Iran to raise money for Nicaraguan rebels. Most recently, President Bill Clinton generated controversy by granting pardons and commutations to 140 persons on his last day in office, including a widely criticized pardon to Marc Rich, who had fled the country to avoid facing criminal tax evasion and racketeering charges.

STATE POWER TO PARDON

Following the American Revolution, state governments at first tended to reject the British legacy of complete executive control of the pardon power. Eight of the 13 states vested the authority to remit punishment for state law violations in a legislative council and the governor jointly, or in the legislature alone. However, perhaps owing to the influence of the federal Constitution, the idea that the executive was the proper repository of the pardon power took hold, and newly admitted states usually allocated the power to the governor alone.

Today the governor retains the pardon power in most jurisdictions, typically pursuant to the state constitution, although many of these states have established advisory bodies that make nonbinding recommendations to the chief executive. In the remaining states, the governor either shares the power to make pardon decisions with an administrative board, or it is placed solely in the hands of an administrative body.

Few formal constraints are imposed on the issuance of pardons in most states, apart from limitations on the types of offenses for which clemency can be granted (treason and impeachable crimes are commonly excluded), and the timing of pardons (a number of states permit clemency only after conviction). Notwithstanding this discretion, commentators agree that in recent years there has been a dramatic decrease in the number of pardons issued in most states, particularly in controversial cases such as those involving the death penalty. Former Governor George H. Ryan of Illinois proved a notable exception to this trend when he issued four pardons to prisoners on death row shortly before he left office in January 2003.

PARDONS IN PRACTICE

Pardons at both the state and federal level are most commonly sought by persons who have completed their punishment, have lived a law-abiding life for a significant period of time, and desire to be free of the civil disabilities that can accompany a criminal conviction. The formal disabilities typically imposed on

those who have been convicted of a crime include prohibitions against voting, serving on a jury, holding public office, and owning firearms. In most jurisdictions, a pardon is an effective means, and sometimes the only one, for restoring some or all of these privileges.

Usually, the decision maker must be persuaded that an applicant has become a contributing member of society who has paid for his or her wrongdoing and is unlikely to repeat his or her criminal behavior. Because of the political repercussions that sometimes attend the granting of pardons, the manifestation of broad community support for a pardon—especially from the victims, prosecutors, or sentencing judge—can be crucial.

Pardons are seldom used to release prisoners from incarceration or from completion of probation or parole. Instead, commutations are the type of clemency most often employed to remit ongoing punishment. However, in those rare cases when a compelling showing has been made that an individual is innocent, a pardon may be used to terminate imprisonment or other penalties. In 2003, Governor George H. Ryan of Illinois pardoned four death row inmates because he was convinced that the prisoners were innocent of murder and had been convicted on the basis of confessions extracted through torture. Exculpatory DNA evidence might also lead to the issuance of a pardon. However, even where there is strong evidence of innocence, obtaining a pardon can be a long, arduous process.

Procedures for applying for a pardon vary from jurisdiction to jurisdiction. In the case of requests for a presidential pardon, applicants will usually have to complete an FBI background check before the Justice Department will consider their application and make a nonbinding recommendation to the president. Moreover, federal regulations specify that a request for a pardon may not be filed until "at least five years after the date of the release of the petitioner from confinement" (*28 Code of Federal Regulations* §1.2, 2003). Various states likewise require that pardon requests be investigated, and some state laws mandate that before a pardon can be granted, specified individuals such as the prosecuting attorney or sentencing judge must be notified.

In certain cases, particularly where minor offenses are involved and the punishment has been completed, it may be possible to prepare a request for pardon without the assistance of an attorney. In more complicated cases or those involving serious crimes, employing a professional advocate to assist in making the case for a pardon is generally desirable.

CONCLUSION

Pardons, the official embodiment of mercy and flexibility in our criminal justice system, continue to play a limited role in the remission of punishment in the United States. Owing to the expansive nature of this form of clemency, it is unlikely that pardons will be used on a large scale to release individuals from prison. Moreover, pervasive societal acceptance of retributive theories of punishment that emphasize being tough on crime make it even more unlikely that public officials will frequently be impelled to issue pardons to individuals while they are incarcerated. Pardons, however, should be readily available to those who have paid their debt to society and seek formal reconciliation with the community whose laws they have transgressed.

—Daniel Kobil

See also Clemency; Furlough; Parole; Truth in Sentencing

Further Reading

Brown, E., & Adler, D. (1989). *Public justice, private mercy: A governor's education on death row*. New York: Weidenfeld & Nicolson.

Duker, W. F. (1977). The president's power to pardon: A constitutional history. *William and Mary Law Review, 18*, 475–538.

Humbert, W. H. (1941). *The pardoning power of the president.* Washington, DC: American Council on Public Affairs.

Kobil, D. T. (1991). The quality of mercy strained: Wresting the pardoning power from the king. *Texas Law Review, 69*, 569–641.

Love, M. (2000). Of pardons, politics, and collar buttons: Reflections on the president's duty to be merciful. *Fordham Urban Law Journal, 27*, 1483–1513.

Moore, K. D. (1989). *Pardons: Justice, mercy, and the public interest*. New York: Oxford University Press.

Legal Case

Ex parte Garland, 71 U.S. 333 (1866).

PARENS PATRIAE

Parens patriae is the philosophy that the state should serve as a surrogate parent for neglected, dependent, and delinquent children. It stems from the belief that the state or government has both the right and the responsibility to substitute its own discretion and control over children whose parents fail to meet their responsibilities. It has been used as the primary rationale for a separate juvenile justice system, operating under its own rules and assumptions, in the United States and elsewhere.

HISTORY

The doctrine of *parens patriae*, which literally means the "parent of the country," originated from early English common law in the 12th century. It developed to protect the crown's interest in chancery courts and was brought to the United States as the primary justification for allowing the state to remove children from their homes and the inadequate care of poor parents. In such interventions, the children became wards of the state and were often then sent to houses of refuge or reformatories. It was thought that these institutions could care for the basic needs of delinquent and dependent children and instill in them morals and work ethics they were not receiving from their own parents or in their own communities. By removing them from their families and sending them away to reformatories, the state attempted to prevent these children from growing up to become paupers and criminals.

The juvenile justice system in the United States was created with *parens patriae* at its heart and as its legal foundation. Beginning in Chicago in 1899, the juvenile courts were designed to accommodate the special needs of children. Juvenile court judges were intended to adopt a caring, protective outlook in treating wayward or needy children. As part of this philosophy, it was thought that minors did not need due process rights because the proceedings were never meant to be adversarial—everyone was expected to work toward the same goal of helping the child to become a conforming, productive adult. The criminal justice system would continue to operate to sanction and punish adults, but judges in the juvenile system were expected to act as kind and benevolent parents to the children in their courtrooms, deciding each case in the best interests of the particular child and his or her circumstances. Juvenile court judges were given absolute power to decide what to do with the children in their courtrooms. Based purely on their own wisdom and discretion, they decided whether to remove the children from their homes, where to send them, and how long their sentences should last.

Unfortunately, young people who had committed similar crimes—or no crime at all—often received wildly diverse sentences and placements because the system had no safeguards to hold judges' biases in check. Girls, for example, were watched over more closely than young men, and they were much more likely to be punished for early sexual behavior. Poor and minority youth were vulnerable to state intervention and were overrepresented in punitive detention homes and reformatories. *Parens patriae* apparently worked best in the interests of middle- and upper-class boys.

CONTROVERSY AND CHANGE

Historically, the juvenile court and the doctrine of *parens patriae* have been criticized at many points. In particular, the individualized—and often discriminatory—treatment handed out to children by juvenile court judges was often condemned. To embrace *parens patriae* was to discount the need for due process rights for juveniles and to trust that judges had the wisdom and the heart to care for their young charges as a kindly parent would. It also assumed they would dispense sentences equitably.

Yet, cases like Gerry Gault's called this implicit trust into question. Gault, a 15-year-old boy, was accused of making obscene telephone calls and was subsequently sent to the state reform school for an indeterminate sentence, up to his 21st birthday or a sentence of potentially six years. Gault was not

given the right to a lawyer, was not allowed to confront his accusers, and was not allowed to remain silent and avoid expressing guilt. Had he been an adult, he would have been able to do all of those things.

Gault appealed his case to the Supreme Court, and, in doing so, forever changed the face of juvenile justice. In 1967, the Supreme Court mandated that juveniles should be allowed most of the due process rights adults receive; they would now be allowed the right to receive notice of the charges; the right to be represented by counsel; the right to confront and cross-examine witnesses; and the right to avoid self-incrimination. With this decision, juvenile courts were transformed into more formal, less discretionary organizations, as due process rights were incorporated into the philosophy of *parens patriae*.

These changes heralded a new era in juvenile justice, during which many states changed their juvenile systems to become more like the adult criminal justice system. In 1978, for example, Washington State took a major step away from *parens patriae* and radically reformed its juvenile code, adopting a criminalized version of the juvenile court. In the new model, the focus is placed on the offense rather than the child or the family, and juvenile court mirrors the process of the adult court. Punishments are rationalized under a determinate sentencing scheme, and judges are meant to mete out sanctions based solely on three criteria: the seriousness of the offense, the age of the offender, and the offender's prior criminal record. The goal is to give similar punishments for similar crimes; the child's race, gender, social class, or family circumstances should not factor into the sentence. Washington's juvenile justice system no longer features benevolent judges acting in the child's best interest. The focus in Washington is on punishing delinquents and holding them accountable for their actions rather than "saving" wayward children—*parens patriae* is no longer a priority or a reality.

Such reforms in juvenile courts have lead some to question the utility of keeping separate juvenile and criminal courts. Barry Feld (1999), for example, has proposed the abolition of the juvenile court in favor of an integrated court system to serve both adults and juveniles. In such a system, scarce resources could be combined; juveniles' rights would be enhanced and carefully protected; and young offenders would automatically be given a youth discount in sentencing. While the integrated court takes on the responsibility for social control and punishment, Feld argues, we may then be able to expand the possibilities for child welfare and encourage societal commitment of providing positive intervention in the lives of all children, not just the juvenile criminals. In this vision of the future, *parens patriae* moves out of the court system but back into the larger community.

CONCLUSION

As long as there remains a separate juvenile justice system in the United States, *parens patriae* will always hold an important place in it, either as a guiding principle or simply as a benchmark of how far from its original goals the system has strayed. The debate continues as to whether we should more fully embrace the ideas of *parens patriae* or to sever ties completely with it and move away from this philosophy. To embrace the philosophy of *parens patriae* is to treat troubled juveniles benevolently with rehabilitation as the goal, and to hand juvenile court judges full discretion to deal with children less formally and according to the needs of each. The alternative would be to model juvenile courts more closely after their adult counterparts, with primary concern going to protect the rights of each individual and to ensure that juvenile court judges dispense rationalized punishments.

To understand the U.S. juvenile system, it is imperative to take into account its philosophical foundations and ideals, its strengths, and its shortcomings. Only then can we judge its successes and failures. Only then can we decide whether *parens patriae* has earned its place as the foundation of our treatment of juvenile offenders and should continue to help determine the future direction of the juvenile court.

—Michelle Inderbitzin

See also Zebulon Brockway; Child Savers; Meda Chesney-Lind; Cook County, Illinois; Elmira Reformatory; Gerry Gault; Juvenile Justice System; Juvenile Reformatories; Jerome G. Miller; Anthony Platt; Status Offenders; Youth Correction Act

Further Reading

Bartollas, C., & Miller, S. J. (2001). *Juvenile justice in America* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.

Bernard, T. J. (1992). *The cycle of juvenile justice*. New York: Oxford University Press.

Champion, D. J. (1998). *The juvenile justice system: Delinquency, processing, and the law* (2nd ed.). Upper Saddle River, NJ: Prentice Hall.

Feld, B. C. (1999). *Bad kids: Race and the transformation of the juvenile court*. New York: Oxford University Press.

Platt, A. M. (1977). *The child savers: The invention of delinquency* (2nd ed., enl.). Chicago: University of Chicago Press.

Weis, J. G., Crutchfield, R. D., & Bridges, G. S. (2001). *Juvenile delinquency: Readings* (2nd ed.). Boston: Pine Forge.

PARENTING PROGRAMS

According to a survey conducted by the Bureau of Justice Statistics (Mumola, 2000), more than 55% of all state and federal prisoners are parents. To serve this population, prisons and nonprofit groups have developed several types of programs. The most common offer parent education classes, with family activities, prison nurseries, halfway houses for nonviolent mothers, and support services provided at some facilities.

Parent education courses are increasingly common at both men's and women's prisons nationwide. These courses are based on two rationales: (1) evidence suggesting that parents who maintain close contact with their children during incarceration are less prone to recidivism; and (2) research pointing to improved outcomes for children of participating parents. Children of prisoners have particularly high rates of criminal behavior and suffer disproportionately from such problems as depression, disruptive behaviors, and low academic performance. While it is not clear that these outcomes are directly a result of the incarceration of the parent, prisons provide parenting classes in the hope that teaching these skills will improve prisoners' ability to help their children avoid negative behaviors.

HISTORY

Parenting programs for women were created long before similar ones for men because the presence of pregnant inmates forced corrections officials to confront issues of motherhood at women's prisons. Mothers also seemed in greater need of services; they were more likely than fathers to be the custodial parents of their children prior to their own incarcerations and more likely to regain custody upon their release. In addition, cultural beliefs about gender led officials to assume that mothers "naturally" had the stronger attachment to their children and were more important to their development. In the 19th century, such beliefs were reflected in the establishment of nurseries for women who gave birth while in prison. Some prisons also began parent education classes. In general, these educational efforts were provided as part of a group of programs intended to raise the moral standards of the female inmates.

Programs for fathers were not instituted until the 1970s. These early programs were designed to help men maintain a relationship with their children and to lower the incidence of domestic violence against these children and their mothers. They were originally intended for fathers who had lived with their children prior to incarceration, but many men who had lived apart from their children also began to express an interest. Today, most programs include both types of fathers.

CURRENT SITUATION

Parenting programs are currently offered in most states. This does not mean, however, that classes are provided at every facility or to every parent. Not all classes run on a consistent basis; demand sometimes exceeds available space, and some prisons place limits on who can participate. For example, some do not allow people who are on death row or who are serving life sentences to participate. Others use clinical evaluations to determine those inmates

for whom the courses are best suited. The states with parenting programs in the largest numbers of penal facilities include California, New York, and Pennsylvania. Nationally, classes tend to be offered in more women's prisons than men's and in more low- and medium-security facilities than supermax or maximum-security prisons. At the time of writing, prison fatherhood programs are becoming increasingly popular, and new curricula are being developed and implemented in many state, federal, and local facilities. Some are even being instituted in juvenile facilities and jails, sites where few services have been provided in the past.

The United States is not alone in its provision of parenting programs—other countries, including Israel, Britain, and Canada, also offer special services to incarcerated parents. These services vary widely, but they are more comprehensive in some countries than in the United States. Israel, for example, provides parenting classes for all incarcerated parents, along with self-help groups and family counseling for spouses. They also run big brother and big sister programs for the inmates' children. Israeli prison services typically continue after the parents' release.

TYPES OF PARENT EDUCATION

Parent education courses focus on a wide range of topics. Some emphasize parenting attitudes, with the idea that behaviors cannot change unless the underlying attitudes change first. Others focus on self-identity issues and on improving participants' self-esteem. Also popular are courses that cover parenting skills and child development. An important component of many courses is the discussion of issues of particular interest to the incarcerated population. Issues addressed include how incarcerated parents can actively participate in children's lives, how to explain incarceration to children, what happens to children who are placed in foster care, and what legal rights incarcerated parents have. Courses for incarcerated fathers also commonly focus on coparenting issues.

Most parent education programs take place inside the prison and include only inmates and an instructor. The instructors usually come from the community, although some courses employ correctional staff or peer leaders. Less common are classes that include the inmates' children or that take place outside of the facility. Most programs offer a blend of education and support: information presented in a formal way combined with opportunity for participants to discuss specific issues they face as parents. Individual classes vary widely in length and duration; for example, some courses meet twice a week for 12 weeks, while others might meet more frequently over a four-week period. (See Figure 1 for a sample course outline.)

24-week parenting courses covering the following topics:

- Domestic violence
- Child abuse
- Family reintegration
- Effect of parental incarceration on children
- Effective discipline
- Child development
- Communication skills

Figure 1 *Sample Curriculum, PB&J Family Services, Inc., New Mexico*

Recent thought on prison parenting programs stresses the need for a more holistic approach that recognizes that an inmate's ability to parent well is influenced by factors such as employment status, family relationships, and level of social support. Holistic programs often attempt to include family members in classes and to link inmates and newly paroled parents to support services. An example of this type of program is the Family Works Program run by the Osborne Association in New York. Inmate fathers can take parenting classes and receive counseling about family matters, employment, and other reintegration issues. Outside prison, the Osborne Association runs a Family Resource Center for inmates' families. This center has

a toll-free hotline for families needing information and advice.

ISSUES IN PARENT EDUCATION COURSES

There are a number of areas of debate regarding parent education courses. First, it is not clear whether different curricula should be offered in gender-specific classes, and if so what the differences should be. People who support different curricula generally argue that mothers and fathers each have a unique type of relationship with their children. In particular, mothers are more likely to live with their children both pre- and postrelease. Fathers may have specific legal needs, including paternity establishment and payment of child support. Proponents of different curricula also point out that, in our gendered society, motherhood is generally more important to a woman's identity than fatherhood is to a man's.

A second area of debate about parent education courses involves their cultural content. Critics charge that the curricula of many courses have a white middle-class bias. This is a particular concern when minorities are disproportionately represented in prison, and most inmates are poor. A final area of debate involves who should teach parent education courses. Some believe that peer-led courses are the most effective in conveying course content; others insist that outside instructors are more effective. Little research has been conducted on these questions.

EVALUATION OF PARENT EDUCATION

Few large-scale evaluations of prison parenting programs have been conducted. There are logistical difficulties that made such evaluations difficult to plan and implement. In particular, it is hard to assemble control groups, and it is also difficult to find measures to capture the complex behavioral and attitudinal changes potentially caused by the classes. Looking at those studies which have been conducted, it appears that parenting classes may have a short-term impact on prisoners' attitudes and on their self-esteem. Some studies also find that improved parenting skills, more appropriate use of discipline, and enhanced knowledge of child development result from classes. Because the majority of the studies follow participants only during the class term, or for a few months following, we do not know if any effects persist over time. Due to the lack of longitudinal data, and previously inconsistent results, more research needs to be done in this area.

OTHER TYPES OF PARENTING PROGRAMS

In addition to parent education courses, prisons and nonprofits offer a variety of parent support services, particularly for female inmates. One innovative example is the Girl Scouts "Beyond Bars" program. This program, begun in the 1990s, brings 5- to 17-year-old daughters of incarcerated mothers to the prison once or twice a month for scout meetings. The girls also meet weekly outside the prison. In some locations, the mothers are required to attend parent support or education classes in addition to their attendance at the scout meetings. This program is currently in operation in at least 23 facilities in 22 states.

Some women's prisons have adopted programs that allow inmates more extended contact with their children. Bedford Hills in New York, for example, has a program that allows children to visit their mothers for a weekend. Although the children are not allowed to sleep at the prison, they stay with nearby host families and are allowed contact with their mothers during the day. The York Correctional Facility in Connecticut has an extended family visits program that allows women to spend time with their families in a private space. At the far end of the spectrum, prison nursery programs allow women who give birth while in prison to keep their children with them for a set number of months. Currently, four states have such programs.

Special visiting areas are another way some prisons accommodate the needs of inmates with children. These areas are generally secluded from the general visiting area and are decorated in a child-friendly way. The prison, or a nonprofit group, provides toys and activities. Having something to do

keeps children entertained and also eases interaction between inmates and their children. In New York, for example, the Osborne Association provides children's visiting areas at both Sing Sing and Woodbourne Correctional Facilities.

A different type of parenting program involves legal aid to inmates facing problems involving custody, guardianship, child support, or foster care placement. One example of this type of program is the Child Custody Advocacy Services Project run by the Center for Children of Incarcerated Parents in California. This group provides advocates to help inmate parents with issues such as arranging visits, emergency placement of children, and the meeting of court-ordered family reunification requirements. The Las Comadres program in California specifically helps female inmates obtain foster care placements for their children.

Several states also provide alternatives to prison for nonviolent female offenders who are mothers. In North Carolina, for example, Summit House provides housing for women with children under the age of seven. Women who are eligible for the program must agree to participate in parent education classes, job skills training, and substance abuse counseling (if needed). They are allowed to live with their children in the house for up to 24 months.

Finally, community groups provide transportation to the prison for children of inmates. Such services are particularly useful for families who live many miles from their incarcerated relative.

CONCLUSION

Although there are a wide range of parent education programs and support services offered around the country, there are still many facilities that provide few or none. As in the past, more services are offered in women's prisons than in men's. In difficult budget times, prison parent services are often among the first programs to be cut. It does appear, however, that there is increasing public interest in providing services to incarcerated parents and their children. In 2002, President George W. Bush signed a bill making grants available to programs that provide mentoring to the children of incarcerated parents. This may signal a positive shift in public sentiment toward incarcerated parents and their children.

—Anne M. Nurse

See also Bedford Hills Correctional Facility; Katharine Bement Davis; Fathers in Prison; Foster Care; Gynecologists; Mothers in Prison; Prison Nurseries; Termination of Parental Rights; Women Prisoners; Women's Prisons

Further Reading

Boudouris, J. (1996). *Parents in prison: Addressing the needs of families*. Lanham, MD: American Correctional Association.

Gadsden, V., Rethemeyer, R. K., Turri-Wofford, J., & Morrison, M. (2001). *Uncertain support: State fathering efforts in correctional settings.* Philadelphia: University of Pennsylvania, National Center on Fathers and Families.

Jeffries, J., Menghraj, S., & Hairston, C. F. (2001). *Serving incarcerated and ex-offender fathers and their families: A review of the field*. New York: Vera Institute of Justice.

Mumola, C. (2000). *Incarcerated parents and their children*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

National Institute of Corrections. (2002). *Services for families of prison inmates*. Longmont, CO: U.S. Department of Justice, National Institute of Corrections. Retrieved August 25, 2002, from http://www.nicic.org

Palm, G. (in press). Parent education for incarcerated parents: What works. In V. Gadsden (Ed.), *Heading home: Offender reintegration in the family—What works.* Lanham, MD: American Correctional Association.

PAROLE

Parole is both a procedure by which a board administratively releases inmates from prison and a provision for postrelease supervision. The term comes from the French *parole,* referring to "word," as in giving one's word of honor or promise. It has come to mean an inmate's promise to conduct himself or herself in a law-abiding manner and according to certain rules in exchange for release.

ORIGINS AND EVOLUTION OF PAROLE

Chief credit for developing the early parole system usually is given to Alexander Maconochie

(1787–1860), who was in charge of the English penal colony at Norfolk Island, almost 700 miles off the coast of Australia, and to Sir Walter Crofton (1815–1897), who directed Ireland's prisons. Maconochie criticized finite prison terms and developed a system of rewards for good conduct, labor, and study. Through a classification procedure he called the "marks system," prisoners could progress through stages of increasing responsibility and ultimately gain freedom. Under his direction, task accomplishment, not time served, was the criterion for release.

Walter Crofton implemented Maconochie's marks system in the Irish Prison System in 1854. After a period of strict imprisonment, Crofton transferred offenders to "intermediate prisons" where they accumulated "marks" based on work performance, behavior, and educational improvement. Eventually they would be given tickets-of-leave and released on parole. Parolees submitted monthly reports to the police, and a police inspector helped them find jobs and oversaw their activities. The concepts of intermediate prisons, assistance, and supervision after release were Crofton's contributions to parole.

Zebulon Brockway (1827–1920), a Michigan penologist, was the first to implement parole in the United States. He proposed a two-pronged strategy for managing prison populations and preparing inmates for release: indeterminate sentencing (where inmates would earn release based on in-prison behavior) coupled with post-prison parole supervision. He put his proposal into practice in 1876 when he was appointed superintendent at a new youth reformatory, the Elmira Reformatory in New York. He instituted a system of indeterminacy and parole release, and is commonly credited as the father of both in the United States.

Indeterminate sentencing and parole spread rapidly through the United States. In 1907, New York became the first state formally to adopt all the components of a parole system: indeterminate sentences, a system for granting release, postrelease supervision, and specific criteria for parole revocation. By 1942, all states and the federal government had such systems. By the mid-1950s, indeterminate sentencing coupled with parole release was the dominant sentencing structure in every state, and by the late 1970s, nearly 80% of all U.S. prisoners were released as a result of a parole board discretionary decision.

Parole seemed to make perfect sense. First, it was believed to contribute to prisoner reform by encouraging participation in rehabilitation programs. Second, the power to grant parole was thought to provide prison officials with a tool for maintaining institutional control and discipline. The prospects of a reduced sentence in exchange for good behavior encouraged better conduct among inmates. Finally, release on parole as a "back end" solution to prison crowding was important from the beginning. Indeterminate sentencing coupled with parole release was a matter of absolute routine and good correctional practice for most of the 20th century.

MODERN CHALLENGES AND CHANGES

The pillars of the American corrections systems—indeterminate sentencing coupled with parole release, for the purposes of offender rehabilitation—came under severe attack during the late 1970s and early 1980s. Opponents generally made one of three major criticisms. First, *there was little scientific evidence that parole release and supervision reduced subsequent recidivism*. In 1974, Robert Martinson and his colleagues published the now-famous review of the effectiveness of correctional treatment and concluded, "With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism" (Martinson, 1974, p. 22). Of the 289 studies they reviewed, just 25 (8.6%) pertained to parole, and yet their summary was interpreted to mean that parole supervision (and all rehabilitation programs) did not work. Once rehabilitation could not be legitimated by science, there was nothing to support the "readiness for release" idea, and, therefore, no role for parole boards or indeterminate sentencing.

Second, *parole and indeterminate sentencing were challenged on moral grounds as unjust and inhumane*, especially when imposed on unwilling participants. Research at the time showed there was

little relationship between in-prison behaviors, participation in rehabilitation programs, and postrelease recidivism. If that were true, then why base release dates on in-prison performance? Prisoners argued that not knowing their release dates held them in "suspended animation" and contributed one more pain of imprisonment.

Third, *indeterminate sentencing permitted parole authorities to use a great deal of uncontrolled discretion in release decisions,* and these decisions often were inconsistent and discriminatory. Since parole boards had a great deal of autonomy and their decisions were not subject to outside scrutiny, critics argued that it was a hidden system of discretionary decision making that led to race and class bias in release decisions.

THE CALL TO END REHABILITATION AND PAROLE

In 1976, Maine became the first state to eliminate parole. The following year, California and Indiana established determinate sentencing and abolished discretionary parole release. By the end of 2004, 16 states had abolished discretionary parole release for nearly all offenders. In 19 other states and the federal prison system, parole authorities had discretion over a small and decreasing number of parole-eligible inmates. By 2004, just 16 states gave their parole boards full authority to release inmates through a discretionary process. Likewise, at the federal level, the Comprehensive Crime Control Act of 1984 created the U.S. Sentencing Commission. That legislation abolished the U.S. Parole Commission and phased out parole from the federal criminal justice system in 1997.

The majority of prisoners (59%) in America are now released automatically and mandatorily, without ever appearing before a parole board. Mandatory parole is basically a matter of bookkeeping: One calculates the amount of time served plus good time and subtracts it from the prison sentence imposed. When the required number of months has been served, prisoners are automatically released. Proponents hoped that determinate sentencing with mandatory parole would make sentencing more consistent across offenders and offenses—and it has. However, it was also thought that "abolishing parole" would lengthen the time inmates spent behind bars—yet it has not. Perhaps more important, recent research suggests that inmates who "max out"—and leave prison without parole supervision—have higher failure rates than those who are released with parole requirements (Petersilia, 2003). No one is more dangerous than a criminal who has no incentive to straighten himself or herself out while in prison and who returns to society without a supervised transition plan. It seems, therefore, that it is in the interest of public safety that discretionary parole systems should be reinstituted.

THE CURRENT PAROLE POPULATION

Eventually, 93% of all prisoners return home. Though few are released by a parole board, virtually all will be subject to parole supervision—the "other" parole. Parole supervision remains in every state except Maine and Virginia, and nearly 80% of all prisoners released each year are subject to some form of conditional supervised release (despite the manner in which some states have changed its name to distance themselves from the negative connotation of "parole"). Parole supervision generally lasts one to three years, but can last much longer in some states (e.g., Texas parole terms are often 10 to 20 years). As the size of the prison population has risen, so too has the parole population.

Glaze and Palla (2004) reported that, at year-end 2003, there were 774,588 adults on parole in the United States. Parolees represented 11% of the approximate 6.8 million persons who were "under correctional control" (incarcerated or on community supervision). Four states (California, New York, Pennsylvania, and Texas) supervise more than half of all state parolees.

The parole population is mostly male, although the drug wars have imprisoned more females, and females are now 14% of the parole population. Most parolees are racial or ethnic minorities. Most have serious work and education deficits, and more than three-quarters of the parole population report a history of drug and/or alcohol abuse. Sixteen

percent of parolees report a mental condition or an overnight stay in a psychiatric hospital. Despite these serious needs for treatment, less than one-third of exiting prisoners will have received substance abuse or mental health treatment while in prison. And while some states have provided more funding for prison drug treatment, the percentage of state prisoners participating in such programs has been declining, from 25% a decade ago to about 10% today.

Moreover, despite evidence that inmates' literacy and job readiness has declined in the past decade, fewer inmates are participating in prison education or vocational programs. Today, just 25% of all those released from prison will have participated in vocational training programs, and about a third of exiting prisoners will have participated in education programs—both figures down from a decade ago. The data suggest that U.S. prisons today offer fewer services than they did when inmate problems were less severe, although history shows that we have never invested much in prison rehabilitation. It is not that inmates do not want to participate in these programs. On the contrary, virtually all prison programs today have long waiting lists.

At the same time, mandatory minimum sentences and truth-in-sentencing laws have increased sentence length, so that prisoners currently being released have served an average of 27 months in prison—5 months longer than those released in 1990. Moreover, about 25% of state and 33% of federal prisoners will have spent more than five years incarcerated. This longer time in prison translates into a longer period of detachment from family and other social networks, posing new challenges to parole and offender reintegration.

CASELOAD ASSIGNMENT AND COSTS

Parolees are required to report to their designated parole field office within a few days of release. In most states, parolees are legally required to return to the county of their last residence. When parolees first report to the parole field office, they are assigned to a caseload. Virtually all states use a classification system for assigning parolees to different levels of supervision. Such systems recognize that not all offenders are equal in their need for supervision.

Most often, caseload assignment is based on a structured assessment of parolee risk, and an assessment of the needs or problem areas that have contributed to the parolee's criminality. By scoring personal information relative to the risk of recidivism, and the particular needs of the offender (in other words, a risk/need instrument), a total score is derived, which then dictates the particular level of parole supervision (for example, intensive, medium, regular, administrative). Each jurisdiction usually has established policies that dictate the contact levels (times the officer will meet with the parolee). These contact levels correspond to each level of parole supervision. The notion is that higher-risk inmates and those with greater needs will be seen most frequently (for example, on "intensive" caseloads).

Research shows that 80% of U.S. parolees are supervised on "regular" caseloads, averaging 67 cases to one parole officer, in which they are seen (face to face) fewer than two times per month. Officers also may conduct "collateral" contacts, such as contacting family members or employers to inquire about the parolee's progress. Many parole officers are frustrated because they lack the time and resources to do the kind of job they believe is maximally helpful to their clients. Parole officers often complain that paperwork has increased, their clients have more serious problems, and their caseloads are much higher than the 35 to 50 cases that is considered the ideal caseload for a parole officer. However, there is no empirical evidence to show that smaller caseloads result in lower recidivism rates. On average, the annual supervision costs in 2002 for a parolee on regular supervision was $1,800.

Larger parole departments also have established "specialized caseloads" to supervise certain types of offenders more effectively. These offenders generally pose a particularly serious threat to public safety or present unique problems that may handicap their adjustment to supervision. Specialized caseloads are smaller than regular caseloads (usually about 30 parolees to 1 parole officer) and afford the opportunity to match the unique skills and training of parole officers with the specialized needs of parolees. The

most common specialized caseloads in the United States are those that target sex offenders and parolees with serious substance abuse problems, although fewer than 4% of all parolees are supervised on specialized caseloads (Petersilia, 2003).

CONDITIONS OF PAROLE SUPERVISION

All parolees are required to sign an agreement to abide by certain regulations. Seeing that the parolee lives up to this parole contract is the principal responsibility of the parole agent. Parole agents are equipped with legal authority to carry and use firearms, to search places, persons, and property without the requirements imposed by the Fourth Amendment (i.e., the right to privacy), to order arrests without probable cause, and to confine without bail. The ability to arrest, confine, and, in some cases, reimprison the parolee for violating conditions of the agreement makes the parole agent a walking court system.

Conditions of the agreement generally can be grouped into *standard conditions* applicable to all parolees and *special conditions* that are tailored to particular offenders. Special conditions for substance abusers, for example, usually include periodic drug testing. Standard conditions are similar throughout most jurisdictions, and violating any parole condition can result in a return to prison. Common standard parole conditions include the following:

- Reporting to the parole agent within 24 hours of release
- Not carrying weapons
- Reporting changes of address and employment
- Not traveling more than 50 miles from home or not leaving the county for more than 48 hours without prior approval from the parole agent
- Obeying all parole agent instructions
- Seeking and maintaining employment, or participating in education or work training
- Not committing crimes
- Submitting to search by the police and parole officers

Parolees are also subject to a number of statutory restrictions or "civil disabilities" when they return home. Their criminal record may preclude them from voting or retaining their parental rights, be grounds for divorce, and they may be barred from serving on a jury, holding public office, and owning firearms. Employers are also increasingly forbidden from hiring parolees for certain jobs and are mandated to perform background checks for many others. The most common types of jobs with legal prohibitions against parolees are in the fields of child care, education, security, nursing, and home health care. Since the mid-1980s, the number of barred occupations has increased dramatically. It may be that these policies are crime enhancing rather than crime reducing, given that being employed is significantly related to reduced recidivism.

If parolees fail to live up to their conditions, they can be revoked to custody. Parole can be revoked for two reasons: (1) the commission of a new crime, or (2) the violation of the conditions of parole (a "technical violation"). Technical violations pertain to behavior that is not criminal, such as the failure to refrain from alcohol use or remain employed.

In either event, the violation process is generally straightforward. Given that parolees are technically still in the legal custody of the prison or parole authorities, and as a result maintain a quasi-prisoner status, their constitutional rights are severely limited. When parole officers become aware of violations of the parole contract, they notify their supervisors, who can rather easily return a parolee to prison. Parolees do have some rights in revocation proceedings. Two U.S. Supreme Court cases, *Morrissey v. Brewer* (1972) and *Gagnon v. Scarpelli* (1973), established minimum requirements for the revocation or parolee, forcing parole boards to conform to some standards of due process. Parolees must be given written notice of the nature of the violation and the evidence obtained, and they have a right to confront and cross-examine their accusers.

RECIDIVISM AND CRIME COMMITTED BY PAROLEES

The transition from prison back into the community is exceedingly difficult. Parole historically has provided job assistance, family counseling, and chemical dependency programs. Parole agents were viewed as paternalistic figures, who mixed authority with help. Officers provided direct services (e.g., counseling) and also knew the community and brokered services (e.g., job training) for needy offenders. Many parole

agencies still do assist in these activities. Increasingly, however, parole supervision has shifted away from providing services to parolees and more toward providing surveillance activities. Parole agents are authorized to carry weapons in two-thirds of the states, and drug testing, electronic monitoring, and verifying curfews are the most common activities of many parole agents.

It is not surprising, therefore, that most offenders fail parole supervision. Langan and Levin (2002) found that 67% of released inmates were rearrested for at least one serious new crime within three years after their release; 47% were convicted of a new crime; 52% were returned to prison for either a new crime or a technical violation. Fully one-quarter of all released prisoners (25.4%) were resentenced to prison for a new crime in the three-year follow-up period. Generally speaking, higher rearrest rates were experienced by those originally in prison for crimes for money. Those with the lowest rearrest rates were in prison for crimes not generally motivated by desire for material gain (e.g., homicide). Research also shows that the first year after release from prison is the period when most recidivism occurs.

Such high parole revocation rates are one of the major factors linked to the growing U.S. prison population. In California, for example, almost two-thirds of *all* persons admitted to state prisons each year are parole violators. Nationally, parole violators now constitute about a third of all new prison admissions.

Parolees represent significant risks to public safety. Rainville and Reaves (2003) report that of *all* persons arrested for felony crimes in 2000, 6% were on parole at the time of their arrest. The Bureau of Justice Statistics (BJS) also reports that 22% of *all* those in state and federal prisons—and 18% of those serving death sentences—reported being on parole at the time of the crime that landed them in prison. Clearly, leaving parolees unattended and without services not only is bad policy, but also leaves many victims in its wake.

CONCLUSION

Nearly 760,000 parolees are now doing their time on U.S. streets. Most have been released to parole systems that provide few services and impose conditions that almost guarantee their failure. Monitoring systems are getting better, and public tolerance for failure on parole is decreasing. The result is that a rising tide of parolees is washing back into prison, putting pressure on states to build more prisons, which in turn, takes money away from rehabilitation programs that might have helped offenders while they were in the community. All of this means that parolees will continue to receive fewer services to help them deal with their underlying problems, assuring that recidivism rates and returns to prison remain high—and public support for parole remain low. Reforming parole should receive high priority, as an estimated 8 million U.S. prisoners will leave prison and return home in the coming decade.

—Joan Petersilia

See also Clemency; Determinate Sentencing; Furlough; Indeterminate Sentencing; Irish System; Alexander Maconochie; Pardon; Parole Boards; Prerelease Programs; Prisoner Reentry; Probation; Recidivism; Rehabilitation Theory; Sentencing Reform Act 1984; Truth in Sentencing; War on Drugs; Work Release Programs

Further Reading

Glaze, L., & Palla, S. (2004). *Probation and parole in the United States, 2003* (NCJ 205336). Washington, DC: Bureau of Justice Statistics.

Langan, P., & Levin, D. (2002). *Recidivism of prisoners released in 1994* (NCJ 193427). Washington, DC: Bureau of Justice Statistics.

Martinson, R. (1974). What works? Questions and answers about prison reform. *Public Interest, 35*, 22–35.

Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington DC: American Psychological Association.

Mauer, M., & Chesney-Lind, M. (Eds.). (2002). *Invisible punishment: The collateral consequences of mass imprisonment*. Washington, DC: New Press.

Morris, N. (2002). *Maconochie's gentlemen: The story of Norfolk Island the roots of modern prison reform*. New York: Oxford University Press.

Petersilia, J. (1999). Parole and prisoner reentry in the United States. In M. Tonry & J. Petersilia (Eds.), *Prisons* (Vol. 26, pp. 479–530). Chicago: University of Chicago Press.

Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry*. New York: Oxford University Press.

Rainville, G., & Reaves, B. A. (2000). *Felony defendants in large urban counties* (No. NCJ 202021). Washington, DC: Bureau of Justice Statistics.

Simon, J. (1993). *Poor discipline: Parole and the social control of the underclass, 1890–1990.* Chicago: University of Chicago Press.

Travis, J., Solomon, A., & Waul, M. (2001). *From prison to home: The dimensions and consequences of prisoner reentry*. Washington, DC: Urban Institute.

Legal Cases

Gagnon v. Scarpelli, 411.U.S. 778 (1973).
Morrissey v. Brewer, 408 U.S. 471 (1972).

PAROLE BOARDS

Parole boards decide whether eligible inmates may be released from prison to serve the remainder of their sentences under supervision in the community, on parole. There is much diversity among parole boards in the United States, making generalizations difficult and often inaccurate. However, there are some common themes that are worth noting. First, while some states elect their parole board officials, many boards are comprised of people who are appointed by the governor to serve specified terms of office. Second, states set a wide range of requirements that parole board members must meet in order to be eligible to serve as a board member. While some require that board members have college degrees and relevant experience in corrections, law enforcement, or other related field, others have no requirements for board membership. Parole boards also serve a variety of different functions. Many only determine release dates of prisoners. However, in some states, in addition to the release function, parole boards oversee parole revocation and parole supervision functions. Regardless of the scope of function, parole boards have considerable discretionary power and, in many jurisdictions, have absolute discretion over an offender's likelihood of early release.

THE NEW JERSEY STATE PAROLE BOARD: A CASE STUDY

In 1947, New Jersey ratified a new state constitution that dissolved the Board of Pardons and created the State Parole Board. From 1948 until April 1980, the board was one of four separate paroling authorities, each having separate policy and decision-making authority and jurisdiction. The State Parole Board held jurisdiction over inmates incarcerated in the state prison system. Parole jurisdiction for inmates committed to indeterminate sentences was vested with three part-time institutional boards of trustees: the Board of Trustees for the Youth Correctional Complex, the Board of Trustees for the Correctional Institution for Women, and the Board of Trustees for the Training School for Boys and Girls.

Recognizing that there was little continuity or uniformity in decision making among the boards, the New Jersey legislature passed the Parole Act of 1979, consolidating the authority to coordinate operations, develop policy, and foster consistent decision making. Additionally, the board has the authority to parole offenders sentenced to serve terms greater than 60 days in a county jail facility.

In May 2001, an act was passed by the 209th legislature of New Jersey transferring the powers and duties of the Department of Corrections' Division of Parole—the division responsible for the supervising offenders—to the State Parole Board. On September 4, 2001, the Division of Parole successfully merged with the State Parole Board. This transfer of power makes New Jersey's parole board one of the few boards in the United States with the authority to release an offender from confinement, supervise an offender in the community, and revoke parole status for violation of parole rules. In addition to these responsibilities, the New Jersey State Parole Board receives and investigates applications for executive clemency and may discharge offenders from supervision prior to the expiration of their maximum sentences.

The New Jersey State Parole Board is comprised of a chairman, 14 associate members, and three alternate associate board members, all eligible to make juvenile and adult parole decisions. The governor, with the advice and consent of the Senate, appoints all board members to a term of six years. One associate member is designated vice chairman by the governor. Members serve staggered terms and devote their full time to the duties of the board. As provided by law, each appointee has training or

experience in the law, sociology, criminal justice, juvenile justice, or related branches of the social sciences.

PAROLE BOARD DECISIONS

Generally, there are two types of parole board decisions: mandatory or discretionary release decisions. Some boards make *mandatory release decisions* that require offenders to have a mandatory period of supervision in the community after release from prison. Other states make discretionary parole release decisions. *Discretionary parole release decisions* are predicated on a set of criteria that vary greatly from state to state.

Many parole boards utilize subjective as well as objective tools to establish parole release criteria, including presentence investigation reports, psychiatric examinations, institutional behavioral reports, and parole plans. Other factors that parole boards consider when making their parole release decisions include most recent offense, frequency and severity of previous convictions, and institutional and victim's statements.

In addition, parole boards increasingly utilize results from risk or needs assessments to inform their parole release decisions. These assessments provide supposedly objective measures on which parole boards can base their decisions. There are different types of risk and needs assessments. Some assessments are static in nature—that is, they rely only on aspects of an offender's life that cannot be changed, like offense history and age, to determine likelihood of recidivism and to identify an offender's needs. Others include static and dynamic factors—factors in a person's life that can be changed, like marital status, drug use, attitude, and education. Assessments that are static and dynamic in nature have proved to be better indicators of offender risk and tend to be provide more reliable information to parole boards than those that address static factors alone.

PAROLE REVOCATIONS

Parole boards must carefully balance the decision to release an offender into the community because of the potential risk to public safety. Since the onus of responsibility for release decisions falls to the parole board, boards are generally very conservative in their release decisions.

While some parole boards are responsible only for releasing offenders to parole, others are also responsible for supervising and revoking parole. The parole board generally revokes parole when an offender has committed a new crime or a technical violation. The parole violations and revocations process is an administrative function, typically devoid of court involvement. Current parole violation and revocations procedures for all states are predicated on the 1972 U.S. Supreme Court Case, *Morrissey v. Brewer*.

Morrissey was the first landmark case involving the constitutional rights of parolees. The case involved John Morrissey, who was convicted in 1967 in Iowa for "falsely drawing checks" and sentenced to not more than seven years in Iowa State Prison. He was paroled from prison in 1968. However, seven months later, his parole officer learned that while on parole, Morrissey bought a car under an assumed name and operated it without permission, gave false information to an insurance company when he was involved in a minor car accident, and had given his parole officer a false address for his residence. The parole officer interviewed Morrissey and filed a report recommending that his parole be revoked, citing that Morrissey admitted to buying the car and obtaining false identification and being involved in the auto accident. The parole officer claimed that parole should be revoked because Morrissey had a habit of continually breaking the rules.

The parole board revoked Morrissey's parole, and he was returned to prison to serve the remainder of his sentence. Morrissey was not represented by counsel at the revocation proceeding and was not given the opportunity to cross-examine witnesses against him, and he was not advised in writing of the reasons for parole revocation. Morrissey was also not permitted to offer evidence on his own behalf or give personal testimony.

Morrissey appealed to the Iowa Supreme Court and was rejected, but the U.S. Supreme Court heard his appeal. While the Court did not directly address

the question of whether Morrissey should have had court-appointed counsel, it did make a landmark decision in his case. It overturned the Iowa Parole Board action and established a two-stage proceeding for determining whether parole ought to be revoked. Furthermore, the Court determined that although offenders are not entitled to the same due process rights as a criminal defendant, they are entitled to challenge the alleged violations and to confront, cross-examine witnesses, including the parole officer, and present evidence on their own behalf. Moreover, unlike a criminal trial, hearsay is admissible at violation hearings, and the level of proof required is considerably less than the criminal standard of beyond a reasonable doubt.

CONCLUSION

There are a variety of factors that make parole boards unique among criminal justice and correctional process mechanisms. Not only do they have an extraordinary amount of discretionary power, but also the varying degrees of qualifications and corrections or criminal justice experiences possessed by board members make uniform decision making difficult. Parole boards are the first line of defense between the offender and the community. Balancing the punitive and rehabilitative needs as well as the best interests of an offender with those of the community is a daunting task, one that must be performed diligently and carefully.

—Melinda D. Schlager

See also Community Corrections Center; Determinate Sentencing; Electronic Monitoring; Indeterminate Sentencing; Intermediate Sanctions; Parole; Rehabilitation Theory; Three-Strikes Laws; Truth in Sentencing; War on Drugs

Further Reading

Abadinsky, H. (2000). *Probation and parole: Theory and practice.* Upper Saddle River, NJ: Prentice Hall.

Rhine, E. E., Smith, W. R., & Jackson, R. W. (1991). *Paroling authorities: Recent history and current practice*. Laurel, MD: American Correctional Association.

Runda, J. C., Rhine, E. E., & Wetter, R. E. (1994). *The practice of parole boards*. Lexington, KY: Council of State Governments.

Legal Case

Morrissey v. Brewer, 408 U.S. 471 (1972).

PATUXENT INSTITUTION

Patuxent Institution is a 987-bed maximum-security facility located in Jessup, Maryland—centrally between Baltimore, Maryland, and Washington, D.C.—that is designed as a co-correctional facility for men, women, and young offenders. The population housed at the facility and the services offered are the most diverse in the state of Maryland and possibly in the nation. Notable programs and services include the Eligible Persons Program, Patuxent's Youthful Offenders Program, the Patuxent Drug Recovery Program, and the Correctional Mental Health Center for inmates with mental health histories. Convicted criminals are recommended for admission to Patuxent Institution by the sentencing court, by the state's attorney, or through petition to the institution directly by the individual offender.

As a division of the Maryland Department of Public Safety and Correctional Services, Patuxent Institution was designed to be functionally separate from the Maryland Division of Corrections (DOC). However, the Patuxent Institution maintains a close relationship with the DOC by hosting and overseeing a number of DOC programs outside the Patuxent facility: the Regimented Offender Treatment Center, the Residential Substance Abuse Treatment Program, and the Women's Intense Treatment Program.

HISTORY

Patuxent Institution opened in 1955 to ensure public safety through the treatment of individuals designated by the courts as "Defective Delinquency," Article 31B statute of the Annotated Code of Maryland. A "defective delinquent" was a criminal offender who demonstrated persistent antisocial or criminal behavior and was considered a danger to society. "Defective delinquents" were committed involuntarily to Patuxent Institution under an indeterminate sentence and required confinement with treatment.

To achieve its mission, the enabling legislation specified that the institution's chief administrator was to be a psychiatrist, with two associate directors who are psychiatrists, along with a clinical staff of psychiatrists, psychologists, and social workers. This is in sharp contrast to the typical correctional facility comprised of a warden, associate wardens, and correctional officers. Patuxent was charged with its own admission, inmate review, and paroling authority separate from the Maryland Division of Corrections. An inmate would be released only when the Institutional Board of Review and Parole determined the release was for the inmate's benefit and the benefit of society.

Patuxent became the most sued correctional facility in the U.S. due to its treatment of defective delinquency and the practices of involuntary referral and indeterminate sentencing. As a result, the 1951 enabling legislation was revised in 1977, and the "defective delinquent" definition was abolished. Offenders were no longer committed to the institution involuntarily under an indeterminate sentence, and the institution's mission was redefined by creating the Eligible Person (EP) program. EP focused on specialized treatment services for rehabilitation of chronic offenders. Although it initially served only male inmates, in 1987 the rehabilitation program was expanded to include women in Patuxent as well. In July 1990, the Patuxent Institution Building for Women was completed, and female inmates were transferred from various institutions to Patuxent Institution.

During 1988, two inmates with violent histories, including rape and murder, were released from the institution without consultation from the prosecuting court. In response, the Maryland General Assembly mandated an evaluation of the Patuxent Institution that ultimately led to a redefinition of the institution's mission. Since 1994, the facility has pursued a policy of remediation in which programs identify an inmate's deficits and then tailor treatments specific to his or her needs.

INSTITUTION PROGRAMS

Approximately 900 men, 100 women, and 200 young offenders take part in 10 major programs offered at the institution today: the Eligible Persons Program, the Youth Program, Correctional Mental Health, Mental Health Transition, Mental Health Step Down, Regimented Offender Treatment, Department of Corrections Transient and Residential Substance Abuse Treatment. The Eligible Person (EP) program, which provides specialized treatment services designed to rehabilitate habitual criminals and requires the inmate to submit to treatment, has the highest enrolment of all the courses.

The EP treatment program consists of a four-level graded-tier incentives and privilege system. Offenders who demonstrate responsible behavior may progress from the entry tier, which is Level I, to the honor tier, which is Level IV. Offenders are promoted through each level with good behavior and progress in the program; they can also be demoted from a level if their behavior is inappropriate. Level I orients individuals to the rules and expectations of the institution. Level II is the primary treatment phase, which consists of therapy, education, reinforcement, and peer support programs. Level III is the transitional phase, during which time offenders are presented with additional responsibilities. Level IV is the advanced and reentry level. During this phase offenders become eligible for the prerelease program, which will assist them with reentry to the community. An offender who withdraws from the program will be transferred to another facility and will be ineligible for readmission to Patuxent Institute for three years.

The Youth Program that was established in 1994 was developed as a derivative of the EP program and in response to the growing numbers of young offenders. That same year, the Correctional Mental Health program was established in response to concerns for inmates diagnosed with severe mental illness and the efficiency of centralized treatment. This program and specialized unit within the institution consolidated services throughout the state of Maryland for inmates suffering severe psychiatric disorders. Finally, that year, the Regimented Offender Treatment program was established through a cooperative effort between the Patuxent Institution and the Division of Parole and Probation. This program is designed for inmates who are preparing for parole or mandatory

release and delivers a 45-day treatment plan to male and female offenders incarcerated in the Division of Corrections with significant abuse histories.

In 2000, the Mental Health Transition program was set up in order to address the mental health needs of offenders preparing for release to society. Offenders in this course have access to both inpatient and outpatient medical services and are educated as to how to cope with a mental health issue within society. The Mental Health Step Down, which was established at the same time, focuses on the mental health needs of convicted offenders who have mental health issues and have had sporadic problems during their incarceration at other Maryland correctional facilities. This program prepares people to integrate into their home institution's general population.

The institution also offers a sex offender program. The Maryland Transitional Offender Program is a six-week program that provides treatment services to sex offenders, including cognitive-behavioral psychotherapy and offender relapse prevention modules. This program is a collaborative effort among several agencies, including the Department of Public Safety and Correctional Services, the Division of Corrections, the Division of Parole and Probation, and Patuxent Institution.

CONCLUSION

The Patuxent Institution has assumed a leadership role throughout the United States in developing and managing critical treatment issues. Originally designed to hold "defective delinquents," today it is a coeducational facility housing men, women, and youths. It offers educational programs, special drug treatment programs, youth programs, and mental health programs for offenders. In addition, Patuxent continues to operate separately from the Division of Corrections with its own admissions, inmate review board, and paroling functions.

—Barbara Hanbury and John D. Brown

See also Co-correctional Facilities; Drug Treatment Programs; Group Therapy; Individual Therapy; Juvenile Justice System; Medical Model; Psychological Services; Psychologists; Rehabilitation Theory; Sex Offender Programs; Sex Offenders; Status Offenders; Therapeutic Communities

Further Reading

Carney, F. (1989). *Criminality and its treatment: The Patuxent experience.* Malabar, FL: Krieger.

Maryland Department of Public Safety and Correctional Services. (2002). Patuxent Institution, annual report. Retrieval date September 10, 2004, from http://www.dpscs.state.md.us/pat/pat_publications.shtml

Inmates to uplink to education. (2001, March). *Community College Week*, *13,* p. 18.

McShane, M. (Ed.). (1996). *Encyclopedia of American prisons.* New York & London: Garland.

PELICAN BAY STATE PRISON

Pelican Bay State Prison, located outside Crescent City, California, is the state's most secure facility available, housing the area's most serious male criminal offenders. Since opening in 1989, it has held some of the nation's most famous criminals, such as "Monster" Cody and Charles Manson.

Pelican Bay is a Level 4 maximum-security institution, which is California's highest security classification. It is surrounded by an electric fence, which has a current strong enough to kill anyone who tries to escape over it. The facility is separated into several maximum-security units, a mental health ward, administrative segregation, and the special housing unit (SHU). Originally built to house 2,280 inmates total, with 1,056 in the SHU, by 2001 Pelican Bay was operating with more than 3,300 inmates.

HISTORY AND CREATION OF PELICAN BAY

Pelican Bay was built, in part, in response to a perceived rise in violent crimes across the California prison system. From the early 1960s, inmate fights and yard attacks in prisons around the state had escalated, while inmate assaults of guards rose from 32 in 1969 to 84 in 1973. While some argue that the problems in California prisons related to the state's integration policies, which forced rival gangs onto the yards at the same time, prison officials

attributed them to an increase in gang activity and to the court-mandated decrease in institutional controls.

Inmates were not the only ones becoming more violent. In 1987, California adopted a "Shoot to kill" policy that allowed officers to kill any inmate engaged in behavior that could result in injury to others. The Department of Corrections also switched ammunition to a more powerful bullet in 1988, which typically kills its target with a single shot. As a result, 27 prisoners died at the hands of guards in California over a five-year period; in the rest of the country, only seven prisoners were killed by guards.

THE SHU

The SHU at Pelican Bay is California's most secure prison facility. Most inmates are sent there for committing violent acts within the prison system, attempting escape, being caught with a weapon, or being a known gang member. Once in the SHU, inmates are housed in solitary confinement.

The SHU, which is designed to hold 1,056 inmates, is made up of 132 areas referred to as "pods." Twenty-two separate units, each containing six pods, are arranged in a semicircle around a control room. The control room officer operates all of the cell doors and the entrances to the pods, while monitoring all inmate movement outside the cells through video surveillance. Within the pods are eight cells, each of which typically houses only one man. The cells have heavy perforated doors, which by their design limit an inmate's ability to assault others, without obstructing visibility in or out of the cell. Inside the cells, the bunks and toilets are molded to the floor. All items must be X-rayed prior to being admitted into the cells. The pods do not have any windows. The only natural light comes in from a few skylights.

Each pod has one exercise area, measuring 10 feet wide by 26 feet long, in which inmates are typically granted one hour of exercise alone per day. Otherwise they are contained in their cells for 22 to 23 hours a day. Unlike other prisons, inmates in the SHU are not allowed contact with others. Complete silence is maintained at all times. Any time an individual leaves his cell he is placed in restraints and escorted by two guards wearing Kevlar vests. Nonetheless, basic standards of care are meant to be maintained; SHU inmates are allowed to receive health services, meet with counseling staff, conduct legal research, attend hearings, and have noncontact visits with family or friends.

Inmates can only be released from the SHU by serving out their sentence, being granted parole, exhibiting good behavior, which qualifies them for Level 4 housing, or by going through the gang debriefing process. To debrief, the inmate must confess to gang-related activities and crimes in which he has personally been involved, as well as disclose crimes that other gang members have committed. The information, given to the Institutional Gang Investigation Lieutenant, is verified and corroborated as much as possible. The lieutenant must be satisfied that the information is accurate and the inmate is being truthful for the process to continue.

Those men who are in the process of debriefing are held in protective custody for one year, and ultimately moved to the Transitional Housing Unit (THU), where they sleep, eat, exercise, and work toward their high school equivalency exam. There are two correctional officers posted at the door of the gym in the THU to protect the residents from others who may wish to kill them for "snitching." These Pelican Bay policies have lead to the inmate credo of "Snitch, parole, or die" as the only way to get out of the SHU.

CRITICISMS

Prisoners and prison reform groups have brought numerous court cases against Pelican Bay in attempts to have it shut down or reformed. Some of the court cases have had limited success. In 1995, for example, a federal court decided in *Madrid v. Gomez* that placing mentally ill individuals in the SHU violated their Eighth Amendment rights. The court criticized a number of aspects of Pelican Bay, citing frequent staff misconduct and a lack of clear policy on the use of force. However, it limited its ruling to the treatment of the mentally ill. The court ruled that mentally ill inmates could not be held in the SHU, since this was "the mental equivalent of

putting an asthmatic in a place with little air to breathe."

However, critics argue that few changes have been made and that the *Madrid* order did not go far enough. They contend long-term placement in the SHU fosters the same mental illness that the court attempted to resolve in *Madrid*. Critics also maintain that the total isolation in the SHU promulgates violent behavior, which makes it more difficult for inmates to be released. They point to the fact that Pelican Bay has continued to lead the California Department of Corrections in serious incident reports, culminating in a riot in February 2000 in which one inmate died and 31 were wounded. In response, prison officials blame the violence on the type of men imprisoned in Pelican Bay.

CONCLUSION

Since Pelican Bay opened, the California Department of Corrections has reported a systemwide decrease in disorder in other facilities. This, along with the statewide increase in prison population, has contributed to Pelican Bay's substantial overcrowding. Despite widespread legal and academic criticism, and regardless of its own problems with violence, the numbers in Pelican Bay seem sure to rise.

—Benjamin Steiner

See also ADX: Florence; Alcatraz; Corcoran, California State Prison; Disciplinary Segregation; Leavenworth, U.S. Penitentiary; Marion, U.S. Penitentiary; Maximum Security; Medium Security; Mental Health; Minimum Security; Pennsylvania System; Snitch; Solitary Confinement; Special Housing Unit; Supermax Prisons

Further Reading

Alarid, L. F., & Cromwell, P. (2002). *Correctional perspectives*. Los Angeles: Roxbury.

Haney, C. (1993). Infamous punishment: The psychological consequences of isolation. *The National Prison Project Journal, 21,* 3–7.

Johnson, R. (2002). *Hard time* (3rd ed.). Belmont, CA: Wadsworth.

King, K., Steiner, B., & Ritchie, S. (2005). Violence in the Supermax: A self-fulfilling prophecy. *The Prison Journal*, *85*(1), forthcoming.

Lis, Inc. (1997). *Supermax housing*. Longmont, CO: National Institute of Corrections.

Weinstein C., & Cummins, E. (1996). The crime of punishment: Pelican Bay maximum security prison. In E. Rosenblatt (Ed.), *Criminal injustice: Confronting the prison crisis* (pp. 308–321). Boston: South End.

Legal Case

Madrid v. Gomez, 889 F. Supp. 1146 (N. D. Cal. 1995).

PELL GRANTS

In 1972, Congress reauthorized the Higher Education Act of 1965 and provided for the development of the need-based Basic Educational Opportunity Grants, more commonly referred to as "Pell grants." These grants were set up to help poor students, including inmates, obtain undergraduate degrees. In most circumstances, a Pell grant covers only part of the cost of going to school and must be combined with some other form of financial assistance to enable a person to pay for his or her education. Though inmates received less than 2% of the monies awarded to students in the early 1990s, opposition to any financial aid for inmates was so high that the federal government eliminated Pell grants for inmates via the Violent Crime Control Act of 1994.

HISTORY

Inmate education programs have existed in some form since the earliest penitentiaries. Prior to the 20th century, most courses in the prison system focused on work and religion. In the 1960s, educational programs started to provide inmates with adult basic education, secondary education, and eventually postsecondary education. In 1965, there were only 12 postsecondary educational programs available nationwide for inmates. By the early 1980s, due to Pell grants, 27,000 inmates were enrolled in 350 programs nationwide. This number continued to increase, so that by the early 1990s there were more than 38,000 inmate students enrolled in postsecondary educational programs in 92% of the nation's correctional systems.

Following the passage of the Violent Crime Control Act, however, the numbers of individuals behind bars who can afford to take college classes has fallen dramatically. For example, according to Bureau of Justice Statistics (1994), in 1991, 13.9% of the state prison population and 18.9% of the federal prison population were enrolled in college-level courses. The most recent data available by the Bureau of Justice Statistics, in 1997 (Stephan, 1997, p. 20), reports these numbers decreased to 9.9% and 12.9% respectively. In the absence of financial aid for the majority of the inmates who were without the resources needed to support post-secondary offerings, states and cooperating colleges and university systems discontinued their programs.

THE CASE FOR AND AGAINST PELL GRANTS

To their supporters, Pell grants enabled prisoners to develop intellectually and socially by enrolling in university and college courses. They also involved tertiary institutions in the everyday life of penal institutions, thereby bridging the gap between the incarcerated and free populations. Perhaps most important, research revealed that inmates enrolled in postsecondary educational programs have continually shown to have lower recidivism rates than those not involved in these programs. Indeed, education and recidivism have an inverse relationship; as the level of education increases, the likelihood of rearrest, conviction, and reincarceration decreases.

To their critics, however, prisoners have no right to financial aid from the state. Legislators, some asserting inaccurately that law-abiding citizens were being displaced by criminals receiving federal aid for their education, evoked the long-held "principle of least eligibility" that no prisoner should have benefits not available to the working poor. Thus, Senator Jess Helms in 1991 argued that taxpayers were paying for inmates to get college tuition while law-abiding citizens were still struggling to pay for the same privilege. Though this argument appears to be somewhat overstated, given the small proportion of Pell grants that ever were earmarked for inmates, Helms's position provided a basis for the dismantling of the educational programs.

Some authors have pointed out not only the statistical inaccuracy in Helms's statement, but also his assumption that inmate students were not a part of a social economic class in need of tuition assistance or Pell grants. In 1991, 53% of the nation's inmates earned less than $10,000 a year (Bureau of Justice Statistics, 1994). Thus, except for their imprisonment, these inmates would have been eligible for Pell grants.

Finally, one has to look at the effect the changes in Pell grant eligibility for inmates had on minority inmates in the United States. Because members of minority groups have higher rates of incarceration in the United States compared to white citizens, they are greatly affected by the decline of postsecondary educational programs in the prison system. In 1986, 61% of those incarcerated were black, Hispanic, or of another minority race, while in 1991 the number rose to 65%. Research from the Justice Policy Institute (2003) has found that not only are states increasingly spending more money on incarceration than on higher education, but there are also more African American males in state prisons than in higher education. For instance, between 1980 and 2000, Texas added "four times the number of African American males to its prison system than it did to its colleges and universities" (Justice Policy Institute, 2003, p. 12). Because African Americans are more likely to face incarceration than white Americans, they are also those most affected by the change in inmate eligibility for Pell grants.

CONCLUSION

Over the years the cost of incarceration has risen dramatically. Though most of the additional expense is due to the increased number of people behind bars and thus could be reduced by incarcerating fewer people, many believe that we should save money by spending as little as possible on inmates and prisons. In this view, education is often presented as an unnecessary luxury. However, much evidence suggests the inverse may be true, since inmates who participate in classes are much less

likely to reoffend than those who have not. Thus, when inmates were eligible for Pell grants, recidivism rates were in the single digits. These days reoffending rates are as high as 60%.

Moreover, postsecondary education costs relatively little on top of the annual expense of confining an individual. The average cost of incarceration per day, per inmate in the United States is $57.92, or just over $21,000 a year, whereas the annual cost for an inmate student to be involved in postsecondary educational programs is a mere $2,500. Though it would entail some initial expenditure, increasing the number of inmates in further education would in the long term save states money by reducing the cycle that fuels imprisonment.

—Alexis J. Miller

See also Adult Basic Education; College Courses in Prison; Education; General Educational Development Exam and Equivalency Diploma; Rehabilitation Theory

Further Reading

Bureau of Justice Statistics. (1994). *Comparing federal and state prison inmates* 1991 (NCJ-145864). Washington, DC: Bureau of Justice Statistics. Retrieved September 10, 2004, from http://www.ojp.usdoj.gov/bjs/abstract/cfaspi91.htm

Harlow, C. W. (2003, January). *Education and correctional populations.* Bureau of Justice Statistics Special Report. Retrieved September 2, 2003, from http://www.ojp.usdoj.gov/bjs/abstract/ecp.htm

Justice Policy Institute. (2003). *Cellblocks or classrooms?: The funding of higher education and corrections and its impact on African America men.* Retrieved September 3, 2003, from http://www.justicepolicy.org/article.php?list=type&type=20

Langley, P. S. (1999, November). *Corrections education: A Learning Profiles special report.*

Littlefield, J. F., & Wolford, B. I. (1982). A survey of higher education in U.S. correctional institutions. *Journal of Correctional Education, 33,* 14–18.

National Institute for Literacy. (2003). *Correctional education facts.* Retrieved September 3, 2003, from http://www.nifl.gov/nifl/facts/correctional.html

Stephan, J. (1997). Census of state and federal correctional facilities, 1995 (NCJ 166582). Washington, DC: U.S. Department of Justice. Retrieved September 10, 2004, from http://www.ojp.usdoj.gov/bjs/abstract/csfcf95.htm

Steurer, S. J., Smith, L. G., & Tracy, A. (2001, September). *Three state recidivism study.* Washington, DC: U.S. Department of Education, Office of Correctional Education. Retrieved September 3, 2003, from http://www.ceanational.org/

Taylor, J. M. (1992). Post-secondary correctional education: An evaluation of effectiveness and efficiency. *Journal of Correctional Education, 43,* 132–141.

Tewksbury, R., Erickson, D. J., & Taylor, J. M. (2000). Opportunities lost: The consequences of eliminating Pell grant eligibility for correctional education students. *Journal of Offender Rehabilitation, 31,* 43–56.

Tewksbury, R., & Vannostrand, L. M. (1996). Environmental and interactional barriers to job satisfaction for postsecondary correctional educators. *The Prison Journal, 76,* 275–293.

Western, B., Schiraldi, V., & Ziedenberg, J. (2003, August). Education and incarceration. *Justice Policy Institution.* Retrieved September 3, 2003, from http://www.justicepolicy.org/article.php?list=type&type=52

Williford, M. (Ed.). (1994). *Higher education in prison: A contradiction in terms?* Phoenix, AZ: Oryx.

Wright, M. C. (2001). Pell grants, politics and the penitentiary: Connections between the development of U.S. higher education and prisoner post-secondary programs. *Journal of Correctional Education, 1,* 11–16.

PELTIER, LEONARD (1944–)

Leonard Peltier has been imprisoned since 1977 for the June 26, 1975, shoot-out between members of the American Indian Movement (AIM) and the Federal Bureau of Investigation (FBI) at the Pine Ridge Indian Reservation in South Dakota, in which two federal agents were killed. He is currently in Leavenworth (Kansas) Federal Penitentiary, where he is serving two consecutive life sentences. To people around the world, Peltier is a symbol of the history of injustice against indigenous people. Amnesty International considers him a political prisoner, targeted for his activism.

PELTIER'S BACKGROUND

Peltier came from a large family of 13 siblings who lived in poverty on the Anishinabe (Chippewa) Turtle Mountain Reservation, just south of the Canadian border in North Dakota. At age eight, he was forced to attend a residential boarding school run by the U.S. government, where he was forbidden to speak his native language of the Anishinabe

and Lakota nations. After he returned, the government closed the reservation at Turtle Mountain and withdrew all federal assistance, causing terrible hunger and poverty among its inhabitants. At this point Peltier witnessed protests against these policies, and he had his first run-ins with the law. He served two weeks in jail for siphoning diesel fuel from a truck to heat his grandmother's home. At this time he also dropped out of school.

In 1965, Peltier moved to Seattle, where he worked with other Native people. His political consciousness was further awakened as he traveled to different Native communities and became involved in various struggles. The American Indian Movement formed in 1968, and Peltier was involved in the Denver chapter.

In 1970, Peltier participated in an occupation of abandoned buildings near Seattle to test federal law giving Indians rights to lands abandoned by federal agencies. The activists were beaten and jailed. Later Peltier joined the 1972 Trail of Broken Treaties caravan to Washington, D.C., where AIM occupied the Bureau of Indian Affairs offices. Upon returning to Milwaukee, Peltier was arrested for a fight with police and spent five months in jail awaiting trial. After bailing out from jail, Peltier went underground, fearing he would not get a fair trial. He resurfaced in 1975 at the Pine Ridge Indian Reservation in South Dakota, where he went in response to the request of Native elders.

CASE FACTS

In the early and mid-1970s, the Pine Ridge Reservation was fraught with problems. The Tribal Chairman, Dick Wilson, and his Guardians of the Oglala Nations (GOON) squad, armed by the FBI, ruled the reservation, often harassing those who opposed them. During this time period, 64 local Natives were murdered and 300 were harassed or beaten. The FBI's Counter Intelligence Program (COINTELPRO) targeted AIM as a dissident group, and more than a hundred FBI agents occupied Pine Ridge.

On June 26, 1975, the FBI entered the Jumping Bull Ranch, ostensibly looking for a young Native man who had stolen a pair of boots. Many AIM activists were camping on the property. A shoot-out ensued in which two FBI agents, Jack Coler and Ron Williams, and an Indian man, Joe Stuntz, died. Murder charges were brought against Peltier, Dino Butler, and Bob Robideau. Butler and Robideau were acquitted on the grounds of self-defense, after they submitted information about the regime of fear and terror that existed at the reservation at the time. Peltier, in contrast, fled to Canada, convinced he would not receive a fair trial. He was extradited on a falsified affidavit from a Native American woman, Myrtle Poor Bear, who later recanted her testimony that she saw him murder the agents. In fact, she had never met Peltier and was not present at the shoot-out.

Photo 1 *Leonard Peltier being led across Okalla Prison exercise yard, 1976*

To his supporters, Peltier's trial was rife with inconsistencies. Many suggest that witnesses were intimidated and the FBI suppressed evidence. In addition, the reliability of the government's ballistics evidence is disputed.

LIFE IN PRISON

While in prison, Peltier has suffered serious medical conditions, including a stroke that has left him

partially blind in one eye, a debilitating jaw condition that makes him unable to chew properly, diabetes, high blood pressure, and a heart condition. Despite the restrictions that result from these ailments, Peltier is an artist, a writer, and a humanitarian. He organizes and contributes to charitable causes such as clothes drives, Native American scholarship funds, and programs for battered women. He also makes art, and is the author of *Prison Writings: My Life Is My Sun Dance* (1999), a memoir that speaks powerfully to Indian identity and their treatment by the U.S. government.

CASE UPDATE

At the end of 2002, there were several measures pending to seek Peltier's release. His attorneys continue to seek full release through the Freedom of Information Act of all documents related to the case. A civil rights suit was filed April 4, 2002, against the FBI and other government officials, the Parole Commission, the Justice Department, and the president. Attorneys also filed a habeas corpus suit against the U.S. Parole Commission in 1999 over the repeated denial of parole. This suit has languished in the district court.

CONCLUSION

Many believe that Leonard Peltier is an innocent man incarcerated by the federal government as a warning to other activists. The virulence with which he was pursued and the inconsistencies in his case have only reinforced the determination of people working for justice everywhere. The history of violence and terror at Pine Ridge at the time of the case and the rampant anti-Indian sentiment made it impossible for Peltier to receive a fair trial. While all his appeals have been denied, Judge Heaney of the Court of Appeals of the Eighth Circuit wrote a letter in 1991 to Senator Inouye reversing his previous positions and stating that "the United States government must share responsibility with the Native Americans for the . . . firefight . . ." and recommended clemency or commutation of Peltier's sentence. Release of 100,000 FBI documents through the Freedom of Information Act may provide key evidence needed to free Leonard Peltier.

—Lori B. Girshick

See also Activism; Critical Resistance; Angela Y. Davis; George Jackson; Malcolm X; Native American Prisoners; Native American Spirituality; Political Prisoners; Puerto Rican Nationalists; Resistance

Further Reading

Churchill, W., & VanderWall, J. (1988). *Agents of repression.* Boston: South End.

FreePeltier.org. (2004). The case of Leonard Peltier: Native American political prisoner. Retrieved September 10, 2004, from www.freepeltier.org

Peltier, L. (1999). *Prison writings: My life is my sun dance.* New York: St. Martin's.

Ross, L. (1998). *Inventing the savage: The social construction of Native American criminality.* Austin, TX: University of Texas Press.

PENNSYLVANIA PRISON SOCIETY

The Pennsylvania Prison Society was founded in 1787. The oldest prison reform organization in the United States, it was originally known as the Philadelphia Society for Alleviating the Miseries of Public Prisons. Today, the society continues to advocate for the humane treatment of prisoners and improved prison conditions while assisting discharged offenders.

MISSION

The mission of the Pennsylvania Prison Society "is to advocate for a humane, just and restorative correctional system, and to promote a rational approach to criminal justice issues." Among its stated goals are the following:

- To monitor correctional facilities within the Commonwealth of Pennsylvania, advocating for remedial action where unsafe or inhumane conditions exist, and to urge the reaction and maintenance of constructive institutional environments.
- To ensure development and implementation of policies that will improve prison conditions and

programs, and to challenge corrections professionals to remain informed about innovations in the field and apply them.

- To support prisoners, their families, and those recently released in their efforts toward self-help and development, and to reduce their pain and misery through visitation, services, and intervention.

- To advocate for rational and progressive criminal justice legislation and programs, recognizing our overuse of incarceration as a failed experiment in crime control. To, therefore, substantially reduce the use of incarceration, through the implementation or more appropriate correctional settings.

- To inform, educate, and mobilize the public to promote correctional reform in Pennsylvania and to coordinate the networking and exchange of information among constituencies engaged in these efforts and similar activities involving criminal justice reform. (Pennsylvania Prison Society, 2002)

CURRENT PROJECTS

The Pennsylvania Prison Society is active in a number of different areas, each of which seeks to influence theories, understanding, and practices of punishment. Thus, it works to maintain the historical Eastern State Penitentiary as a museum, it publishes an influential academic journal, and it initiates numerous alternative penal practices and inmate-centered activities.

Eastern State Penitentiary

The original members of the Philadelphia Society for Alleviating the Miseries of Public Prisons advocated that inmates should be held in silence and solitary confinement. Such views became incorporated into the Pennsylvania system of imprisonment that was, in turn, embodied by the Eastern State Penitentiary. Although no longer in favor of solitary confinement, the society maintains its ties with Eastern State. It is, for example, currently involved in preserving the facility (closed since 1975) and establishing a center for correctional scholarship within it. In 1980, Philadelphia paid the state of Pennsylvania $400,000 for the prison, and the facility was reopened as a museum, with much support from the society. In 1996, the society was awarded a 10-year license to further develop the facility. An average of 25,000 people visit the museum every year.

The Prison Journal and Other Publications

Since 1921, the society has published the *Prison Journal*, which was established in 1845 as the *Journal of Prison Discipline and Philanthropy*. The journal examines theory, research, policy, and practice in the areas of adult and juvenile incarceration while addressing correctional alternatives and penal sanctions. It is one of the primary scholarly journals of prison research in the world.

The society also publishes an official quarterly newsletter, *Correctional Forum*, and since 2002, *Graterfriends*, a monthly prisoner advocacy newsletter devoted to providing inmates and families current correctional and legal information and legislative updates. The society receives funding from a number of sources, including the United Way, and is made up of members from diverse backgrounds and interests.

Alternative Penal Practices and Inmate Activities

Members of the Pennsylvania Prison Society campaign against the death penalty, examine alternative sentencing initiatives, and are currently challenging a 1997 referendum in Pennsylvania that made it difficult for life and death sentences to be commuted. The society also runs numerous community outreach programs, providing speakers knowledgeable about various criminal justice issues to community organizations and educational institutions.

In addition to such large-scale initiatives, the society operates a number of smaller, prisoner-centered programs. Thus, the society provides transportation to state correctional facilities for families of prisoners on a regular basis. The society also teaches parenting education classes to prisoners and offers services to elder prisoners that address the special needs of the rapidly growing population of inmates over the age of 50. In 1998, the society also supported the move to reinstate the voting rights of ex-offenders. In the Restorative Justice Program, the society approaches restorative justice from the perspective of the offender, running a

number of 20- to 24-hour restorative justice seminars with inmates, correctional staff, and others from the community as participants. Finally, the society currently funds an inmate-designed project known as the "Day of Responsibility," which involves a daylong seminar in which 75 inmates explore the meaning of individual responsibility through conversations with and presentations by speakers including offenders, victims, families, and representatives from the prison and community. The day ends with each participant being given the opportunity to sign the Prisoner's Pledge, written by an inmate in a Pennsylvania prison.

CONCLUSION

The Pennsylvania Prison Society is the oldest and one of the most active prison reform groups in the United States. In recognition of its continuing historic role of monitoring prison conditions and advocacy for humane treatment of prisoners, the General Assembly of Pennsylvania declared May 8, 1987, as Pennsylvania Prison Society Day. In 2002, the society received the Louis D. Apothaker Award, given annually by the Bar Foundation of Philadelphia to a non-legal group that has made significant contributions to the pursuit of equal justice. Both honors reflect growing recognition of the need for such reform groups in this country.

—Charles B. Fields

See also Abolition; Activism; Eastern State Penitentiary; Pennsylvania System; Philadelphia Society for Alleviating the Miseries of Public Prisons; Prison Monitoring Agencies; Restorative Justice; Benjamin Rush; Quakers

Further Reading

Barnes, H. E. (1968). *The evolution of penology in Pennsylvania.* Montclair, NJ: Patterson Smith.

Pennsylvania Prison Society. (May, 2002). *Executive director's annual report 2001.* Philadelphia: Pennsylvania Prison Society.

Teeters, N. K. (1937). *They were in prison: A history of the Pennsylvania Prison Society, 1787–1937.* Chicago: John C. Winston.

Teeters, N. K. (1962). Citizen concern and action over 175 years. *The Prison Journal, 42*(Spring), 5–36.

PENNSYLVANIA SYSTEM

The *Pennsylvania system* was a model of penal discipline that included hard labor, penitence, and the solitary confinement of inmates. This approach, often referred to as "separate confinement" or "isolation," is based on the philosophy of English penal reformer John Howard, and was supported by the Quakers of Pennsylvania in the late 1700s and early 1800s. They believed that solitary confinement with religious instruction and industry would reform inmates and turn them into good citizens. Solitary confinement was thought to be an effective punishment because it contrasted with the social nature of human beings.

The Walnut Street Jail was the first institution in which the Pennsylvania system was employed in the United States. In 1790, a small building was built on the grounds of the existing jail to hold prisoners in solitary confinement. This building was followed approximately 30 years later by the Eastern Penitentiary in Pennsylvania, which was the first penal institution specifically designed to operate as an institution of solitary confinement for all inmates. It opened in 1829, and was designed by architect John Haviland. Each cell was self-contained, with a private exercise yard. Prisoners worked, ate, slept, and exercised alone.

The Pennsylvania system did not last very long. Problems of overcrowding and the immense costs involved in building cellular institutions, in addition to accusations of cruelty and high rates of suicide and madness within the inmate community, ended it by 1866. The rival of the Pennsylvania system, the Auburn "silent system" or "congregate system," in which inmates worked together in silence, went on to become the more popular model for penitentiaries in the United States and abroad.

INSPIRATION FOR REFORM

The English settlers who came to the American colonies brought the English legal codes with them. Individuals convicted of crimes were sentenced to public corporal punishment, capital punishment, or banishment. However, partly as a response to their

own experiences in England, where Quakers were persecuted and suffered harsh punishments, the Quakers of Pennsylvania believed that offenders should be treated differently. They thought that offenders could be reformed through contemplation and penance. In light of these views, several Quakers, who were also elite members of Philadelphia society, established the Philadelphia Society for Alleviating the Miseries of Public Prisoners on May 8, 1787. There were 37 founding members, including Quakers such as Dr. Benjamin Rush and non-Quakers such as Benjamin Franklin.

The society began by working to appeal a Pennsylvania law stipulating public hard labor and petitioning the Executive Council of the Commonwealth to expose the poor conditions of the Walnut Street Jail in Philadelphia. Prior to the work of the society, all inmates, regardless of their sex, age, or crime, were held in severely crowded areas where sexual activity and the drinking of alcohol were commonplace. Those in the Philadelphia Prison Society believed that these conditions were inhumane and, moreover, would make offenders worse than they were before incarceration. Thus, following John Howard, they suggested that solitary confinement, hard labor, and an abstinence from liquor would be the best way to reform inmates. On April 5, 1790, the Pennsylvania legislature responded by passing an act stipulating that "hardened and atrocious offenders" should be subject to solitary confinement, and as a result, the Pennsylvania system of prison discipline would become a reality (Teeters & Shearer, 1957, p. 10).

THE WALNUT STREET JAIL

In response to the act, a three-story cell house with cells 6 feet wide, 8 feet long, and 9 feet high was erected in the yard of the Walnut Street Jail. Here, all the hardened criminals of the commonwealth of Pennsylvania would be housed in solitude with hard labor. The idea was to both punish and reform those convicted of crimes while separating the more hardened criminals from less serious offenders. The three-story building was thus, according to some, the first penitentiary.

Enforcing solitude and hard labor at the Walnut Street facility, however, proved to be difficult. In particular, overcrowding made it difficult to keep jail inmates separate from those confined to prison. Additionally, the administration of one institution holding both state and county inmates caused many problems, including the management of both county and state funding. Thus, the Philadelphia Prison Society persuaded the legislature to build two new penitentiary facilities, the Western Penitentiary near Pittsburgh and the better known Eastern State Penitentiary at Cherry Hill outside of Philadelphia, where the philosophies of hard labor and solitary confinement were to be instituted.

EXPANDING THE PLAN: BUILDING A NEW PRISON

Five architects submitted designs for the Cherry Hill prison, but only those by William Strickland and John Haviland were seriously considered. In the end, Haviland's plan was used. In designing the massive penitentiary, Haviland, an associate of John Howard, appears to have been influenced by the Maison de Force at Ghent in Belgium.

At a cost of $772,000, the Eastern State Penitentiary of Philadelphia at Cherry Hill was the most expensive building of its time and the first of that scale to have centralized heat and indoor plumbing. Surrounded by a 30-foot-high stone wall, the penitentiary was built in a radial design with each of seven rows of cellblocks radiating out from a central hub, like spokes on a bicycle wheel. Bigger than most modern cells, each was 7 feet by 12 feet with an 8-inch window for light in the 16-foot- high ceiling and an attached private exercise yard. Cells were built to house one prisoner and were furnished with a fold-up steel bed, simple toilet, stool, workbench, and utensils. Their doors were built with a "feeding drawer and peep hole" that permitted the prison keepers to see into the cell and feed the inmates while preventing the inmates from seeing the keepers (Teeters & Shearer, 1957, p. 70).

Eastern State Penitentiary Opens

The first inmate, Charles Williams, was received by Eastern State Penitentiary on October 25, 1829, to serve a two-year sentence for larceny. Following the philosophy of separate confinement, the architectural design made it nearly impossible for Williams and the other inmates to see or communicate with one another. The prison policy of placing hoods over inmate's heads when transporting them to or from their cells further prevented communication between offenders. Men, women, and juveniles both African American and white were held at Eastern State Penitentiary until 1923, when the State Industrial Prison for Women was built.

Day-to-Day Life Under Solitary Confinement

Inmates spent their time in isolation working at a craft such as shoemaking, carpentry, weaving, or spinning. They were also permitted to read scripture and exercise for an hour a day in their private yards. Inmates in the Pennsylvania system were to work toward reform without distractions. They were forbidden from meeting or communicating with other prisoners. Nor were they permitted to have visitors, read newspapers, or have any other communication with the outside world. Inmates only saw the guards, and they were not permitted to speak to them.

With Worldwide Attention Come Critics

With more than 15,000 visitors during its first year, the Eastern State Penitentiary was a great curiosity for prison reformers around the world. For example, Charles Dickens visited in 1842 and was one of few visitors who found great fault with the Pennsylvania system's practice of separate confinement. According to Teeters and Shearer (1957), Dickens wrote about the prison in "such terms of vituperation that the members of the Philadelphia Prison Society were compelled to repair the damage he had wrought throughout the world" (p. 114). Dickens had found the system cruel and strict, and he believed that the lack of human contact among the inmates caused many to go insane.

At this same time, New York prison reformers were advocating for a rival system of prison organization known as the "congregate system" or "Auburn silent system." Like those who supported the Pennsylvania system, proponents of the Auburn silent system advocated hard labor for inmates. However, in the Auburn system, the inmates worked together in absolute silence. Advocates of both systems spent much time and effort producing pamphlets and essays supporting each system, but in the end, the Auburn scheme found more supporters among those who built prisons in the United States. However, due to strong beliefs that crime was infectious, many European countries designed penitentiaries based on the Pennsylvania method.

THE END OF THE SEPARATE SYSTEM

Ultimately, the Pennsylvania system came to an end for two reasons. It was not only expensive and difficult to maintain, but also was thought by many to cause harm to inmates including mental illness. While the prison officials at Eastern State Pententiary asserted that the system was not harmful, numerous cases of mental illness among the inmates were believed to be caused by the complete isolation from other humans. Even before construction was completed on the Eastern State Penitentiary, the reality of physically maintaining a separate system became problematic. Though designed by Haviland to be one story, because of crowding, the final four blocks were built with two stories, making communication between prisoners in the lower and upper tiers much easier. By 1866, prisoners were placed in cells together at Eastern State Penitentiary as crowding forced the separate system to an end.

CONCLUSION

The Pennsylvania system of hard labor, penitence, and solitary confinement of inmates was believed by the Quakers of Pennsylvania to help reform inmates. Through the work of the Philadelphia Society, solitary confinement for all inmates was instituted, and the penitentiary was born. Though a complete system of solitary confinement of all inmates proved to be impossible to maintain and ultimately dangerous to the mental health of many

inmates, many of the Quakers' ideas about segregation and hard labor remain commonplace in contemporary penal systems. Practices of solitary confinement have not ended; they are now merely applied to smaller numbers of people.

—Kim Davies

See also Auburn System; Cesare Beccaria; Jeremy Bentham; Control Unit; Disciplinary Segregation; Eastern State Penitentiary; Elizabeth Fry; John Howard; Panopticon; Pelican Bay State Prison; Pennsylvania Prison Society; Benjamin Rush; San Quentin State Prison; Sing Sing Correctional Facility; Solitary Confinement; Supermax Prisons; Walnut Street Jail

Further Reading

Clear, T., & Cole, G. (1997). *American corrections*. Belmont, CA: Wadsworth.

Duffee, D. E. (1989). *Corrections practice and policy*. New York: Random House.

Loebell, L. (1987). *Let the doors be of iron* (A film by Hal Kirn & Associates).

Morris, N., & Rothman, D. J. (Eds.). (1995). *The Oxford history of the prison: The practice of punishment in Western society.* New York: Oxford University Press.

Nagel, W. G. (1973). *The new red barn: A critical look at the modern American prison*. New York: Walker & Company.

Philips, B. (1996). Eastern State Penitentiary: 140 years of reform. Retrieved March 15, 2003, from http://www.budgettechnologies.com/MollyMaguires/eastern.html

Teeters, N. K., & Shearer, J. D. (1957). *The prison at Philadelphia Cherry Hill.* New York: Columbia University Press.

Tewksbury, R. (1997). *Introduction to corrections*. New York: McGraw-Hill.

Walsh, M. (2003). Black hoods and iron gags: The Quaker experiment at Eastern State Penitentiary in Philadelphia. Retrieved March 15, 2003, from http://www.missioncreep.com/mw/estate.html

PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS

The Philadelphia Society for Alleviating the Miseries of Public Prisons was founded in 1787 by a group of prominent citizens in Philadelphia, including Benjamin Franklin and Dr. Benjamin Rush. Bishop William White was the society's first president. The society aimed to correct the abuses in the city jail, where offenders were confined together without regard to age, sex, race, or type of offense. Those who committed minor offenses were housed with more habitual criminals, and those awaiting trial who could not afford bail were placed together with those already convicted.

At this time, imprisonment was not a common punishment for criminal behavior. Instead, the death penalty was used extensively, and lesser offenses were punished by fines or brutal forms of corporal punishment, such as whipping, branding, and time in the stocks and pillory. Usually offenders were incarcerated before their real punishment was implemented.

The Philadelphia Society was not the first group to be organized in Philadelphia that was interested in the plight of prisoners and their families. In 1776, Richard Wistar established the Philadelphia Society for Assisting Distressed Prisoners, with the purpose of taking soup to starving prisoners. This earlier organization was very influential in changing much of the criminal law and improving jail conditions in Philadelphia, but was not long in existence.

ATTEMPTS AT REFORM

Members of the Philadelphia Society believed that prisons should not only remove dangerous criminals from society, but should also strive to reform inmates into law-abiding citizens. Their first recorded attempt to implement change was to introduce religious services into the Walnut Street Jail in 1787, against the opposition of the jail's administrators. One year later, in 1788, the society delivered its first public recommendation to the General Assembly for Pennsylvania in the form of a report. This document encouraged more private or solitary confinement and hard labor for prisoners, separation of hardened criminals from first offenders, segregation by sex, and the "prohibition of spiritous liquor among the criminals." A law passed the following year enacted all of the major recommendations put forth by the society.

Another early interest of the society was the repeal of a 1786 law that created the so-called

wheelbarrow men. The law called for felons housed in the Walnut Street Jail to be subjected to "hard labour, publicly and disgracefully imposed . . . in streets and towns, and upon the highways of the open country and other public works." Initially proposed as an alternative for certain capital offenders, this law forced inmates in brightly colored clothes to wear a ball and chain, attached to their ankles and carried in a wheelbarrow, and to dig ditches, repair roads, and do other work while "tethered like cattle." Because inmate food rations were so inadequate, prisoners also used this opportunity to beg for food. The practice so infuriated Benjamin Rush that he publicly denounced it even before the society was established. In 1790, the law was repealed, and hard labor moved into the jail; whether Rush or the society specifically had any great impact on this policy change can only be surmised.

BUILDING BETTER INSTITUTIONS

Though it is unclear whether the Philadelphia Society changed the wheelbarrow law, they certainly influenced a number of penal policy decisions in Pennsylvania throughout the 19th century. For example, the Philadelphia House of Refuge was built in 1828 at a cost of $38,000 (including the land) to separate juvenile delinquents from adult offenders housed in the Walnut Street Jail, and the Philadelphia Society was instrumental in its construction. The daily regime, while seemingly lenient and progressive when compared to the earlier situation, was nonetheless quite strict. The children arose at 4:45 A.M., began work at 7:30, and, with the exception of a dinner break, continued until 5:30. After supper and one-half hour of play, school lessons continued until bedtime at 8:00 P.M. As with other institutions of the time, the House of Refuge became increasingly overcrowded, and the society pushed for additional similar institutions and industrial schools.

Likewise, the Eastern State Penitentiary that was completed in 1829 and founded on the principle of solitude and enforced silence reflected much of the enthusiasm of members of the Philadelphia Society for the new "Pennsylvania" or separate system. Indeed, the architect of the penitentiary was the renowned John Haviland, a member of the society and designer of numerous county jails and the New Jersey State Penitentiary. Though they were not allowed frequent contact with inmates, members of the Visiting Committee of the Society visited prisoners on occasion as "official visitors."

WOMEN

With few exceptions, women were not allowed membership in the Philadelphia Society for almost 70 years after its inception. The first woman to be admitted as a regular member was Rose Steadman in 1858, although the famous reformer Dorothea Dix was given corresponding membership in 1844. Early records of the society showed cooperation with the Women's Society of Friends in Philadelphia, who supported the goals of the society. This group received an annual appropriation of $100 from the society to assist female offenders discharged from the Eastern State Penitentiary and the Philadelphia County Prison to readjust to life outside prison.

CONCLUSION

The Philadelphia Society for Alleviating the Miseries of Public Prisons has undergone numerous changes since its early beginnings in the 18th century. In 1844, for example, the society found it necessary to devise a more systematic method to disseminate to a wider audience the numerous letters, pamphlets, and other educational materials regarding its philosophies. The *Journal of Prison Discipline and Philanthropy* was first published as a quarterly in 1845 and in 1861 began appearing annually. The first editor was Dr. Frederick Adolphus Packard, a lawyer who joined the society in 1831. The first issues devoted surprisingly little attention to the history of the society or to the establishment of local penal institutions, focusing instead on prisons in England and penal reform in London. These days, this journal is known as the *Prison Journal* and is a crucial academic publication in the field of prison studies. In 1887, at the

celebration of its centennial, the society changed its name to the Pennsylvania Prison Society, which continues to work today for the improvement of prisons and the humane treatment of prisoners.

—Charles B. Fields

See also Auburn System; Eastern State Penitentiary; History of Prisons; History of Women's Prisons; Pennsylvania Prison Society; Pennsylvania System; Quakers; Benjamin Rush; Solitary Confinement; Walnut Street Jail

Further Reading

Barnes, H. E. (1968). *The evolution of penology in Pennsylvania*. Montclair, NJ: Patterson Smith.

Teeters, N. K. (1937). *They were in prison: A history of the Pennsylvania Prison Society, 1787–1937.* Chicago: John C. Winston.

Teeters, N. K. (1962). Citizen concern and action over 175 years. *The Prison Journal, 42* (Spring), 5–36.

PHYSICIAN ASSISTANTS

A physician assistant (PA) is a person who is qualified to render medical services under the direction and supervision of a licensed physician. PAs do not seek independent practice, direct reimbursement from third-party payers, or federal preemption from state practice acts. Rather, PAs support a team approach to health care and seek an integrated practice arrangement with a supervising physician who provides direction and oversight to the medical care that is rendered.

The position of physician assistant was created in the 1960s to improve primary care access in rural areas. The role quickly spread to all areas of health care, with individuals now working in tertiary, secondary, and primary centers in urban and rural locales. A PA's scope of practice will vary according to the state practice act and the supervising physician's practice. For example, depending upon the state practice act, PAs may have prescribing authority. Those working in correctional institutions typically manage trauma, perform minor surgery, conduct health assessments and sick call, and manage infirmary care patients.

EDUCATION

To become a PA, a person must graduate from an accredited PA educational program. To be accepted into a program, an applicant must undergo a rigorous application process and meet academic, experiential, and personal criteria. Applicants need a strong science background to meet prerequisites in chemistry, physics, anatomy, and physiology. There are 123 PA educational programs, whose training ranges from 24 to 48 months and which offer master's, bachelor's, or associate's degrees. An increasing number of physician assistants hold master's degrees. In 1998, only 27% of PA programs awarded master's degrees; however, in 2000 the profession adopted the position that training programs should prepare PA students at the graduate level of education. As a result, in 2003, 54% of PA programs offered master's degrees.

PA program curricula typically average 1,153 hours of formal training, which is evenly divided between didactic and clinical phases. In the didactic phase, students are trained in basic medical, behavioral, and social sciences. Typical core courses in the first year include anatomy, physiology, pathology, pharmacology, ethics, and cultural competency. All PA programs have a clinical training component to their curriculum, where PA students undergo training in family practice, internal medicine, surgery, cardiology, orthopedics, and gynecology. Some PA programs have clinical rotations in correctional institutions. To complete a training program successfully, PA students must demonstrate mastery of core competencies in a variety of fields, including human anatomy and physiology. They must also be adept at interviewing, patient communication, and general physical examination skills.

Like the physicians they assist, PAs are taught a systemic, focused approach to patients, concerning the medical history and physical examination for cardiology, dermatology, infectious diseases, ophthalmology, otorhinolaryngology, pulmonology. nephrology, hematology, oncology, gastroenterology, urology, rheumatology, orthopedics, emergency medicine, endocrinology, geriatrics, neurology, obstetrics and gynecology, pediatrics, and surgery. They

are also expected to master universal precautions, venipuncture, ophthalmology examination, slit lamp function, auscultation, basic electrocardiogram (EKG) interpretation, basic life support, nasogastric tube insertion, urinary catheterization, prostate and rectal examinations, casting and splinting skills, macro and micro urinalysis, manual complete blood count, advanced cardiac life support, basic suturing skills, pelvic and Pap smear skills, and mental status and neurological examination.

In order to practice, physician assistants must understand health policy and health care ethics, nutrition assessment, and dietary history. They also need to know basic principles of pharmacokinetics, pharmacodynamics, and pharmacotherapeutics, comprehending the mechanisms of actions, toxicities, and interactions of specific drugs and drug classes. They are expected to possess skills, knowledge, and sensitivity in order to identify a variety of psychological, emotional, and social concerns that are presented by patients in health care settings. Finally, they must demonstrate familiarity with diverse communities, to understand social, environmental, and cultural factors that impact a patient's health, as well as possess critical thinking skills for clinical practice, including research design and methodology, epidemiology, and principles of evidence-based medicine.

CERTIFICATION

The majority of state medical examining boards require the PA to pass a national certifying examination through the National Commission on Certification of Physician Assistants (NCCPA). Individuals who achieve and maintain national certification may use the designation "PA-C." To maintain national certification, a PA-C must acquire 100 hours of continuing medical education every two years, and successfully pass a recertification process every six years. State regulatory boards will license, register, or certify a PA to practice medicine and surgery under the supervision of a licensed physician. This license, certification, or registration must be renewed on a specified cycle (e.g., annually, biannually, or triannually). In order to provide health care in state or local jails or prisons, a PA graduate must obtain approval from a state licensing board. Those working in the Federal Bureau of Prisons system, however, do not need this certification.

CORRECTIONS

The PA profession has no specialty certification or recognition of correctional medicine per se. However, many PAs obtain national certification through the Certified Correctional Health Professional Board of Trustees and use the "CCHP" designation. The CCHP certification recognizes a practitioner's knowledge of standards of care and the specialized legal and ethical principles and nuances of rendering health services to incarcerated populations.

In 2003, the American Academy of Physician Assistants estimated that there are nearly 2,000 PAs who are directly employed by a correctional institution. However, this figure does not reflect the number of PAs who are employed by solo, group, university, or hospital practices that have contracts with local jails or prisons. As a result, we do not know how many of the 55,000 practicing PAs render health care to incarcerated adults and youth.

CONCLUSION

The number of physician assistants has grown steadily since this profession was first established. This growth is due in part to the professionalism that PAs demonstrate, as well as to their cost effectiveness. Studies have demonstrated that PAs in competitive markets can provide a high level of service with minimal cost. In 2002, PA salaries averaged $63,490.

The future continues to look bright for the PA profession. The Employment and Training Administration of the U.S. Department of Labor in its 2005 fiscal year budget briefing reported exceptional need for physician assistants between 2000 and 2010, with the demand for qualified PAs at 57% employment growth. Opportunities for PAs in correctional medicine will remain high as well, since the need to provide cost-efficient, quality health services will rise with an ever-increasing incarcerated population.

—R. Scott Chavez

See also Dental Care; Doctors; Eighth Amendment; *Estelle v. Ruiz;* Gynecology; Health Care; Mental Health; Optometry; Women's Health Care

Further Reading

American Academy of Physician Assistants. (n.d.). Retrieved from www.aapa.org

Association of Physician Assistant Programs. (n.d.). Retrieved from http://www.apap.org/

National Commission on Certification of Physician Assistants. (n.d.). Retrieved from http://www.nccpa.net/

National Commission on Correctional Health Care. (n.d.). Retrieved from www.ncchc.org

PLANTATION PRISONS

The plantation model of imprisonment is an overall structure and philosophy of punishment that grew out of racist assumptions about the abilities of the mostly black convicts in the South who, initially, were former slaves. Traditional features of slave plantations combine to form the ideal type of the plantation model of imprisonment. Elements of this model are as follows: (1) agricultural work, (2) isolation, (3) plantation mentality, (4) mostly black prisoners, (5) worthlessness of convicts, (6) neglect of rehabilitation, and (7) emphasis on economy (Foster, 1995, p. 4). As Mark Carleton (1971) observes, "The survival of agricultural operations within the penal system . . . suggests that the terms 'convict,' 'slave,' 'Negro,' and 'farm work' have remained unconsciously interchangeable" (p. 7).

HISTORY AND DEVELOPMENT

Southern imprisonment practices did not follow the same pattern as those in the North. Antebellum Southern states did not embrace the penitentiary idea that imprisonment could change or reform the convict as enthusiastically as did their Northern counterparts. With few exceptions, the small number of Southern prewar penitentiaries were reserved for white men; slaves or women were rarely found in these institutions. Slavery controlled the South's lower classes.

Most Southern penitentiaries were damaged during the Civil War and, in any case, were not equipped to house the swelling numbers of prisoners, most of whom were freed slaves. Instead, Southern states soon leased out their prisoners to entrepreneurs and businesses. Some states required the lessee to pay a certain per capita amount to the state. Others gave away complete control of the convicts for nothing; others even paid the lessees to take the prisoners off their hands. Contrary to Northern leasing practices that limited leasing operations to the penitentiaries' sites, Southern states contracted out both male and female convicts to build railroads, levees, and roads and to work in mines and on former plantations. Free from state supervision, some lessees literally worked the prisoners to death. Unlike the previous system of slavery, they did not own the convicts and, consequently, often did not care about their welfare. When one died, they got another.

EMPHASIS ON ECONOMY

Many Southern entrepreneurs who leased convicts became very wealthy from their leasing enterprises. State legislators reasoned that such lease profits rightfully belonged to the state. Simultaneously, leasing ended in the early 1900s as railroad building subsided and road building was designated to local governments. Resuming control of the prisoners, Southern states turned to penal farms as a temporary solution to convict employment problems and "as a supplement which furnished work to certain unproductive classes" (Zimmerman, 1951, p. 466): women, children, the old and infirm. In Arkansas, Louisiana, Mississippi, and Texas, the temporary penal farms developed into penal plantations that became the hub from which the entire system radiated. Consequently, the plantation model of imprisonment emerged in its most pure form in these four states.

STATE PRISON PLANTATIONS

Southern states purchased thousands of acres of property, often from the descendants of slave plantation owners. Louisiana and Mississippi eventually restricted their farm operations to one remote geographical location each. Louisiana's Angola is now 18,000 acres, while Mississippi's Parchman was

20,000 acres at one time. Arkansas established two farms: Tucker for white convicts and Cummins for black women and men. Cummins also housed a death row. By 1960, Tucker encompassed 4,500 acres, while Cummins was 16,600 acres. Texas differed from the other states in that it developed multiple penal farms.

The geographic structure of plantations naturally led to isolation. Parchman, Mississippi, was located in an "inland wilderness" in the late 1800s. Even today, the only civilian access to Angola, Louisiana, is 20 miles down a narrow, curving, two-lane country road. Such remoteness has also kept these institutions out of the public eye except for the occasional news exposé, after which state and federal legislative and civilian commissions would be formed to investigate the institutions. Reports and policy recommendations would be made, most often to little or no avail. No fewer than five investigating committees, beginning in the 1930s, recommended that women be transferred away from Angola. They were not transferred until 1961, and even then remained under the administration of Angola for nearly a decade.

AGRICULTURAL WORK AND BLACK PRISONERS

Initially, work on these plantation prisons was almost exclusively agricultural. A 1968 report by the Southern Regional Council castigated Mississippi for harvesting half of its cotton crop at Parchman by hand with prison labor. Incredibly, nearly 20 years later, in 1985, inmates picked all the cotton by hand, as there were no mechanical pickers at the Mississippi State Penitentiary (State Prison Inmates, 1985, p. 14). Practices are similar even to this day in Louisiana. All prisoners admitted to Angola must serve their first 90 days working in the fields, and many of them spend the rest of their lives there.

Historically, agricultural work was believed to be suited to the South's "ignorant classes" (Perkinson, 2001, p. 73). Mississippi's Governor Vardman, who took charge of developing Parchman in the early 1900s, believed that

> a good prison, like an efficient slave plantation, could serve to socialize young blacks within the limits of their God-given abilities. It would not raise their intelligence or their morality, but it could teach them proper discipline, strong work habits, and respect for white authority. (Oshinsky, 1996, p. 110)

Texas legislators made similar observations about their black and Mexican convicts: "The limited capacity of these races to acquire technical knowledge . . . as well as their general adaptability to farm work, indicate the advisability . . . [of] employing [them] on farms" (Perkinson, 2001, p. 110). Such beliefs about prisoners' limited abilities not only strengthened the plantation prison but also subtly reinforced Southern segregation. Upon release black and Mexican prisoners were able to do only agricultural work. This racist ideology also illustrates why Southern penal philosophy and practices excluded any ideas about changing the individual prisoner; it was presumed that black convicts (and Mexicans in Texas) were capable of doing only agricultural work. The organization and classification of prisoners echoed this view.

PLANTATION STRUCTURE AND MENTALITY

Generally, prisons use some kind of classification system with the purpose of separating prisoners from one another in terms of age, gender, and seriousness of crime. It is believed that separating young prisoners from older prisoners especially will prevent the young ones from being corrupted and becoming more criminal. Although couched in reformative language, early Southern prisons' classification schemes were similar to antebellum slave owners' workforce divisions. In Louisiana, for example, convicts were divided into four classes: first-class men accustomed to manual work were sent to the levees, where the work was most severe. Second-class men with moderate strength and abilities were assigned to the sugar plantations. Third-class men went to the cotton plantations (Angola), and the hospital was home to the fourth-class men. All white men, with few exceptions, and all females were assigned to Angola. Some white men were "sent to the other plantations and the levee camps

for commissary clerks, or *similar mental services*" (Carleton, 1971, pp. 100–101; author's emphasis).

Work on the prison plantation was organized in the same manner as on slave plantations. Both systems used captive labor, the former convicts and the latter slaves. A small staff of rural lower-class whites supervised black gangs "and mixed physical punishment with paternalistic rewards in order to motivate their workers" on both slave and prison plantations (Oshinsky, 1996, p. 139). Convicts were driven from sun up to sun down, or as they said, from "can to cain't." The few paid white civilian guards supervised the convict guards or trustees, who were the equivalent of slave drivers.

Plantation prisons were both literally and figuratively slave plantations, even in convicts' perceptions of themselves. Texas convicts resented the fact that they were being treated as slaves and blamed a 1911 revolt on "a slave driver" (Perkinson, 2001, p. 331).

GENDER

Fieldwork was not restricted to men only. Although women's main jobs were gender specific, such as making all prisoners' clothing and working in the canneries, Louisiana's convict women hoed the sugar cane stumps in 1938 and worked in the sugar cane refineries in the 1950s. Louisiana and Mississippi did not hesitate to use their women convicts in the fields also, especially when the harvest demanded more laborers. Interestingly, Mississippi even used both white and black women as trustees armed with rifles.

TREATMENT OF PRISONERS

By the 1900s, corporal punishment for prisoners had been abandoned—in law, if not in practice—by most states outside the South. However, it was still commonplace in Southern prisons, since it was believed that only physical punishment could adequately discipline blacks. Leather straps known as "Black Annie" in Mississippi and "Old Caesar" in Texas were used for whippings.

In 1933 alone, 1,547 floggings were administered, with a total of 23,889 blows in Louisiana. Prisoners could receive as many as 50 or 60 lashes at a time. White sergeants in Mississippi delegated the chore to the black trustees in the black camps. Whippings were administered on bare flesh, and were not limited to men. Louisiana convict women working in the cannery were lashed on their bare chests in front of the men. A 1960s exposé also revealed that lashings still were commonplace on the Arkansas plantation prisons after corporal punishment had been outlawed in every state (Murton & Hyams, 1969).

CONCLUSION

The Southern plantation model of imprisonment was based on the ideological and racist assumptions that blacks and Mexicans were inferior to white people. These ideas dominated Southern penal practices well into the late 1970s and early 1980s, until federal judges finally intervened in prison business. In fact, plantation prisons inspired some of the most hotly contested federal prison lawsuits in the 1970s and 1980s. *Holt v. Sarver* (1970) declared the entire Arkansas prison system to be in violation of the Eighth Amendment ban against cruel and unusual punishment and set the stage for federal takeovers in Louisiana, Mississippi, Texas, and elsewhere. Federal interventions were necessary; as Judge West observed about Angola in 1974, the conditions were so bad that they would "shock a civilized society."

Arkansas, Louisiana, Mississippi, and Texas have come a long way in the past 25 years; the worst characteristics of the plantation model have disappeared. However, the long line (all the field lines) returning to the main prison at the end of the day illustrates the "aura if not the reality of a plantation run with docile slaves" (Johnson, 2002, p. 46).

—Marianne Fisher-Giorlando

See also Angola Penitentiary; Convict Lease System; History of Labor; History of Prisons; Labor; Parchman Farm, Mississippi State Penitentiary; Prison Farms; Prison Music; Race, Class, and Gender of Prisoners; Racial Conflict Among Prisoners; Racism; Slavery

Further Reading

Ayers, E. L. (1984). *Vengeance and justice: Crime and punishment in the 19th-century American South.* New York: Oxford University Press.

Carleton, M. T. (1971). *Politics and punishment: The history of the Louisiana state penal system.* Baton Rouge: Louisiana State University Press.

Johnson, R. (2002). *Hard time* (3rd ed.). Belmont, CA: Wadsworth.

Mancini, M. (1996). *One dies, get another: Convict leasing in the American South, 1866–1928*. Columbia: University of South Carolina.

Murton, T., & Hyams, J. (1969). *Accomplices to the crime: The Arkansas prison scandal*. New York: Grove.

Oshinsky, D. M. (1996). *"Worse than slavery": Parchman Farm and the ordeal of Jim Crow justice*. New York: Free Press.

Perkinson, R. R. (2001). *The birth of the Texas prison empire*. Doctoral dissertation, Yale University.

Southern Regional Council. (1968). *The Delta Prisons: Punishment for profit*. Special Report. Atlanta, GA: n.p.

State prison inmates pick cotton. (1985, January). *Newsletter*. Jackson: Mississippi Department of Corrections.

Taylor, W. B. (1999). *Down on Parchman Farm.* Columbus: Ohio State University Press.

Zimmerman, H. J. (1951). The penal reform movement in the South during the Progressive Era, 1890–1917. *Journal of Southern History, 17*(November), 462–491.

Legal Case

Holt v. Sarver 30g F. Supp 362 (ED Ark. 1970)

PLATT, ANTHONY

Anthony Platt is a radical sociologist and criminologist who has written on a variety of topics, including riots, the history of the juvenile justice system, policing, and race. In his work he critically analyzes issues of social control, social disorder, and social theory. Platt is currently a professor of social work at California State University, Sacramento, where he has worked since 1977.

THE CHILD SAVERS

Within criminology, Platt's most well-known text is *The Child Savers: The Invention of Delinquency* (1977). In it, Platt analyzes the historical development of the child welfare and juvenile justice system in the United States. His study marked a decisive break with the liberal ideology that had previously depicted the development of the juvenile justice system as a benevolent and altruistic result of the enlightened middle classes. Instead, similar to other studies in the related fields of mental health (Rothman, 1971) and the prison (Ignatieff, 1978; Foucault, 1977), Platt portrays the child-saving movement as paternalistic, interventionist, and repressive. Thus he writes that:

> The child-saving movement was not a humanistic enterprise on the behalf of the working class against the established order. On the contrary, its impetus came primarily from the middle and upper classes who were instrumental in devising new forms of social control to protect their power and privilege. (Platt, 1977, xx)

The so-called child savers were 19th-century reformers who were concerned about the rights and welfare of the child. Most were white, middle-class, financially independent women. In many ways they embodied key liberal ideals of the Progressive era. Until the deconstructive and critical work of Platt, their actions were generally applauded, since they were instrumental in the ending of child labor and in the instigation of compulsory education. Many of these women operated specifically in the emerging urban ghettos and were inspired by a mixture of social health and welfarism. However, citing their roots and financial support from within the most powerful and wealthy sectors of society, Platt is clearly skeptical of the motivation for these women's philanthropic sentiments. Rather, he proposes that:

> the child-saving movement tried to do for the criminal justice system what industrialists and corporate leaders were trying to do for the economy—that is, achieve order, stability, and control, while preserving the existing class system and distribution of wealth. (Platt, 1969, p. xxii)

In fact, he even goes so far as to blame them for the development of ideas of delinquency by saying that:

> the origins of "delinquency" are to be found in the programs and ideas of [nineteenth century] social reformers who recognized the existence and carriers

> of delinquent norms. [The child savers] brought attention to—and in so doing, *invented*—new categories of youthful misbehaviour which had hitherto been unappreciated. (Platt, 1969, pp. 3–4; emphasis added)

In particular, according to Platt, the juvenile court system created by the reformers defined many behavioral characteristics of working-class and immigrant youth as criminal. In turn, this criminalization of behaviors forever connected delinquency with issues of race, ethnicity, and class. As a result, certain young people were more likely to be policed than others, and were also more likely to be placed in institutions.

CONCLUSION

Anthony Platt wrote about a number of topics, including the Berkeley student riots and affirmative action. In 1991, he published a biography of the largely forgotten early black sociologist E. Frazier Franklin. In terms of criminology, however, Platt is best known for his book *The Child Savers,* in which he documents how the treatment of young offenders began to change at the end of the 19th century when ideas of delinquency intersected with concepts of childhood.

By the turn of the century, Platt shows, children were treated differently in an institutional, educational, and psychological sense. They were also dealt different punishments than adults. Though in many ways an improvement on earlier means of dealing with young offenders, the new juvenile justice system had its own problems. In particular, it institutionalized negative assumptions about race and class that rendered certain youths and certain behaviors particularly vulnerable to surveillance and social control.

—Ryan St. Germain

See also Abolition; Meda Chesney-Lind; Child Savers; Cook County Illionis; Michel Foucault; Juvenile Justice System; Juvenile Reformatories; *Parens Patriae;* Racism; Status Offenders

Further Reading

Foucault, M. (1977). *Discipline and punish: The birth of the prison*. London: Penguin.

Ignatieff, M. (1978). *A just measure of pain: The penitentiary in the Industrial Revolution 1750–1850*. London: Penguin.

Platt, A. (1969). *Politics of riot commissions, 1917–1970: A collection of official reports and critical essays*. London: MacMillan.

Platt, A. (1977). *Child savers: The invention of delinquency.* Chicago: University of Chicago Press.

Platt, A. (1991). *E. Franklin Frazier reconsidered.* New Brunswick, NJ: Rutgers University Press.

Rothman, D. (1971). *The birth of the asylum.* New York: Garland.

PLRA

See Prison Litigation Reform Act 1996

POLITICAL PRISONERS

While many definitions have been advanced for the term "political prisoners," there is no internationally recognized designation of who qualifies as a political prisoner and who does not. For some people, all crime and subsequently all prisoners are political, because the reaction of the state to crime is largely in the interests, values, and beliefs of the law-making power and ruling class. For others, however, political offenses are more "absolute" and tend to fall into two main categories: (1) crimes of domination or oppression by the state, and (2) crimes of rebellion, insurgency, social unrest, or civil disobedience against the state by individuals or groups.

It is important to note that the term "political prisoner," whether referring to politically motivated offenders or prisoners of conscience, remains largely unrecognized within the context of the law. Legally, politically motivated offenders in prison and prisoners of conscience are not differentiated from "ordinary" criminal offenders. In the case of Northern Ireland, for example, successive British governments have sought to present the disruptive actions of inmates in the Maze Prison as common crimes. Accordingly, the Northern Ireland Prisons Service asserts that there are "no political prisoners in Northern Ireland. All those sentenced to prison terms have been convicted of criminal offences" (BBC Special Report, 1998). Similarly, prisoners of conscience, who may be imprisoned for challenging (through nonviolent means) oppressive state

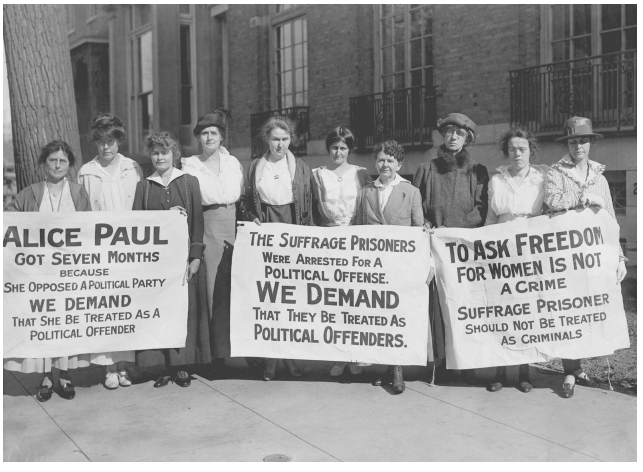

Photo 2 *Women seeking the vote, known as "suffragettes," were frequently imprisoned in the U.K. and the U.S. in the early 20th century. These women believed themselves to be political prisoners.*

policies, are not given special legal status and are considered "ordinary" criminal offenders.

PRISONERS OF CONSCIENCE

State crimes of domination and oppression occur when a sovereign state and its institutions commit crimes to protect and promote their interests. Examples of crimes by the state would include genocide, torture, domestic spying (illegal surveillance), human rights violations such as no elections or restrictions on freedom of speech, discrimination, false imprisonment or execution, fraud, and accepting lobbyists' money for special concession. Those who are perceived as a threat to the state's established order, and are subsequently unjustly targeted, victimized, and ultimately imprisoned, are referred to as "prisoners of conscience."' Amnesty International provides the following definition of *prisoners of conscience:*

> Those persons detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs, or by reason of their ethnic origin, sex, color, language, national or social origin, economic status, or birth, provided that they have not used or advocated violence. This definition includes prisoners who are believed to have been falsely accused of criminal offences which are politically related, and for which there is no credible evidence to link them to the political beliefs and actions within which they have been imputed. (Amnesty International, 1997, p. 1)

Amnesty International maintains that prisoners of conscience are currently being held in 94 countries around the world, including Afghanistan, Cameroon, China, Greece, Indonesia, Peru, and Tunisia. Many of these individuals have been imprisoned for political activities including spreading counter-revolutionary propaganda, shouting reactionary slogans, and speaking out about the right to self-determination. Incarcerating those who engage in such political activities defies many of the articles set out in the United Nations' Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

POLITICALLY MOTIVATED OFFENDERS

Crimes of rebellion, insurgency, social unrest, or civil disobedience occur when an individual or group deliberately targets the ruling power's value system in a criminal or violent act motivated for ideological or political rather than personal reasons. Examples of politically motivated crime include assassination, terrorism against innocents (kidnapping, hijacking, bombing of public places), breaking of "unjust laws," treason, vandalism and destruction of symbolic property, and disruption of institutional functions. Those who commit such crimes are often referred to as "politically motivated offenders." Amnesty International has put forth the following definition of this type of prisoner: "Any prisoner whose case has a significant political element: whether the motivation of the prisoner's acts, [or] the acts themselves" (BBC Special Report, 1998). Given that authorities of most nations have refused officially to recognize a difference between criminal and politically motivated offenders, it is difficult to accurately determine the number of politically motivated prisoners within correctional facilities, both nationally and internationally.

PRISONERS OF CONSCIENCE, POLITICALLY MOTIVATED OFFENDERS, AND "ORDINARY" CRIMINALS

Many argue that there are important differences among prisoners of conscience, politically motivated offenders, and "ordinary" criminals—particularly with regard to the notion of altruism. Prisoners of conscience, who have defied repressive state policies, and politically motivated offenders, who have committed crimes, are presumed to have acted not out of personal gain or personal motives, but for the benefit of a larger group. Moreover, politically motivated offenders may believe that their violent or criminal acts are justified, as these may be the only means to attain their desired political goals. Some researchers have found other important differences, namely that "ordinary" criminals tend to come from lower social groups with poor educational attainment and are more likely to have criminal histories and personality defects. In contrast, politically motivated offenders and prisoners of conscience may come from middle-class origins, are said to be less likely to have psychiatric problems, and have average intelligence and educational backgrounds. Politically motivated offenders may also display little remorse for their crimes, hold no criminal self-concept, and commit their crimes out of a set of convictions.

DIFFERENTIAL TREATMENT

It has been argued that since politically motivated offenders and prisoners of conscience may be psychologically different from "ordinary" inmates, if one wishes to reform them one must treat them in a different manner. Some authorities in the United Kingdom have acknowledged that those guilty of crimes of a political nature should receive differential treatment from "ordinary" criminal offenders. Several attempts have been made in the United Kingdom to obtain special recognition by appealing to the European Commission on Human Rights for the right of political offenders to receive special treatment. Nonetheless, as noted earlier, differences between political and nonpolitical offenders are not recognized by most Western countries, and governments generally maintain that all offenders are treated in the same way regardless of the motive for their offenses.

Despite the widespread assertion that all offenders and prisoners are treated similarly, politically motivated offenders and prisoners of conscience appear to receive differential treatment from nonpolitical offenders. In countries such as Japan, politically motivated offenders have received relatively light punishments for their offenses as compared to their nonpolitical counterparts. Historically, in Western Europe, political offenders were perceived as morally superior because of their altruistic rather than personal objectives. Accordingly, a domestic political prisoner could expect far better treatment, based on the principle that while his or her actions might be punishable, the motives could be respected.

In contrast, in some countries, such as the United States, prisoners of conscience and politically motivated offenders may in fact receive harsher sanctions than nonpolitical offenders. For example, Susan Rosenberg, a white anti-imperialist, was sentenced to 58 years in prison for conspiracy, possession of a quantity of weapons, and false identification. Her sentence is 16 times longer than the average sentence meted out in federal court to weapons-possession offenders, and twice the average for first-degree murders. Other U.S. examples include Alejandrina Torres, Silvia Baraldini, and Marilyn Buck, whose sentences have ranged from 30 to 80 years in prison for crimes ranging from seditious conspiracy to racketeering to a number of armored car expropriations. Leonard Peltier and Mumia Abu-Jamal, who are believed by many to have been wrongly convicted of criminal offenses that are politically related, are currently both serving life sentences.

POLITICAL PRISONERS AND POLITICAL PRISONS IN THE UNITED STATES

While U.S. prisoners such as Peltier, Abu-Jamal, Buck, and others fall within Amnesty International's definition of prisoners of conscience and/or politically motivated offenders, the government of the

United States has consistently maintained that there are no political prisoners incarcerated in the country's penal facilities. However, authors, researchers, and prisoners have consistently disputed this claim. They argue that not only do prisoners of conscience and politically motivated offenders exist in the United States, but that historically the U.S. government has made concerted efforts to neutralize political dissidents using domestic counterintelligence programs and targeting radical political organizations such as the Black Liberation Movement, the American Indian Movement, and others.

THE LEXINGTON HIGH SECURITY UNIT

Political prisons within the United States also appear to be a reality. Although officially recognized by U.S. authorities as a facility for "high security" women, the High Security Unit (HSU) Prison for Women in Lexington, Kentucky, which opened in October 1986, was frequently referred to as a U.S. political prison. The 16-bed control unit, which never housed more than six women, was said to be modeled on Stammheim, the prison isolation model used to neutralize political prisoners and prisoners of war in West Germany. The Lexington Women's High Security Unit became the focus of national and international concern over human rights abuses by the U.S. government.

The majority of the women housed in the HSU had long-standing political histories and had been designated to the unit because of their political perspectives, affiliations, and politically disruptive activities. There was an implicit message made by authorities that prisoners could only be released from the HSU unit if they renounced their political affiliation and beliefs.

The defining feature of the Lexington Women's High Security Unit was isolation with extensive surveillance and sensory deprivation. Prisoners in the HSU lived in constant artificial light and 24-hour camera and visual surveillance. Correspondence and telephone calls were severely censored for many months, and prison guards prepared logs documenting the names and addresses of every person who corresponded with the HSU prisoners. Prisoners were denied private spheres, intellectual stimulation, contact with family and friends, undisturbed sleep, health care, education and recreation plans, and access to spirituality. Dr. Richard Korn, a psychologist who issued a report on the HSU at Lexington, referred to it as a "living tomb" that was designed to reduce prisoners to a state of submission essential for their ideological conversion.

In 1988, Amnesty International defined the HSU at Lexington as "an experimental control unit" and recommended its immediate closure. In June 1988, a federal judge ruled that the Bureau of Prisons and Justice Department had unlawfully designated prisoners to Lexington based on past political associations and personal beliefs. The HSU was closed in August 1988, and the women were moved to a larger women's prison in Marianna, Florida.

CONCLUSION

Although the existence of political prisoners is frequently denied, the imprisonment of prisoners of conscience and politically motivated offenders is apparent in numerous countries around the world. In response, humanitarian organizations continue to advocate for the unconditional release of prisoners of conscience and to ensure a prompt and just trial for politically motivated offenders.

—Myriam Denov

See also Enemy Combatants; Lexington High Security Unit; Marion, U.S. Penitentiary; Leonard Peltier; Prisoner of War Camps; Puerto Rican Nationalists; Julius and Ethel Rosenberg; USA Patriot Act 2001

Further Reading

Amnesty International. (1996). *Worldwide human rights violations January to December 1995.* New York: Amnesty International.

Amnesty International. (1997). *Peru—Prisoners of conscience: Every day in prison one day too many* (AMR 46/03/97). New York: AI Index.

Amnesty International. (2000). *The case of Mumia Abu-Jamal: A life in the balance*. New York: Seven Stories.

BBC News Special Report. (1998). *When is a "criminal" a political prisoner?* January 9.

Churchill, W., & Vander Wall, J. (Eds.) (1992). *Cages of steel: The politics of imprisonment in the United States*. Washington, DC: Maisonneuve.

Churchill, W., & Vander Wall, J. (2002). *The COINTELPRO Papers: Documents from the FBI's secret wars against dissent in the United States*. Boston: South End.

Deutsch, M., & Susler, J. (1991). Political prisoners in the United States: The hidden reality. *Social Justice*, *18*(3), 92–106.

Korn, R. (1988). The effects of confinement in the High Security Unit at Lexington. *Social Justice*, *15*(1), 8–29.

National Prison Project of the ACLU Foundation. (1988). Report on the High Security Unit for Women, Federal Correctional Institution, Lexington, Kentucky. *Social Justice, 15*(1), 1–7.

Roebuck, J., & Weeber, S. (1978). *Political crime in the United States: Analyzing crime by and against government*. New York: Praeger.

Ryan, M. (1992). Solitude as counterinsurgency: The U.S. isolation model of political incarceration. In Churchill, W., & Vander Wall, J. (Eds.), *Cages of steel: The politics of imprisonment in the United States*. Washington, DC: Maisonneuve.

Stout, K., & DelloBuono, R. (1987), Political prisoners in the U.S.: A call to action for humanists. *Humanity and Society, 11*(4), 533–539.

Von Tangen Page, M. (1998). *Prisons, peace and terrorism*. London: Macmillan.

Zwerman, G. (1988). Special Incapacitation: The emergence of a new correctional facility for women political prisoners. *Social Justice, 15*(1), 31–47.

POLITICIANS

The relationship between politicians and prisons may be examined in three different ways. First, often driven by ideological considerations rather than by empirical evidence, politicians make policy that influences prison management. Second, in some societies, politicians have used the prison as an instrument of repression for certain opposing groups and individuals. Third, politicians who violate the law are sometimes sentenced to serve time in correctional institutions.

POLICY

In shaping the penal system, correctional management is driven by the prevailing politics and ideology in a political jurisdiction. The heads of correctional agencies are usually political appointees who share the ideological views of those who hired them. Individual wardens and other administrators are subsequently made system directors, thus transmitting their ideological beliefs into practice. In order to secure budgetary resources, institution and agency heads must be attentive and responsive to the current correctional policy climate in the legislature and the executive mansion.

Likewise, crime control policy often appears to be motivated by ideology rather than by empirical evidence. Thus, since the 1980s, there has been a general move toward "Get tough" criminal justice policies that seem to be driven by burgeoning conservative views rather than by any evidence that they are effective. Laws such as Three Strikes and Truth in Sentencing have served to extend the amount of time some offenders spend in prison, stressing the resources of already overcrowded facilities, despite not affecting the crime rate overall.

It becomes clear that the media plays a critical role in the politics of prisons. For instance, the media help define which behaviors deserve punishment. Thus, hysterical and exaggerated news accounts of the dangers of crack cocaine led to increasingly harsh sentences for those convicted of crack-related crimes. In addition, politicians and the public often respond to media portrayals (accurate or not) of prison conditions. Riots, escapes, and stories of inmates working the system all frame the general policy discourse on corrections, and contribute in part to the "Get tough" movement.

There are some exceptions to the "Get tough" trend. For instance, as *community* has become a popular buzzword in criminal justice policy, certain community-oriented, rehabilitative policies have emerged. Drug courts are one contemporary example, in which the court, probation officers, and treatment providers collaborate to focus holistically on the needs of an offender. Likewise, fiscal realities have promoted policy change in some jurisdictions. In California, voters approved a ballot initiative that mandates probation and community-based treatment for first and second nonviolent drug offenses. The policy is expected to yield a substantial cost savings to the state. As the examples illustrate, politics is a complex process, and factors that are salient at one time (i.e., ideology) may give way to factors that are more persuasive (i.e., fiscal stress) at another time.

POLITICAL IMPRISONMENT

Prisons have also frequently been used as an instrument of politicians who wish to confine those who publicly dissent from or challenge an established authority. Examples of political imprisonment can include acts such the 1977 imprisonment of Argentine journalist Jacobo Timmerman, whose newspaper *La Opinión* published articles critical of the Argentine government. Other examples include the detention of large numbers of individuals, including the imprisonment of dissidents by Joseph Stalin in the Soviet Union, the horrors of the Nazi Holocaust, and, more recently, the incarceration of opposition under Saddam Hussein's regime in Iraq. Political imprisonment is widely perceived as a human rights violation and is decried by human rights advocacy organizations such as Amnesty International.

There is a variant of political imprisonment that might be called "the politics of criminalization," in which political perceptions about who—or what—is undesirable, immoral, and so on shape the development of criminal law. In turn, groups or actions labeled as deviant are criminalized, thereby creating new crimes and a new influx of prisoners with which prisons must cope. Randall Shelden describes the use of criminal justice agencies to control what he calls the "dangerous classes." An example may be found in the Red Scare of 1919–1920, in which socialists were targeted. In 1920, Eugene V. Debs was a presidential candidate for the Socialist Party while imprisoned as part of the Red Scare. A more recent example, discussed previously, is the manner in which crack cocaine was criminalized. The result was that (often minority) crack cocaine users received longer sentences than (often white) powder cocaine users. While not an example of overt racism, the effect of these laws is racial disparity in sentencing.

POLITICIANS IMPRISONED

The United States has seen a number of politicians behind bars. Several recent high-profile examples are worth mentioning. Richard Nixon's Attorney General John Mitchell was sentenced to prison for his role in the 1970s Watergate scandal. Former Washington, D.C., Mayor Marion Barry was sentenced to prison after he was videotaped using crack cocaine. In 1990, Barry was sentenced to six months in prison, and, in 1994 he was reelected as mayor of Washington, D.C. Dan Rostenkowski, Congressman from Illinois and former Chair of the House Ways and Means Committee, served 17 months for mail fraud. However, in 2000, he received a pardon from President Bill Clinton. In 2002, Ohio Congressman James Traficant was sentenced to eight years in prison for bribery, obstruction of justice, and racketeering; he was subsequently expelled from the House of Representatives. Such examples reflect the American philosophy that all people, regardless of political rank, can be perceived as equal under the law.

The imprisonment of politicians may have an effect on prison reform, as well. Some politicians who have been imprisoned subsequently become advocates for prison reform. Former Special Counsel Charles Colson served seven months in prison for obstruction of justice in a Watergate-related case. Following his incarceration, he founded Prison Fellowship Ministries, an organization that brings religious programming to many prisons, both in the United States and abroad. Former New York Court of Appeals Chief Judge Sol Wachtler was sentenced to 15 months in prison for charges related to the harassment of a former mistress. Wachtler subsequently wrote a book about his time in prison and has also called for the reform of prisons. In this way, one ironic effect of imprisoning politicians may be their subsequent calls for reform and the development of programs that stem from their experiences behind bars.

CONCLUSION

Currently in the United States, politicians are most commonly involved in the penal system through the policy they make. As our elected representatives, they should be directed in their penal policy by the views of the people. Thus, though it often seems as

though there is little that can be done about the current situation in U.S. prisons and jails, one solution remains: Voters can vote for candidates with alternative views about punishment.

—*Stephen S. Owen*

See also Political Prisoners; Recreation Programs; Three-Strikes Legislation; Truth in Sentencing; Violent Crime Control and Law Enforcement Act 1994; War on Drugs

Further Reading

Beckett, K., & Sasson, T. (2000). *The politics of injustice: Crime and punishment in America*. Thousand Oaks, CA: Pine Forge.

Benekos, P. J., & Merlo, A. V. (1995, March). Three strikes and you're out!: The political sentencing game. *Federal Probation*, *59*, 3–9.

DiIulio, J. J., Jr. (1991). *No escape: The future of American corrections*. New York: Basic.

Hartman, D. M., & Golub, A. (1999). The social construction of the crack epidemic in the print media. *Journal of Psychoactive Drugs, 31*, 423–433.

Neier, A. (1995). Confining dissent: The political prison. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 390–425). New York: Oxford University Press.

Shelden, R. G. (2001). *Controlling the dangerous classes: A critical introduction to the history of criminal justice*. Boston: Allyn & Bacon.

Timmerman, J. (2002). *Prisoner without a name, cell without a number*. Madison: University of Wisconsin Press.

Wachtler, S. (1997). *After the madness: A judge's own prison memoir*. New York: Random House.

Wagner, M., McBride, R. E., & Crouse, S. F. (1999). The effects of weight-training exercise on aggression variables in adult male inmates. *Prison Journal, 79*, 72–89.

Walker, S. (2001). *Sense and nonsense about crime and drugs* (5th ed.). Belmont, CA: Wadsworth.

PRERELEASE PROGRAMS

Prerelease programs help men and women prepare for life after prison. Former prisoners face many challenges upon reentry into community life, such as finding employment, reestablishing family relationships, resisting drug use and criminal behavior, and addressing mental and physical health problems. To help them deal with these issues, prerelease preparation generally includes vocational training, educational classes, mental health and drug treatment, and family skills training.

NEED

The vast majority of inmates (97%) will be released back into society, but few have the skills to survive legally. Prerelease programming has not kept pace with the growth in incarceration and with the corresponding increase in the number of inmates released (nearly 600,000) each year. A significant number of those released are subsequently reincarcerated because they are ill prepared for reintegration. Among nearly 300,000 prisoners released in 15 states in 1994, 67.5% were rearrested within three years for a new offense; 51.8% were sent back to prison for a new crime or for a technical violation of their release, like failing a drug test or missing an appointment with their parole officer.

Many inmates released from prison have received little or no drug treatment, have poor family support systems, and remain unskilled and uneducated. Nearly 80% of inmates have histories of substance abuse, and 16% suffer from mental illness, but only one-third of them receive substance abuse or mental health treatment in prison. Between 1991 and 1997, there was a decrease in participation in vocational training from 32% to 27%, and a decrease in participation in educational programs from 42% to 34%. While there is some evidence that prerelease programs are beneficial in preparing inmates for their release, few inmates participate in these programs. In both 1991 and 1997, only 10% of released inmates had participated in prerelease programs.

CURRENT PROGRAMS

All states have some type of prerelease program, but their content and strategies differ greatly. In most states, participation in prerelease is voluntary and available only to a small number of women and men. The programs are typically open only to those who can get transferred into minimum-security facilities or halfway houses. Some states have prerelease programs within their main facilities, but

most inmates are released without preparation. For those who do participate in prerelease programs, their preparation usually includes education, job training, substance abuse counseling, and information on resources available in the community. Participation in prerelease programs can begin as early as two years prior to release, but most begin just a few weeks in advance. All inmates receive some financial support, which can range from $25 to $200, plus clothing and bus fare to a location within the state.

Washington State has one of the most comprehensive prerelease programs, requiring some inmates to pass through a prerelease center. Between 30% and 40% spend time in a prerelease center. However, since these facilities are mostly minimum security, serious offenders are usually excluded. In contrast to Washington's efforts, Nevada has no formal prerelease program. Inmates receive only $25 and transportation to the city in which they will reside.

In contrast to the variations among the states, the federal system has a standardized prerelease program. Release preparation begins 30 months prior to release, and all eligible inmates participate in the program. Participants attend classes related to six broad topics of a core curriculum, which include health and nutrition, employment, personal finance and consumer skills, information and community resources, release procedures, and personal growth. Course development takes into account different inmate needs. For example, an individual who has been successful in business may not need many courses in the employment category. When possible, prison programs such as work, vocational training, parenting, and health promotion are incorporated into the release preparation program. Inmates in release preparation must complete all recommended courses to complete the program. They are encouraged to keep course completion certificates in an employment folder, which helps them find employment after release.

PAROLE

Parole is one of the greatest challenges former prisoners face. After release, 80% of ex-offenders are put on parole or under some type of criminal justice supervision. Prerelease programs may address the challenges of living under the conditions of their release. In Montgomery County, Maryland, for example, probation and parole officers meet regularly with the inmates they will supervise after release to help them prepare for their reentry and to help coordinate release plans. The officers can easily participate in release planning because the center is located in the community where they work.

Similarly, in New York City, La Bodega de la Familia works in partnership with parole to minimize the problems associated with adapting to life on supervised release. Prior to release, La Bodega contacts individuals who will be paroled and offers them case management services. Inmates become familiar with the expectations of parole before release, and if they choose, they can receive help adjusting to these expectations.

DRUG TREATMENT

Substance abuse is another challenge in prisoner reentry. While many inmates have histories of drug abuse, most never receive formal treatment. Even for those who do participate in drug treatment programs while incarcerated, treatment rarely continues after release. When faced with the challenges of reentry, those who do not receive treatment or counseling often relapse.

In recognition of this problem, the Montgomery County Pre-Release Center in Maryland holds a relapse prevention course that teaches inmates how to remain sober in the outside world. The course also shows people how to find outpatient treatment programs. For those who never received treatment while incarcerated, the center runs a separate course on the principles of addiction and recovery.

MENTAL HEALTH SERVICES

Mental disorders are far more prevalent among prisoners than in the general population. Access to mental health care in prisons is limited, and there is little postrelease care. Those who do receive mental health services while incarcerated generally need

follow-up postrelease care. Without access to community care, they may be unable to function normally. To ensure a continuity of care, corrections officials in Hampden County, Massachusetts, collaborate with a network of community health centers. A discharge facilitator ensures that, when released, inmates have appointments at these clinics.

In King County, Washington, the county jail sends the Department of Community and Human Services a list of new jail admissions each day. When a mental health care recipient is detained, the department notifies the person's health care provider. Mental health providers are required to track these cases and to continue treating people in custody after their release.

JOB TRAINING

Finding a job is a significant factor in the transition from prison to community life. Most inmates leave prison, however, with few employment prospects. Many offenders want to find legal and stable employment, but several factors stand in their way. First, incarceration is stigmatizing, making employers reluctant to hire ex-offenders. Second, returning prisoners are prohibited from working in certain occupations. Some states ban ex-offenders from public employment. Most states also have restrictions on hiring felons in particular professions, including real estate, medicine, nursing, physical therapy, education, and law. Another factor hindering inmates' ability to find employment is that time away from the job market prevents them from building important job skills.

Helping inmates acquire job skills and experience is essential to prepare them for employment. Few prisons are equipped to meet this need, but some states are changing this situation. Project RIO (Re-Integration of Offenders) in Texas provides job preparation services to inmates while incarcerated. Inmates receive vocational training and work experience matching their capabilities and interests. Project RIO trains inmates for jobs that pay good salaries outside of prison. The program also offers a job search workshop, assistance with job placement, and post-placement follow-up.

To overcome the stigma attached to incarceration, some prisons try to ease the fears of employers over hiring ex-inmates. Some accomplish this by inviting employers to meet with soon-to-be-released inmates. The federal system encourages institutions to conduct at least one mock job fair annually. "Mock job fairs" invite local employers to conduct mock job interviews with inmates who have approaching release dates. In some instances, employers offer inmates real job opportunities upon release.

Similarly, in Ohio, each prison holds a job fair at least once a year for inmates who will be released within a month. Employers may be more likely to offer jobs to inmates who can start soon. While some fairs provide opportunities for inmates to apply for jobs, many are meant to introduce inmates to companies that are willing to hire ex-offenders.

FAMILY STABILIZATION

Family stability is another challenge that prisoners face as their release approaches. The growth in incarceration over the past couple of decades has serious implications for families of prisoners. In 1999, more than half of all state inmates were parents of children. Women comprise only about 7% of the nation's prison population, but their incarceration rates are increasing faster than are those of men, which contributes to the high number of inmates with children. As the proportion of female inmates grows, the number of children with incarcerated parents will increase.

When mothers are incarcerated, their children are usually cared for by relatives or placed in foster care. The majority of imprisoned mothers expect to resume caring for their children after release. Mothers released from prison have difficulty finding housing, employment, and child care, which may cause stress for them and their children. Parents who have been incarcerated also have problems reconnecting emotionally with their children and sometimes with reestablishing custody.

Inmates also face difficulty reconnecting with other family members. Most people released from prison reside initially with family. Families often have conflicting emotions about an inmate's

release. They may feel hurt or angry by their relative's incarceration, and released inmates are often unable to respond appropriately to these emotions.

The Montgomery County, Maryland, Pre-Release Center helps inmates prepare for complex family situations before they return home. The center requires every inmate to have a sponsor, which can be any member of the family, who agrees to attend six weekly educational sessions. The center also provides family therapy for inmates and their sponsors.

La Bodega de la Familia also helps inmates connect with their families. Prior to an inmate's release, a case manager accompanies a parole officer in visiting the inmate's family to prepare them for release. Case managers work closely with the family to develop a plan for services and to help set goals for the inmate and the family. They help to facilitate the relationships between families, ex-inmates, and parole officers.

Many prisons now offer family-oriented programs that support family relationships. The National Institute of Corrections administered a survey in 2001 to state and federal departments of corrections (DOCs), and of the 54 DOCs that responded, 42 (78%) reported having a program to help inmates maintain supportive family relationships. The programs vary greatly. Some support family relationships by placing inmates in facilities near their families and assisting with visitation. Other agencies provide support to incarcerated parents through specially designed visitation spaces, parenting classes, and parent–child programs.

PROBLEMS

Prerelease programs are designed to help inmates prepare for reentry, but not all programs are effective for all inmates. Offenders enter prison with diverse backgrounds. They have different levels of education and work experience, different family structures, health conditions, and demographic characteristics. Few programs take these factors into account, which can impact the programs' effectiveness.

Other problems with prerelease programs were touched on earlier. First, most programs are voluntary. Prisoners may choose not to participate if they are unaware of the importance of prerelease planning. Another problem is that high-risk offenders are unable to participate because they cannot be moved to minimum-security facilities, and many are released without preparation for community life. Finally, mental illness and substance abuse often go undetected in prisoners; these inmates never receive the care they need prior to release. Even inmates with known health problems often never receive treatment.

CONCLUSION

There are many ways to help inmates prepare for the challenges of reintegration, but no program will benefit every inmate. Corrections officials have the difficulty of deciding which programs are appropriate for their jurisdictions. Certain elements are essential, however, in designing prerelease programs. First, offender needs must be matched with program services. Inmates with strong educational backgrounds may not need educational classes. Programs must also focus on offender traits that are changeable and that may contribute to crime, such as drug use or weak family ties. Another way to ensure the effectiveness of prerelease programming is to begin prerelease preparation long enough before release. Inmates will not recover from drug addictions or gain marketable job skills in a matter of weeks. Finally, successful prerelease programs must be followed by postrelease services. Ex-inmates must have access to immediate drug treatment and mental health care upon release, as well as help in securing employment and housing.

—Elizabeth Angiello

See also Drug Treatment Programs; Education; Health Care; Mental Health; Parenting Programs; Parole; Parole Boards; Prisoner Reentry; Psychiatric Care; Psychological Services; Rehabilitation Theory; Work-Release Programs

Further Reading

Austin, J. (2001). Prisoner reentry: Current trends, practices, and issues. *Crime and Delinquency*, *47*(3), 314–334.

Langan, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994*. Washington, DC: U.S. Department of

Justice, Office of Justice Programs, Bureau of Justice Statistics.
Lynch, J. P., & Sabol, W. J. (2001). *Prisoner reentry in perspective*. Washington, DC: Urban Institute.
Mears, D. P., Lawrence, S., Solomon, A. L., & Waul, M. (2002). Prison-based programming: What it can do and why it is needed. *Corrections Today, 64*(2), 66–71.
Mumola, C. J. (2000). *Incarcerated parents and their children*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
National Institute of Corrections. (2002). *Services for families of prison inmates*. Washington, DC: U.S. Department of Justice.
Nelson, M., & Trone, J. (2000). *Why planning for release matters*. New York: Vera Institute of Justice.
Petersilia, J. (2001). Prisoner reentry: Public safety and reeintegration challenges. *The Prison Journal, 81*(3), 360–375.
Travis, J., Solomon, A. L., & Waul, M. (2001). *From prison to home: The dimensions and consequences of prisoner reentry*. Washington, DC: Urban Institute.

PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE

During the late 1950s and into the early 1960s, both the crime rate and the number of crimes committed in the United States increased dramatically. Coupled with social protests for civil rights and against the war in Vietnam, there emerged a perception—fed by media and exploited by politicians—that there was a crisis requiring federal intervention. In response, President Lyndon B. Johnson called for the formation of the Commission on Law Enforcement and Administration of Justice (also known as the Crime Commission) in 1965. He charged the members of the commission to determine the causes of crime and to recommend what society could do to reduce it.

After two years investigating virtually every aspect of crime, law enforcement, and the administration of justice in the United States, the commission published their findings in *The Challenge of Crime in a Free Society* (President's Commission on Law Enforcement and Administration of Justice, 1967a). This document provided more than 200 recommendations on how to improve the existing criminal justice system and achieve the dual goal of reducing crime while treating people more decently. Information in it was based on the nine task forces the commission created, which dealt with the police, the courts, corrections, juvenile delinquency and youth crime, organized crime, science and technology, assessment of crime, narcotics and drugs, and drunkenness.

CORRECTIONS

The Crime Commission's Task Force on Corrections made 22 recommendations. Most of these focused on attempts to curb the recidivism rate and represented "practical, incremental steps toward a system capable of balancing incapacitation of dangerous offenders with sensible programs for the over 98% of offenders who return to community life" (Nelson et al., 1997, p. 1).

Rehabilitation, however, was not the Task Force on Corrections' main goal; instead, the focus was on reintegration. Its members believed that crime and delinquency were symptoms of the failure and disorganization of both the individual and the community. "The task of corrections therefore," as stated by the Task Force on Corrections,

> includes building or rebuilding solid ties between offender and community, integrating or reintegrating the offender into community life—restoring family ties, obtaining employment and education, securing in the larger sense a place for the offender in the routine functioning of society. (President's Commission, 1967b, p. 7)

For corrections to meet this task, changes had to be made not just in the individual offender, but in the community and in its institutions as well. The recommendations for implementing these changes fell under three general categories: community-based corrections, correctional institutions, and correctional decision making.

The commission sought to shift penal policy from prisons to community-based corrections. As commission member James Vorenberg (1972) put it:

> If we take a person whose criminal conduct shows he cannot manage his life, lock him up with others like himself, increase his frustrations and anger, and take

> away from him any responsibility for planning his life, he is almost certain to be more dangerous when he gets out than when he went in.

Prisons, the commission reasoned, were only to be for the most violent and dangerous of offenders; the majority of offenders would be better served by probation or parole. Thus, they recommended that more probation and parole officers be added (based on the ratio of 35 offenders per officer), and that these "services should be available in all jurisdictions for felons, juveniles, and those adult misdemeanants who need or can profit from community treatment" (President's Commission, 1967a, p. 166).

The commission also proposed expanding the training of probation and parole officers to allow them to utilize community institutions such as education and employment more effectively and to help offenders better reintegrate into the community. In addition, members advocated a number of community programs, such as halfway houses and intensive community supervision, that would allow more control over offenders than probation or parole while still utilizing community institutions to aid in the rehabilitation and reintegration of offenders.

For those offenders who had to be confined, the commission sought to improve their living conditions. In particular, they advocated increased educational and vocational training in prisons. The commission also recommended that prison industry programs assist in rehabilitation by instilling good work habits and in reintegration by providing employable skills. Other recommended changes in correctional institutions included taking control of local jails away from law enforcement and making them a part of the state correctional system, creating rehabilitation programs in local jails, and creating separate facilities, whenever possible, for persons awaiting trial.

The commission also recommended that every juvenile court jurisdiction create separate detention facilities for juveniles, as well as shelter facilities, apart from the correctional system, for abandoned, neglected, or runaway children. This last recommendation was due to the Crime Commission's finding "that in 93% of the country's juvenile court jurisdictions . . . there is no place for the pretrial detention of juveniles other than a county jail or police lockup" (President's Commission, 1967a, p. 178). The commission believed it was harmful to confine juveniles alongside adults, and even more so when the juveniles were abandoned, neglected, or runaway children—a common practice in communities that had no shelter facilities.

With the shift toward alternative forms of punishment comes the need for more and better information through the use of presentence investigations, clinical diagnosis by psychologists, and reception and classification centers. This information, according to the commission, helps to determine how dangerous an offender is, as well as how to address his or her particular needs and problems in order to reintegrate the offender into society. They recommended that this quest for information continue throughout the offender's stay in the corrections system, so that changes in the offender's needs and problems could be noticed and dealt with accordingly. As a final recommendation, the commission suggested research into the use of computers to aid in the management and storage of offender information.

EFFECT ON CONTEMPORARY CORRECTIONS

Although the Crime Commission laid the groundwork for a change in the correctional mindset, its recommendations were not fully carried out due to three key obstacles. First, the Attica rebellion in 1971 led much of the public to question the possibility of rehabilitation for prisoners. Second, Robert Martinson's (1974) claim that "Nothing works" influenced a generation of prison reformers and policymakers, weakening residual belief in the feasibility of rehabilitation or reintegration. Finally, the Nixon administration shifted government focus from rehabilitation of offenders to victims' rights and crime control.

Of the Task Force on Corrections' 22 recommendations, those pertaining to decision making in corrections have had the greatest effect. Computer projection models, as well as computer tracking of offenders from arrest to sentencing to release, have come to play a major role in corrections. Standardized classification systems for offenders

have also become an integral part of corrections at all levels. In addition, there has been a recent trend in alternatives to prison as punishment; however, these do not follow in the reintegrative mold cast by the Crime Commission. On the contrary, the new usage of probation and parole as the workhorses of corrections has developed out of the overcrowded prisons created by a shift to a more punitive model of corrections.

CONCLUSION

Although the Crime Commission's recommendations were not implemented exactly as planned, they nonetheless have played an important role in our criminal justice system. It must be remembered that the commission did not set out to change society. Instead, it sought to apply the underlying values and assumptions of society to change the "outmoded correctional apparatus of that day" (Nelson et al., 1997, p. 2). With the many problems arising from today's punitive model of corrections, such as overcrowded prisons and high recidivism rates, maybe it is time to look back on the recommendations and ideas of the Crime Commission and rethink our system of corrections.

—Josh Stone

See also Attica Correctional Facility; Incapacitation Theory; Just-Deserts Theory; Robert Martinson; Rehabilitation Theory

Further Reading

Clear, T. R. (1997). Societal responses to the president's crime commission: A thirty-year retrospective. In L. Robinson (Ed.), *The challenge of crime in a free society: Looking back looking forward* (pp. 131–139). Washington, DC: U.S. Department of Justice.

Martinson, R. (1974). What works? Questions and answers about prison reform. *Public Interest, 35*(Spring), 22–54.

Nelson, E. K., Breed, A., O'Leary, V., Stubblefield, K., & Velde, R. P. (1997). Post-symposium comments on the corrections report of the president's crime commission. In L. Robinson (Ed.), *The challenge of crime in a free society: Looking back looking forward* (Appendix). Washington, DC: U.S. Department of Justice.

President's Commission on Law Enforcement and Administration of Justice. (1967a). *The challenge of crime in a free society.* Washington, DC: U.S. Government Printing Office.

President's Commission on Law Enforcement and Administration of Justice. (1967b). *Task force report: Corrections.* Washington, DC: U.S. Government Printing Office.

Vorenberg, J. (1972, May). *The war on crime: The first five years.* The Atlantic Monthly. Retrieved December 9, 2003, from http://www.theatlantic.com/politics/crime/crimewar.htm

PRETRIAL DETAINEES

Defendants arrested and charged with a felony criminal offense face one of two pretrial dispositions: they are released (on their own recognizance, conditionally, or on bail or bond) or they are remanded to custody. The pretrial disposition decision usually occurs during the preliminary hearing, generally within 48 hours of arrest. The type and seriousness of the offense and the defendant's employment status, prior record, and ties to the community are all considered relevant in the pretrial release determination. While there is a presumption in favor of release, more than one-third of all state felony defendants are detained because they are either unable to post bail (29%) or are denied bail (7%).

Across all offenses, federal felony defendants are more likely to face pretrial detention than are state felony defendants. Approximately two-thirds of all state felony defendants are released before trial, and the remaining one-third are detained usually because they are unable to post bail (fewer than 10% are actually denied bail). In contrast, nearly three-quarters of all federal felony defendants are detained before trial, and of those nearly half are detained because they are denied bail. In either system, people are more likely to be detained for violent offenses than they are for property offenses, and are as likely to be detained for public order offenses as they are for drug offenses.

Studies of the effect of the defendant's race and gender provide mixed evidence of a race/ethnicity/gender bias in pretrial detention or bail decisions. Nonwhite male defendants are more likely to be detained prior to trial than are white or female defendants. Approximately 60% of the more than 650,000 jail inmates are pretrial detainees, and just

under 60% of those inmates are also minorities. While some studies have found no racial/ethnic bias once other relevant variables (seriousness of the offense, prior record, and so on) are taken into account, others argue there may be an indirect racial effect through economic status.

PREVENTIVE DETENTION

In the past, pretrial release decisions rested almost exclusively on the likelihood that the defendant would appear in court. Over the past few decades, however, the federal government and most states have passed preventive detention statutes that allow a defendant to be remanded to custody to await trial because he or she is deemed dangerous. Defendants classified as dangerous can be held even if it is likely that they will appear if released. At the federal level, preventive detention is authorized by the Bail Reform Act passed in 1984. Though time served while awaiting trial is usually deducted from the eventual sentence for those found guilty, preventive and pretrial detention statutes, such as the Bail Reform Act, contain no provision for financial or other compensation for those detained before trial and later found not guilty.

CONSTITUTIONAL ISSUES

Pretrial detention is one of the more controversial issues in criminal justice because, as some argue, it subverts the presumption of innocence by depriving defendants of their liberty as though they were guilty. Despite the controversial nature of preventive detention, the U.S. Supreme Court, in *U.S. v. Salerno* (1987), upheld the provisions of the Bail Reform Act and ruled it was constitutional to detain persons awaiting trial. In *Salerno,* the court ruled that while the Eighth Amendment prohibits excessive bail, it does not create a constitutional right to bail, and therefore bail can be denied. Moreover, the Court declared preventive detention regulatory rather than punitive in nature and ruled that detention does not violate the due process requirement. Finally, the Court suggested that the government's legitimate interest in community safety might supercede an individual's liberty.

PROBLEMS ENCOUNTERED BY PRETRIAL DETAINEES

There are currently more than 650,000 jail inmates, more than half of whom are pretrial detainees. Most will spend between three months and one year in jail awaiting trial. Detainees awaiting trial often mix with convicted criminals who are either serving out their sentences in the jail or are awaiting transfer to prison. Because jails are short-term detention facilities, the medical, addiction, and psychiatric care that pretrial detainees may need is often unavailable.

Pretrial detention disrupts numerous facets of the detainee's life and may have a significant negative impact on his or her future prospects. The stigmatization that comes with a criminal arrest is compounded by an extended stay in the local county jail. For those who are employed at the time of their arrest, pretrial detention leads to the loss of income indefinitely and often results in the permanent loss of work. The detainee is also not the only one to experience hardship as a result of pretrial detention: his or her family may experience significant disruption, economic hardship, and stigmatization.

Pretrial detainees also face special problems in navigating the criminal justice system. First, poor defendants are far more likely to be detained while awaiting trial. Most pretrial detainees are defendants who cannot afford to post bail or hire a private attorney. Second, by virtue of their custody, pretrial detainees have less access to their attorneys and a compromised ability to assist in their own defense and prepare for trial. Some have offered evidence that pretrial detention increases the probability that the defendant will be found guilty at trial and, perhaps more significantly, be sentenced to imprisonment if convicted.

CONCLUSION

As the jail population continues to grow, so does the number of those detained while awaiting trial. The

percentage of jail inmates who are pretrial detainees has increased steadily (from approximately 50% a decade ago to close to 60% today). Pretrial detention presents significant challenges and disadvantages to pretrial detainees, both personal and trial related. As in other areas of criminal justice, minorities are more likely to experience these disadvantages than are whites.

—Natasha A. Frost

See also Detained Youth and Committed Youth; Enemy Combatants; Jails; Lockup; U.S. Marshals Service

Further Reading

Natalini, R. S. (1985). Preventive detention and presuming dangerousness under the Bail Reform Act of 1984. *University of Pennsylvania Law Review*, *134*, 225–250.

Stephens, C. (2002). Preliminary proceedings: Bail. *Georgetown Law Journal*, *90,* 1395–1415.

U.S. Department of Justice. (1999). *Federal pretrial release and detention, 1996* (NCJ168635). Washington, DC: U.S. Government Printing Office.

U.S. Department of Justice. (2003). *Prison and jail inmates at midyear 2002* (NCJ198877). Washington, DC: U.S. Government Printing Office.

Walker, S., Spohn, C., & DeLone, M. (2000). *The color of justice: Race, ethnicity, and crime in America*. Belmont, CA: Wadsworth.

Legal Cases

U.S. v. Salerno, 481 U.S. 739 (1987).

PRISON CULTURE

It has long been recognized that, just as there is a culture among citizens in the free world, a separate culture also exists within prison walls. Beginning with Donald Clemmer's general study of the prison community in 1940, the dynamics of social relationships in the prison have been thoroughly studied and documented. Throughout the second half of the 20th century, studies moved from the general, as in Clemmer's investigation, to the specific, such as Gresham Sykes's (1958) pains of imprisonment and John Irwin and Donald Cressey's (1962) importation model. More recently, efforts at theoretical integration have been proposed.

PRISONIZATION

The concept of prisonization was first introduced in 1940 by Clemmer in his book *The Prison Community*. Clemmer defined *prisonization* as the assimilation process in prison where inmates take on "in greater or less degree . . . the folkways, mores, customs, and general culture of the penitentiary" (Clemmer, 1940, p. 299). Clemmer characterized the process of prisonization in terms similar to those used by early sociologists to capture processes of socialization and assimilation in communities at large. Just as we all assimilate to the norms, customs, and laws of our society, inmates must assimilate to the self-contained community of a prison. However, since the values of the prison are discordant with societal values, prisoners must readjust and learn new norms, rules, and expected patterns of behavior. Known as the "inmate code," what is considered unacceptable in the free world may be encouraged and rewarded inside the walls of the institution.

It has been argued that the prisonization process, to an extent, affects every inmate; however, several variables influence to what degree prisonization shapes a person's tenure in the institution. Not all inmates, that is, become prisonized to the same degree. The variables contributing to prisonization lie both within the offender as well as within the institution. The form and orientation of the institution can impact its effect on a person. Prisoners in treatment-oriented facilities tend to exhibit lower degrees of prisonization than do those in custody or discipline-oriented institutions. Further determinants of prisonization include intrapersonal experiences, such as the extent of social relationships; work involvement; and the acceptance of roles bestowed on the inmate by other social actors in the institution. Generally, prisoners with shorter sentences, stable personalities, and healthy relationships with members of the outside community as well as with fellow inmates who refrain from excess abnormal conduct within the walls are the least prisonized. On the other hand, people with long terms of incarceration, unstable personalities, and relationships unconducive to proper adjustment will tend to

be most prisonized. Because these characteristics and experiences are differentiated between and within inmates throughout their term of imprisonment, the degree of prisonization will occur at different rates for different inmates. The process may even occur in a cyclical fashion.

While Clemmer's analysis of prisonization is not without merit, it has been criticized for not delineating and explaining the origins of the prison culture upon which prisonization is based. This criticism gave rise to two of the most influential theories in modern penology: the deprivation model and the importation thesis. While each theory seeks to explain the origins of the prison culture, they do so by pointing to two different locales. The *deprivation model* locates the origins of the prison culture within the institution itself and the experiences of inmates therein. The *importation thesis,* on the other hand, describes the inmate culture as a conglomeration of characteristics prisoners bring into their institution at intake.

DEPRIVATION MODEL

Early penal culture theorists hypothesized that the culture of the prison originated within the walls of the institution. The unique views characterized by the process of prisonization were said to originate in the deprivations that the inmate faced and attempted to cope with every day. Although these issues elucidated scholars on the origin and implications of the inmate culture, they also raised key questions. What were the deprivations that inmates experienced? How did inmates cope with such deprivations?

A landmark work by Gresham Sykes in 1958 attempted to address these questions. In *The Society of Captives*, Sykes described the "pains of imprisonment" that inmates experience during their time in a correctional facility. According to him, the pains of imprisonment are experienced within the walls of the prison; hence, the origin of the culture is not outside the institution, but inside.

In his work, Sykes delineates five deprivations: the loss or deprivation of liberty, the loss or deprivation of goods and services, the loss or deprivation of heterosexual relationships, the loss or deprivation of autonomy, and the loss or deprivation of security. The *deprivation of liberty* refers not only to the loss of civil rights, both temporary and permanent, but also the loss of ability within the institution to decide such matters as when to sleep, eat, shower, work, and recreate. The *deprivation of goods and services* refers to the manner in which inmates are deprived of goods and services they could obtain in the community if they were free. Compounded by our larger society's ideal that the goods people own and the services they receive comprise their self-worth, the loss of goods and services can be viewed as especially difficult.

The *deprivation of heterosexual relationships* refers to the lack of female companionship in prison. The only available sexual outlet for men in prison is other men, which can lead inmates who so participate to question their masculinity. In addition, since heterosexual men define part of themselves through their interactions with women, a lack of such interaction may impact the inmate's sense of self. Through the deprivation of heterosexual relationships, then, men not only lose the interactions with women, but also the part of their own self-concept that is derived from those interactions.

The *deprivation of autonomy* can be understood as the result of the deprivation of liberty. As inmates realize that they cannot make basic choices for themselves, they also come to realize that officials in the institution have complete control over them. As a result, prisoners may be reduced to a state of childlike helplessness that may impact their ability to function normally upon release. Lastly, inmates experience the *deprivation of security,* which refers to the potential threat to personal safety that exists for inmates within the prison.

IMPORTATION MODEL

As with the initial analyses of prisonization, the deprivation model has not been without criticism. Many critics of this model claim that the inmate culture was derived not from within the prison but from offender characteristics and experiences prior to incarceration; hence, these were the key components of the dynamic relationships developed

within the walls of the prison. This view of the inmate world was termed the "importation model." The importation model departs from the explanations discussed thus far in that it does not characterize the prison as a closed social system organized around common values. Rather, from this perspective, it is thought that the prison is composed of multiple subcultures that rival each other with respect to values and norms. These smaller subcultures are derived from subcultures developed on the outside that are imported into the prison, as well as social-demographic characteristics and criminal career variables, such as time served in institutions and offense record. Therefore, instead of viewing the inmate as solely influenced by common processes, the importation model proposes that the inmate culture is comprised of conflicting groups with origins that exist outside institutional walls.

Irwin and Cressey (1962) developed a typology of conflicting inmate subcultures that includes the thief, the convict, and the straight subcultures. Inmates who belonged to the *thief* subculture adhered to norms and values developed and adopted by thieves in the criminal world. With central values such as trustworthiness and dependability, it is maintained that these offenders were most likely to refer to fellow thieves in the prison as their primary reference group. The codes of this group, instead of the inmate code, were held in high reverence. This may be related to the idea that prison is regarded as only a temporary break in the thief's criminal career.

Unlike members of the thief subculture, *convicts* strictly adhere to the inmate code. Convicts are those who have been raised in the prison system. Their primary reference group is that of the convicts within the walls of the prison. Irwin and Cressey (1962) do note the importance of deprivation when examining the convict subculture, as the deprivations noted by Sykes have the most impact on the full development of the convict subculture. Nevertheless, the values of this subculture are imported from outside the walls of the institution. *Straights,* on the other hand, were characterized by Irwin and Cressey as one-time offenders. These people often identified more with the officers and administrative staff than with other inmates. This group looked to receive as much as they could while in prison by way of educational and rehabilitative programs, and brought little threat of conflict and disturbance to the institution.

INTEGRATED MODEL

While early studies of the prison culture tend to consider the deprivation and importation models as opposite ends of a spectrum, more recent studies have understood these as complementary rather than competing models. Such an *integrated model* might recognize that while inmates will experience some pains of imprisonment, focusing exclusively on this fails to take into account the way in which inmate culture is constructed of conflicting personalities and prior experiences that are brought into the institution. In addition to combining the concepts of the deprivation and importation models, integrated models may also include additional factors not considered by these initial models, such as family visits, the institutional environment, and inmate coping behaviors. More sophisticated integration is possible via examination of reciprocal effects factors inherent of each model have on each other. It is thought that such variations of integrated models can help to clarify why different inmates respond differentially to the inmate culture and to the overall prison experience.

WOMEN'S INSTITUTIONS

It is important to note that the initial models of prisonization and prison culture were formulated under limited conditions as well as circumstances of the times in which they represent. Yet, many of the principles found in these models are used to explain portions of the inmate subculture today that were not considered in these initial formulations. For example, the theories of prisonization, deprivation, and importation were all formulated through examination of male inmates and institutions. As a result, their relevance for explaining the culture within women's prisons is unclear. Early studies of women's prisons did attempt to construct views of the female inmate culture using the models formulated from analyses of the male inmate culture. Most of

the studies of the culture within women's institutions focus on the formation of so-called pseudofamilies among women inmates. Women are more likely than men to form close ties with other inmates. While these ties are often sexual in nature, they are not necessarily so. Indeed, most women within pseudofamilies have an emotional relationship that has no physical or sexual aspect to it.

These pseudofamilies have been explained from both the deprivation and importation perspectives. In terms of deprivation, many researchers explain them as a means by which women ease the pains of imprisonment. That is, women in pseudofamilies may can gain a sense of autonomy in the institution as well as establish trust and safety among other inmates. Further, these relationships may also ease the deprivation of heterosexual encounters, whether that deprivation is either emotional and/or physical. In terms of importation, pseudofamilies are based on characteristics and gender roles derived from the outside world and there is some indication that pre-prison identities may carry over to prison. Women, then, may bring not only criminal identities into prison with them, but also gender roles from the larger society. Generally, studies of the female prison culture lend some validity to both the deprivation and importation models.

CONCLUSION

Although the deprivation and importation models were developed through the study of male prisoners, they can aid in our understanding of the female prison culture as well. However, newer examinations indicate that an integrated model, combining elements of both deprivation and importation, may be more useful in explaining the prison culture. Considering factors that inmates bring into the prison as well as socialization that occurs within the institution may be crucial to comprehend fully the nature and etiology of the prison culture for both male and female inmates.

The correctional system in the United States is experiencing a metamorphosis. Consequently, now is a critical time for the development of robust theories of the prison culture. Prison populations continue to soar at alarming rates, and laws impacting the prison population continue to change. Determinate sentencing laws, including Three-Strikes Laws and habitual offender statutes, have helped give the prison population a new dynamic, as the number of elderly offenders continues to grow. Other offender groups who are represented in increasing proportions are those inmates with terminal diseases, such as AIDS, and female offenders. It is entirely possible that this crossroad in corrections cannot be fully understood in the context of traditional models of the prison culture. Even if theoretical models take on a new composition, elements of the classical models will inevitably remain, as they are still relevant in gaining an understanding of the prison culture.

—Rhonda R. Dobbs and Courtney A. Waid

See also Donald Clemmer; Deprivation; Gangs; Rose Giallombardo; Importation; Gresham Sykes; Visits; Women in Prison

Further Reading

Blomberg, T. G., & Lucken, K. (2000). *American penology: A history of control.* New York: Aldine de Gruyter.

Clemmer, D. (1940). *The prison community.* Boston: Christopher.

Garabedian, P. G. (1963). Social roles and processes of socialization in the prison community. *Social Problems, 11,* 139–152.

Giallombardo, R. (1966). Social roles in a prison for women. *Social Problems, 13,* 268–288.

Goffman, E. (1997). Characteristics of total institutions. In J. W. Marquart & J. R. Sorensen (Eds.), *Correctional contexts: Contemporary and classical readings* (pp. 97–108). Los Angeles: Roxbury.

Hartnagel, T. F., & Gillian, M. E. (1980). Female prisoners and the inmate code. *Pacific Sociological Review, 23,* 85–104.

Heffernan, E. (1972). *Making it in prison: The square, the cool, and the life.* New York: Wiley Interscience.

Irwin, J. (1980). *Prisons in turmoil.* Boston: Little, Brown.

Irwin, J., & Cressey, D. (1962). Thieves, convicts, and the inmate subculture. *Social Problems, 54,* 590–603.

Johnson, R. (1996). *Hard time* (2nd ed.). Belmont, CA: Wadsworth.

McKorkle, L. W., & Korn, R. (1954). Resocialization within the walls. *The Annals of the American Academy of Political and Social Sciences, 293,* 88–98.

Owen, B. (1998). *In the mix: Struggle and survival in a women's prison.* Albany: State University of New York Press.

Pollock-Byrne, J. M. (1990). *Women, prison, and crime.* Belmont, CA: Wadsworth.
Schrag, C. (1954). Leadership among prison inmates. *American Sociological Review, 19,* 37–42.
Sykes, G. M. (1958). *The society of captives.* Princeton, NJ: Princeton University Press.
Sykes, G. M. (1995). The structural-functional perspective on imprisonment. In T. G. Blomberg & S. Cohen (Eds.), *Punishment and social control: Essays in honor of Sheldon L. Messinger* (pp. 77–86). New York: Aldine de Gruyter.
Sykes, G. M., & Messinger, S. L. (1960). The inmate social system. In R. A. Cloward et al. (Eds.), *Theoretical studies in the social organizations of prison.* New York: Social Science Research Council.
Thomas, C. W. (1975). Theoretical perspectives on alienation in the prison society: An empirical test. *Pacific Sociological Review, 18,* 483–499.
Thomas, C. W., & Petersen, D. M. (1977). *Prison organization and inmate subcultures.* Indianapolis: Bobbs-Merrill.
Ward, D. A., & Kassebaum, G. G. (1964). Homosexuality: A mode of adaptation in a prison for women. *Social Problems, 12,* 159–177.
Wheeler, S. (1961). Socialization in correctional communities. *American Sociological Review, 26,* 679–712.
Zingraff, M. (1980). Inmate assimilation: A comparison of male and female delinquents. *Criminal Justice and Behavior, 7*(3), 275–292.

PRISON FARMS

Prison farms serve as important components of many correctional institutions in the United States. Such facilities exist to raise products for inmate consumption, reduce operating costs, generate revenue, occupy, and in some cases provide therapy for the prisoner population. Although a smaller percentage of today's inmates engage in farming than during the 19th and much of the 20th centuries, prison agriculture persists. Such operations are especially visible in Southern states.

HISTORY

While prison farms have existed at various points throughout the United States, the development was most important in the South. Following the Civil War, many states in that region leased convicts to private plantation and farm owners. The convict lease system emerged partly because the war destroyed most enclosed penitentiaries. States lacking the resources to rebuild or establish prisons resorted to leasing as a means for supporting their convict populations. Many of the prisoners leased to private business interests labored on large plantations, although some states contracted forces to such enterprises as railroads, turpentine forests, and coal mines. Since the largest number of those leased to farms and plantations consisted of recently freed slaves, and later, their descendants, the convict lease system closely resembled chattel slavery. Working in gangs supervised by armed guards, predominantly African American workforces labored on Southern cotton and sugar cane farms under brutal and inhumane conditions.

By the 1920s, virtually all Southern states had abolished the convict lease system. However, those same states owned and operated large prison plantations, usually known as "farms," where predominantly African American convict forces labored under deplorable conditions comparable to those under slavery and the lease system. Southern prison farms primarily raised cotton for sale upon the open market. Female inmates often engaged in outdoor farm labor as well. States expected agriculture to support convict populations, produce revenue for their treasuries, and prevent prisoner idleness. Officials maintained that both the convict lease system and state farms instilled positive work attitudes among black as well as white convicts.

Some states, most notably Texas and Louisiana, supplemented commercial production of cotton with other crops, including vegetables, grains, and livestock. States also fed their convict populations with prison farm products. Since states were forced to purchase and maintain land and equipment, prison farming was usually less profitable than the convict lease system. Texas's scattered properties prevented that state's correctional system from ever attaining a self-sustaining status. Mississippi's Parchman Farm, however, enjoyed much greater financial success.

Many penologists extolled the virtues of prison farms and advocated their establishment throughout the country, since they prevented inmate idleness. However, agriculture exposed convicts to degrading

and unhealthy working and living conditions typified by disease, physical violence, and correctional practices that did little to advance them vocationally, intellectually, or spiritually. Located in remote rural regions and generally removed from public view, prison farms subjected inmates to terrible abuses from staff as well as other inmates. The prisoners' rights revolution, epitomized by landmark federal court decisions in Arkansas, Mississippi, and Texas, ultimately ameliorated some of the worse abuses of prison farm labor. Along with the development of more correctional industries and increased legislative appropriations, federal judicial intervention made penal systems less dependent upon revenues derived from agriculture.

States outside the South also developed prison farms. Unlike Southern correctional administrations, other regions primarily designed farms for young felony offenders and misdemeanor criminals. Influenced by the late 19th-century reformatory movement, those states regarded agriculture as a tool for rehabilitation. Rhode Island and Pennsylvania, for instance, established farms, as did Massachusetts. The latter state opened a farm for women at the Sherborn Reformatory. New York followed suit with a similar facility at Bedford Hills. Prison farm expansion continued during the early 20th century. By the 1930s, Indiana, Illinois, Colorado, California, and Wisconsin were deploying some inmates to agricultural properties.

PRISON FARMS TODAY

In 2001, at least 29 states and the federal government managed prison farms that employed approximately 31,000 inmates. About 4.3% of all inmates in state and federal facilities work in agricultural occupations. The largest numbers of prison farm properties continue to be located in the South. Texas, for instance, places more than 21,000, or nearly 16% of its prisoners, on 130,000 acres of prison farms, while neighboring Louisiana works 3,000, or more than 19% of its inmates, on the 18,000-acre Angola Prison Farm. Arkansas sends more than 1,600, or 14% of its prisoners, to farms. While some states sell products on the open market as well as produce for inmate consumption, others primarily farm to reduce institutional food costs. The Georgia Department of Corrections operates a 10,000-acre farm system that includes food processing and distribution facilities. Similarly, Florida contains more than 68 vegetable farms on 475 acres to raise food products for the state's inmate population. Outside of the South, Ohio, with 748 inmates, maintains the greatest number of its correctional population on prison farms.

Prison farms produce items as disparate as cotton, corn, soybeans, potatoes, squash, melons, eggplant, cabbage, grapes, carrots, spinach, prunes, almonds, tomatoes, beets, beans, sorghum, and hay. Livestock, including beef and dairy cattle, hogs, and poultry, as well as horse raising, are important today. Like private farmers, correctional facilities must strive to conserve land, subdue weeds and insects, and maintain equipment. Similar to many private agricultural operations, prison farms are eligible for federal subsidies through price supports, land preservation payments, and compensation for disaster losses. At least 14 states received such benefits during 2001. The National Association of Institutional Agribusiness (NAIA) serves as a professional organization for correctional personnel engaged in agriculture and other food industries.

ISSUES

As in the past, prison farms today are often praised by correctional administrations for reducing institutional operating costs through both revenues received from sales and through internal food production. Even when prison farms are unprofitable, they still occupy inmates who would otherwise be idle. The NAIA suggests that inmate farm labor imbues offenders with favorable attitudes toward work, develops vocational skills, and enables many to locate jobs following their release from imprisonment.

Observers in some states note that many inmates engage in traditional nonskilled tasks such as fence mending, construction, manual landscaping, and gardening. Such labor-intensive jobs not only fail to train released inmates for the modern workforce,

but also promote operational inefficiency and increase opportunities for inmate mistreatment. Critics also contend that prison populations are unable to operate high-tech equipment, and that short-term inmates do not remain long enough to receive the training necessary to handle agricultural machinery. While prison farms may reduce institutional costs, they are not usually as successful as private, mechanized agricultural operators.

CONCLUSION

Prison farms provide employment opportunities and structured outdoor activity for many inmates who would otherwise be idle. They also enable institutions to produce food and reduce operating costs both through consumption of their agricultural products and through external sales. While prison farms continue to be more important in Southern state correctional facilities, they no longer shoulder the fiscal burdens for institutional support. Nor do such institutions retain the brutal reputations that they did during earlier periods. Economic forces, the federal judiciary, and political factors related to public attitudes toward crime and offenders will likely determine the extent to which correctional agencies develop or abolish farms on prison properties in the near future.

—Paul Lucko

See also Angola Penitentiary; Convict Lease System; Food; Labor; Parchman Farm, Mississippi State Penitentiary; Plantation Prisons; Slavery

Further Reading

Camp, C. G., & Camp, G. M. (2001). *The corrections yearbook 2001: Adult systems.* Middletown, CT: Criminal Justice Institute.

Carleton, M. (1971). *Politics and punishment.* Baton Rouge: Louisiana State University Press.

Iowa Legislative Fiscal Bureau. (1998). Prison farms. *Issue Review,* August 19.

Martin, S. J., & Ekland-Olson, S. (1987). *Texas prisons: The walls came tumbling down.* Austin: Texas Monthly.

McKelvey, B. (1977). *American prisons: A history of good intentions.* Montclair, NJ: Patterson Smith.

Oshinsky, D. M. (1996). "*Worse than slavery": Parchman Farm and the ordeal of Jim Crow justice.* New York: Free Press.

Sellen, J. T. (1976). *Slavery and the penal system.* New York: Elsevier Scientific.

Taylor, W. B. (1993). *Brokered justice: Race, politics, and Mississippi prisons.* Columbus: Ohio State University Press.

Legal Cases

Gates v. Collier, 390 F. Supp. 482 (1975).

Holt v. Sarver, 309 F. Supp. 362 (1970).

Ruiz v. Estelle, 503 F. Supp. 1265 (1980).

PRISON INDUSTRIAL COMPLEX

The term "prison industrial complex" has been used in recent years to describe the modern prison system from a new and more critical perspective. Traditionally, prisons have been viewed as serving such well-known functions as deterrence, incapacitation, treatment and rehabilitation, punishment, revenge, and so on. An alternative view sees them as engaging in the quite different role of social control of the poor and "dangerous classes." Simultaneously, prisons fill what may be called an unanticipated or latent function of providing jobs. They are sources of revenue and make profits for various state and private interests.

Some critics have suggested that the prison system is part of a much larger "crime control industry," in which the entire criminal justice system, plus a growing private security industry, provide a steady supply of jobs and profits. This system is large and very expensive. Expenditures are at least $150 billion annually, up from around $10 billion in the early 1970s. There are more than 50,000 different governmental agencies in this system, employing close to 2 million people, who share a more than $5 billion per month payroll.

Some critics have suggested that the "prison industrial complex" is similar to the "military industrial complex" (the term used by President Dwight D. Eisenhower in 1960), since it consists of patterns of interrelationships known variously as "policy networks," "subgovernment," or the "iron triangle." Within the military subgovernment, there is an "iron triangle" of the Pentagon, private defense contractors, and various members of congressional committees (e.g., armed services committees, defense

appropriations committees). The decision making within any given policy arena "rests within a closed circle or elite of government bureaucrats, agency heads, interest groups, and private interests that gain from the allocation of public resources" (Lilly & Knepper, 1993, p. 152).

The crime control industry includes much more than merely the criminal justice system itself. It includes a number of businesses that profit either directly or indirectly from the existence of crime and attempts to control it. Indeed, the *control* of crime—often expressed as a "war on crime" or a "war on drugs" or the "war on gangs"—has become a booming business, with literally hundreds of companies, large and small, competing for profits. Employment in this industry offers careers for thousands of young men and women, many with college degrees in criminal justice programs from more than 3,000 colleges and universities. The criminal justice system provides a steady supply of career possibilities (police officers, correctional officers, and so on), with good starting pay and benefits, along with job security. Many have formed powerful unions.

PRISON ADVERTISING

A multitude of businesses—large and small—have found a steady market for goods and services. An example can be seen in the various advertisements found in journals, newspapers, and other sources. An advertising brochure from an investment firm called World Research Group states, "While arrests and convictions are steadily on the rise, profits are to be made—profits from crime. Get in on the ground floor of this booming industry now!" (Silverstein, 1998, p. 156). Another example comes from two major journals serving the correctional industry, *Corrections Today* and *The American Jail*. *Corrections Today* is the leading prison trade magazine; the amount of advertising in this magazine tripled in the 1980s. *The American Jail* is similar. A sampling of a few issues of these two journals found advertisements everywhere. Among the companies whose products are advertised include the following:

- Prison Health Services, Inc. . . . , a company that has, since 1978, "delivered complete, customized healthcare programs to correctional facilities only. The first company in the U.S. to specialize in this area, we can deliver your program the fastest, and back it up with services that are simply the best."

- Southwest Microwave, Inc., manufactures fence security, with their latest invention known as "Micronet 750," which is "more than a sensor improvement"; it is "a whole new paradigm in fence detection technology."

- Acorn Engineering, Inc., offers stainless steel fixtures known as "Penal-Ware" (lavatories, toilets, showers, etc.) and "Master-Trol" electronic valve system.

- Rotondo Precast, Inc., boasts "over 21,000 cells . . . and growing."

- Nicholson's "BesTea" sells "tea for two or . . . two thousand. . . . Now mass-feeding takes a giant stride forward."

- Northwest Woolen Mills manufactures blankets with the slogan "We've got you covered."

- "Prison on Wheels," from Motor Coach Industries, an "Inmate Security Transportation Vehicle."

There are more than 200 different companies listed in these sources. In addition to these trade journals, one can turn to the American Correctional Association's annual *Directory* for further advertising. Or attend a conference of the American Jail Association. Advertising here included such lines as "Tap into the Sixty-Five Billion Local Jails Market" and "Jails are BIG BUSINESS" (Donziger, 1996, p. 93). Most dramatically of all, there is now a Web site on the Internet known as "Corrections Yellow Pages" that advertises goods and services for the daily operations of penal facilities around the country. There are at least 1,000 different ads on this site. A similar Web page is http://www.corrections.com, and there are others.

The reader can get some idea of the magnitude of this industry and the profits to be derived from it just by thinking of all the businesses involved in planning, building, and operating a typical jail, prison, courthouse, or police department. Included would be architects, structural and mechanical engineers,

electrical contractors, landscaping firms, security firms, bankers and mortgage companies, furniture suppliers, food service vendors, linen services, bedding manufacturers, toiletries, medical personnel (doctors, nurses, and others on call), and automobile companies (e.g., police cars, prison transportation vans), just to name a few. As incarcerated populations grow, so too would the operations of these businesses. Thus, a company called Correctional Medical Services provides medical care to approximately 150,000 inmates, three times as many as they "served" in 1987, as reported in a *USA Today* article appropriately titled "Prison Business Is a Blockbuster" (Meddis & Sharp, 1994, p. 13).

The amount of money that flows into the coffers of the prison industrial complex from tax dollars alone is substantial. The total operating budget for both state and federal correctional institutions came to $49 billion in fiscal year 1999—the most recent year these data are available. It costs between $20,000 and $40,000 per year to house one inmate in the U.S. prison system. And this figure does not count the costs of building a facility. A detailed summary is provided in a recent Bureau of Justice Statistics study (Beck, Karberg, & Harrison, 2003) on expenditures at the state level alone. State expenditures in constant dollars tripled from 1984 to 1996, from just under $7 billion to more than $22 billion. Costs of medical care average around $6.54 per inmate per day (around $2 million total). Not surprisingly, the bulk of the budget goes toward salaries and benefits (94%). This same report noted that expenditures for prisons increased more than any other category of state spending. For comparison, between 1985 and 1996, prison expenditures increased by 7.3%, compared to only 3.6% for education and 6.6% for health. In 2003, the governor of California (a state with huge budget deficits) supported a proposed 5,000-bed maximum-security prison in Delano, California (just north of Bakersfield), at a cost about $300 million to build and about $129 million per year in operating costs.

PRIVATE COMPANIES

Several types of businesses benefit directly from the imprisonment of offenders. These are companies that provide services such as food, vocational training, medical services, drug detecting, personnel management, architecture and facilities design, and transportation. There are also businesses that sell a variety of products, such as protective vests for guards, fencing, furniture, linen, locks, and many more. The supplying of goods and services to the entire criminal justice system (including prisoners, guards, and the police) is more than $100 billion per year (Dyer, 2000, pp. 12–13, 158).

Private business interests are continually looking for opportunities to make a profit. A telling example came in 1987 when the Texas legislature passed a bill to add 2,000 more prison beds, and during the hearings "salesmen wearing strange polyester suits and funky perfume descended on the state capital to hawk corrections products" (Lilly & Knepper, 1993, p. 158). Another example comes from a company that supplies health care, Prison Health Services, Inc., which had revenues of $19 million in 1988, up from $5.5 million in 1983. In addition, prison food services is a billion-dollar enterprise that is growing by between 10% and 15% per year. Even the Campbell Soup Company is getting in on the action, noting that the prison system is the fastest-growing market in food service. The list does not include leasing companies, brokerage houses, and banking firms, such as E. F. Hutton and Merrill Lynch, of which more is said following.

Among the more recent developments in the prison industry has been the entrance of long-distance phone companies. Such industry giants as AT&T, Bell South, and MCI have found prisons to be an excellent market for long-distance business. Indeed, this makes sense because inmates all over the country spend countless hours on the telephone talking with relatives. This requires a collect call, which brings these companies into prison for the huge profits to be made. AT&T has an ad that reads, "How he got in is your business. How he gets out is ours." AT&T estimated that in 1995 prison inmates generated about $1 billion in long-distance calls. MCI, not wanting to miss out, went so far as installing, for free, pay phones throughout the California prison system. They levy a $3 surcharge for each phone call made, the cost of which is paid for by the inmate's

relative. MCI offered the Department of Corrections 32% of the profits (Burton-Rose, Pens, & Wright, 1998; Schlosser, 1998, p. 63).

Finally, there are people known as "bed brokers." These individuals act like travel agents, only they help locate jail and prison beds rather than hotel rooms. An example is a company known as Dominion Management, of Edmond, Oklahoma. For a fee, they will search for a correctional facility with an empty bed, a sort of "rent-a-cell" program. Areas suffering from overcrowding are often in desperate need for additional space, the cost of which can run between $25 to $60 per "man-day." These bed brokers will earn a commission of $2.50 to $5.50 per man-day (Schlosser, 1998, pp. 65–66; Burton-Rose et al., 1998).

PRISON CONSTRUCTION

The construction industry is also experiencing a boom from the crime problem. Indeed, construction firms have been having a field day in the prison business. An article appearing in the weekly construction industry bulletin, *ENR News*, is instructive. Here it is noted that the 1994 Federal Crime Bill, signed into law by President Bill Clinton, was a $30 billion package, which included $8.3 billion in grants to the states for prison construction. About $6.5 billion would be financed from a Violent Crime Reduction Fund. This money would come from a reduction of the federal payroll by 235,000 people.

During the past decade, about 92,000 new beds were added each year. The beds are very expensive, ranging from $70,000 in a maximum-security prison to $29,000 in a minimum-security prison. As of 1998, the total cost of new prison construction was $3.88 billion—and this is just for the cells. For every 92,000 places added, there is an estimated cost of $1.3 billion per year. The construction of new prisons has become such a big business that a newsletter called *Construction Report* is published to keep vendors up to date on new prison projects. Recent issues reported the simultaneous construction of dozens of new prisons; in 1996 alone construction was begun on 27 federal prisons and 96 state prisons (Dyer, 2000, p. 13). Despite the budget problems in most states as of early 2003, prison construction continues, and has escalated most in rural areas. Indeed, in those rural counties that built a prison or jail, the new inmate population accounted for nearly half of the population growth in the 1980s. A total of 213 new rural prisons were built in the 1980s, up from only 40 built in the 1970s; in comparison, between 1900 and 1980 only 146 new rural prisons had been built in the entire country. Many rural towns have begun to solicit state governments to build a prison nearby. In Texas, some towns "bombarded the [Texas Department of Prison] with incentives that range from country club memberships for wardens to longhorn cattle for the prison grounds" (Donziger, 1996, p. 94).

Pelican Bay State Prison in Crescent City, California, provides another example of how prisons become interconnected with employment. Built at a cost of $277 million, it has become the largest employer in the county. Before it was built, Crescent City was a dying town, with most of its population living in poverty or near-poverty (20% unemployment rate). Of the county's 17 sawmills, only four were operating, while the fishing industry was dead. During the 1980s, a total of 164 businesses went broke. In typical corporate-welfare fashion, local supporters, seeing a way out of their predicament, practically gave away land, water, and power to get the prison built. The prison now provides about 1,500 jobs, a payroll of more than $50 million, and a budget of more than $90 million. The prison also indirectly created more business, such as a $130,000 contract to haul the garbage, a new hospital, a Wal-Mart, and a new Safeway market. Housing starts doubled since then, as did the value of real estate, while $142 million in real estate taxes was collected, up from $73 million 10 years earlier (Parenti, 1999, p. 212).

Politicians often seek assistance from private enterprise when building prisons. Faced with severe overcrowding in the 1980s, liberal New York Governor Mario Cuomo found that real estate prices were far too high near the city of New York, where the majority of inmates are from. So he received help from a Republican state senator from the northern part of New York, who in turn arranged for low prices

on land for prisons. The result? While in the 1970s this area had only two prisons, by the 1990s it had 20. One prison now occupies land formerly used for the Olympic Village at Lake Placid, while others have been opened in abandoned factories and sanatoriums. This recent prison boom "has provided a huge infusion of state money to an economically depressed region." These prisons bring in about $425 million in annual payroll and operating expenses—in effect, an annual "subsidy" of more than $1,000 for each person in the area. The annual salary for a correctional officer in this area is approximately $36,000, more than 50% higher than the national average.

Finally, in a town called Malone, New York, a $180 million supermax prison has recently been built. According to one report prior to its opening, the plan called for holding approximately 1,500 prisoners in a 14 foot by 8 1/2 foot cell for 23 hours per day. The prison ostensibly was to create 500 badly needed jobs in this part of New York in order to replace the 750 jobs lost at a local shoe factory because of downsizing. And Malone didn't need more prisons; they already had two medium-security institutions. The new prison will bring the prison population in Malone to about 5,000—in a town of only about 15,000. One writer notes that "prisons have become the North Country's largest growth industry. . . ." New businesses also tend to follow the building of new prisons—in the case of Malone, four new drugstores and eight new convenience stores (Wray, 2001, p. 52).

CONCLUSION

The incarceration rate of the United States remains the highest in the world, and as long as this remains the case, the "prison industrial complex" will continue to be a permanent feature of this country. Prisoners will continue to require food, clothing, and medical attention, while prison employees will need to be provided with salaries and benefits. These costs will continue to grow with the inevitable increases in the cost of living. An additional factor in the rising costs of prisons is the aging of the prison population: In recent years prisoners have become increasingly older. There has been some movement in many states to reduce prison sentences by, for instance, providing treatment for drug abusers instead of prison—California being a case in point, where the prison population began showing slight declines from 2000 to 2001 (Beck et al., 2002).

—Randall G. Shelden

See also Contract Facilities; Health Care; Increase in Prison Population; Labor; Pelican Bay State Prison; Privatization; Violent Crime Control and Law Enforcement Act 1994

Further Reading

Beck, A. J., Karberg, J. C., & Harrison, P. M. (2002). *Prison and jail inmates at midyear 2001*. Washington, DC: Bureau of Justice Statistics.

Christie, N. (2000). *Crime control as industry: Toward gulags, Western style* (3rd ed.). New York: Routledge.

Donziger, S. (1996). *The real war on crime*. New York: Harper/Collins.

Dyer, J. (2000). *The perpetual prisoner machine*. Boulder, CO: Westview.

Lilly, J. R., & Knepper, P. (1993). The correctional-commercial complex. *Crime and Delinquency, 39*, 150–166.

Macallair, D., & Vargus, D. (2002). *Prison expansion in a time of austerity: An analysis of the governor's proposed new prison in Delano.* San Francisco: Justice Policy Institute.

Mauer, M. (1999). *Race to incarcerate*. New York: New Press.

Parenti, C. (1999). *Lockdown America: Police and prisons in the age of crisis*. New York: Verso.

Schlosser, E. (1998, December). The prison-industrial complex. *Atlantic Monthly*, 51–77.

Shelden, R. G., & Brown, W. B. (2000). The crime control industry and the management of the surplus population. *Critical Criminology, 9*, 39–62.

Silverstein, K. (1998). America's private gulag. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), *The celling of America: An inside look at the U.S. prison industry* (pp. 156–163). Monroe, ME: Common Courage.

Wray, L. R. (2001). A new economic reality: Penal Keynesianism. *Challenge, 43,* 5.

PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM

The Prison Industry Enhancement (PIE) Certification Program was put into place in 1979 by the federal government to ease restrictions on

prison-made goods. Earlier legislation, such as the Hawes-Cooper and Ashurst-Sumners acts, had prevented or restricted the production, distribution, and sale of prison-made goods. The PIE program allows private sector industry to establish joint ventures with state and local correctional agencies to produce goods using prison labor. It certifies and exempts state and local departments of corrections from normal restrictions on the sale of prison-made goods in interstate commerce.

LEGISLATIVE HISTORY

The Prison Industry Enhancement Certification Program was first authorized under the Justice System Improvement Act of 1979 (Public Law 96-157, §827) and was later expanded under the Justice Assistance Act of 1984 (Public Law 98-473, § 819). The Crime Control Act of 1990 (Public Law 101-647) allowed for the indefinite continuation of the PIE Certification Program.

BACKGROUND

During the 19th century, prisons commonly put convicts to work and sold the fruits of their labor. This practice eventually brought about conflict between prison administrators and those members of society, including union members and small business people, who were displaced or in direct competition with prison-made goods. Critics of convict labor brought grievances to the federal government, pointing out that without the usual costs associated with labor and overhead of free enterprise, prison industries were able to make their products for prices much lower than in the private sector. These items were then sold either on the open market to the general public or to local, state, and federal governmental agencies, crippling other industries that had to pay living wages.

In 1924, then-Secretary of Commerce Herbert Hoover held a conference to discuss the "ruinous and unfair competition between prison-made products and free industry and labor" (70 Congress Rec. S656 (1928)). As a result of the conference, Congress requested that a study be done to look into the problem that existed between these two industries. Arthur Davenport, the chairman of the Advisory Committee on Prison Industries at that time, said that

> the effect of placing on the open market a volume of goods which have been produced below normal costs, is to lower prices and disorganize the market. The increase in prison production which is predicted will exaggerate this evil and make it difficult if not impossible for manufacturers employing free labor to exist in trade where the prison output becomes heavy. The solution of this problem, if prison production is to continue, would seem to be the elimination, in one way or another, of the direct price competition of prison products with so called Free Products. (70 Congress Rec. S656 (1928))

Davenport concluded that a solution was imperative—either prisoners would sit idle and not work or private industry would not be able to compete with the prices of prison-made products.

The first solution presented was the enactment of the Hawes-Cooper Act in 1929 (Public Law 70-669, 45 Stat. 1084). This law did little, however, to rectify the problem caused by prison-made goods. Under this law, products produced in prisons were placed under restrictions only when they arrived in the state where they were to be sold, but many states, at the time, did not have laws to regulate the sale of prison-made goods. It was not until the Ashurst-Sumners Act (Public Law L. 74-215, 49 Stat. 494 1939) was passed and it became a federal crime, subject to criminal prosecution and resulting in a fine or imprisonment of no more than two years, that the distribution of prison-made goods was finally regulated. The Ashurst-Sumners Act recognized exceptions, including

> agricultural commodities or parts for the repair of machinery, . . . commodities manufactured in a Federal, District of Columbia or State Institutions for use by Federal Government, or by the District of Columbia, or by any state or political subdivision of a State or not-for-profit organizations. (Title 18 U.S.C. 1761(b))

Under this legislation, the federal government was prohibited from entering into a contract with prison industry when it exceeded $10,000.

CURRENT PRACTICE

While amendments to the Justice System Improvement Act of 1979 allow for up to 50 PIE Certified Programs, according to the most recent information published by the National Correctional Industry Association (NCIA, 2004); only 38 corrections department programs have been approved under the authority of the Prison Industry Enhancement Certification Program. About 2,800 inmates work for more than 140 private businesses in this arrangement, making a variety of products including food, clothing, furniture, sheet metal, electronic equipment, and mattresses. According to Christian Parenti (1999), for example,

> In San Diego prisoners working for CMT Blues were employed tearing "made in Honduras" labels off T-shirts and replacing them with labels reading "made in USA." Other convicts take reservations for TWA, work at telemarketing and data entry, and slaughter ostriches for export to Europe. (p. 230)

Under the PIE Certification Program, restrictions are placed on the deductions allowed to be taken out of a prisoner's wages—at no time can more than 80% of the prisoner's wages be deducted. The only deductions that are permitted include room and board, state and federal taxes, family support, and crime victim's compensation. While deductions for room and board are discretionary, crime victim's assistance deductions are mandatory under the PIE program guidelines. All guidelines come under the Justice System Improvement Act of 1979 (Public Law 96-157, §827) and amendments that follow.

Since the inception of the PIE Certification Program in 1979 until 2001, figures show that prisoners in the Prison Industry Enhancement programs have been paid $197,619,245 in wages. At the same time, monies collected as part of wage deductions included contributions to victims' programs ($18,510,801), room and board deductions ($50,127,654), family support deductions ($11,717,213), and taxes ($26,695,997). Altogether, these deductions have totaled $107,051,665.

PROGRAM REQUIREMENTS

The Bureau of Justice Assistance has set forth eight requirements for a program to be certified to participate in the Prison Industry Enhancement program: (1) Businesses must pay wages at a rate not less than that paid for similar work in the same locality's private sector. (2) They must provide written assurances that the PIE Certification Program will not result in the displacement of workers employed before the program was implemented. (3) They also have to furnish written proof of consultation with organized labor and local private industry before PIE Certification Program startup, while (4) providing inmates with workers benefits, including workers compensation or its equivalent. (5) States are given authority to involve the private sector in the production and sale of prison-made goods, while (6) institutions must provide written assurance that inmate involvement is voluntary. (7) As part of any PIE program, the institution must collect and provide financial contributions of not less than 5% and not more than 20% of gross wages to the crime victim compensation/assistance programs. Finally, (8) all programs need to comply with the National Environmental Policy Act and related federal environmental review requirements.

PROGRAM EFFECTS

According to its supporters there have been a number of beneficial effects of the PIE program. First of all, because of the deductions for room and board, the financial burden of housing prisoners has been reduced. Millions of dollars have been reinvested in the day-to-day operating cost of participating PIE programs. Crime victims have been given money that can help restore some of the financial loses that victims have encountered or help them recover from other hardships. The PIE program has also affected the prisoners in positive ways: They are offered the opportunity to learn potentially valuable skills, provide compensation to their victims, and help occupy their time while in prison. Moreover, business are provided with a supply of labor and, in many situations, are provided facilities at no cost.

There has been relatively little opposition to the Prison Industry Enhancement program. Some groups and individuals, however, have been concerned about substandard and possibly dangerous working conditions as well as the significant deductions taken from prisoners' wages. As with other forms of prison labor, critics are also concerned that PIE programs negatively affect workers in the free labor market.

CONCLUSION

The Prison Industry Enhancement Certification Program, first implemented in 1979, is a key part of privatization of prison labor. For the first time since the 1930s, some private businesses are entitled to use prison labor to produce goods at relatively low cost to themselves. Companies interested in utilizing prison labor receive many tax breaks and other incentives. Often the institution will construct workrooms to their specifications. Most important, there is a guaranteed labor pool. Private businesses are, however, somewhat restricted by the legislation, forced to pay minimum wage and provide certain basic benefits and compensation. And this, as Christian Parenti observes, is often a sticking point: "With wages as low as 40 cents an hour in Honduras, and generous tax breaks to boot, why open a sweatshop inside some bureaucratic hellhole where you have to pay minimum wage?" (Parenti, 1999, p. 235).

Indeed, despite a certain amount of publicity about joint venture programs and prison labor in the 1990s, Parenti (1999, p. 233) believes that "capital avoids the penitentiary." There is often a lack of space for work. Because prison-made products are popularly regarded as "morally tainted," companies that do utilize prisoner services usually hesitate to publicize the source of their labor. Companies wishing to operate in penal facilities also face numerous problems of restricted flexibility, searches, security, guards, delays for counts, problems of location and delivery, and prisoner resistance (Parenti, 1999, pp. 234–235). Thus, despite the fanfare surrounding PIE, it has not revolutionized prison labor, and instead, most prisoners continue to remain idle.

—Marc Kaim

See also Ashurst-Sumners Act; Hawes-Cooper Act; Labor; Prison Industrial Complex; Privatization; Privatization of Labor; UNICOR

Further Reading

Auerbach, B. J. (2001). *Emerging practices: Wage policies and practices for the Prison Industries Enhancement Certification Program (PIECP).* Washington, DC: Bureau of Justice Assistance. Retrieved September 10, 2004, from http://www.nationalcia.org/piewages.pdf

Bureau of Justice Assistance. (2004). *Prison Industry Enhancement Certification Program.* Washington, DC: Bureau of Justice Assistance. Retrieved September 10, 2004, from http://www.ojp.usdoj.gov/BJA/grant/piecp.html

Clem, C. (Ed.). (1999). *Annotated bibliography on offender job training and placement* (2nd ed.). Washington, DC: National Institute of Corrections. Retrieved August 4, 2003, from http://www.nicic.org/pubs/1999/015538.pdf

Davis, A. (2003). *Are prisons obsolete?* New York: Seven Stories.

Misrahi, J. J. (1995). Factories with fences: An analysis of the Prison Industry Enhancement Certification Program in historical perspective. *American Criminal Law Review, 33*(2), 411–436.

National Correctional Industries Association. (2004). PIE Certification Program. Retrieved September 10, 2004, from http://www.nationalcia.org/pieprog2.html

Parenti, C. (1999). *Lockdown America*. New York: Verso.

Sexton, G. E. (1995). *Work in American prisons: Joint ventures with the private sector.* Washington, DC: National Institute of Justice. Retrieved August 5, 2003, from http://www.ncjrs.org/pdffiles/workampr.pdf

PRISON LITERATURE

Prison literature is an established literary genre that spans the age of written text. It takes a multiplicity of forms, styles, and intents, and includes biography, fiction, poetry, drama, sociopolitical commentary, and analysis. From classical Greek and Roman literature through biblically inspired narratives and their antithesis to the philosophers, radical thinkers, and avant-garde of the 19th and 20th centuries, writers in prison have had a major impact on world literature.

The prison has served as an important symbol and metaphor throughout the recorded history (i.e., text) of Western thought, and its material realities have formed the immediate context and crucible for an influential and celebrated group of writers and

intellectuals. According to Davies (1990), "It is arguable that it is impossible to understand Occidental thought without recognizing the central significance of prison and banishment in its theoretical and literary composition" (p. 3).

WRITING AS RESISTANCE

Prison writing chronicles the societal reliance on carceral control over the ages and across cultures. It also reveals the scope of political, social, and cultural dissent, resistance to oppression, and the refusal of many to accept the normative structures of dominant classes or elites and their societies as embodied in the concept of "crime." Noted prison writers include prisoners of conscience, political prisoners, prisoners of war (e.g., Antonio Gramsci, 1891–1937; Rosa Luxemburg, 1871–1919; B. Behan, 1923–1964; the Dalai Lama, 1936–; Breyten Breytenbach, 1939–; Mumia Abu-Jamal, 1954–; L. McKeown, 1956–), outlaws, rebels, and common criminals (François Villon, 1431–?; Malcolm X, 1925–1965; George Jackson, 1941–1971; Victor Hassine, 1955–).

The fiction, poetry, commentary, and analysis of prisoners represent counter-inscriptions to dominant forms of social control, criminal justice policies, practices, and penal methods. Their accounts differ significantly from the accounts and representations found in academic studies, state reports, dominant political discourse and ideology, and the mass media. Writers in prison provide "history from below," revealing prison culture and practices by parting the mists shrouding the prison and carceral life and casting light upon the realities of the pains of imprisonment and the formative power of the prison. A random sampling of the vast array of literary and artistic work of prisoners immediately indicates that the experience of criminalization and imprisonment is disorienting, threatening, and total. At the macro level, it exposes the inequities of class, race, and gender that dominate the composition of prison populations, and reveals the "peculiar relationship of power-repression" (Breytenbach, 1984) that characterizes carceral custom over time and location. At the level of immediate experience, it focuses upon survival and resistance to the dominant features of carceral life: violence and brutality, solitary confinement, madness, self destruction, hopelessness, and death.

Prisoner Writing

As a long-term prisoner, administrators can offer few programs that appeal to me over a substantial period of time. During my first eight years of imprisonment I completed my undergraduate studies and a graduate program. After the universities awarded my degree, I realized that I could not proceed further with a formal education program. Although I had about 20 years of imprisonment ahead of me, the only programs that correctional administrators offered were three-month courses in arts and craft projects like basket weaving, picture framing, leathercraft, and pottery. Writing became my solace, my escape from the bedlam around me.

I find writing extremely therapeutic. When I have a pen in my hand and a piece of paper in front of me, I'm able to express thoughts that pass through me. Writing is more creative than reading, though they are related. I enjoy stringing ideas together through these words on paper because I know that someone else will read them. It's as if I'm touching them, or a part of them, even though fences and walls and chains separate us.

My writing has led to an extensive correspondence and friendship with people whom I did not know prior to my confinement. Those people helped me to become a better person. Indeed, through writing I met my beloved wife, Carole. I work every day to refine my writing and communication skills, as I am hopeful they will help my transition back into society after I conclude my term, in 2013.

Besides my correspondence, my writing has led to the publication of three books, including *About Prison, Profiles from Prison,* and *What If I Go to Prison?* I also write extensive amounts of content for MichaelSantos.net. It is a skill that prison administrators cannot take away from me, and while I finish these 26 years I expect to serve in prison, I will work every day to refine my skill at this chosen and cherished craft.

Michael Santos
FPC Florence, Florence, Colorado

Prisoner Web Sites

As a consequence of my having been incarcerated since 1987, I have never used the Internet, nor have I seen a live Web page. That does not mean I don't make use of the incredible power that comes with having my own Web site. Indeed, through the generous help of my friends and family in the community, I have had my own Web site since 1996. It has made a considerable difference in my life.

In order to design the Web site that I wanted, I read extensively on the various options available. Then I drew the structure and hierarchy of the site out on paper. I sent my drawings home so my family could retain a Web designer to build the site for me. Because of the Web site, I have created my own forum, a place where I can publish the considerable amount of content I write to help others understand prisons, the people they hold, and strategies for growing through confinement.

The Web site has exposed me to tens of thousands of people, many of whom have become helpful in my network of support. Indeed, it was through my Web site that I met Carole, who has since moved from her home in Oregon all the way to New Jersey so we could nurture our relationship. We married on June 24, 2003, and look forward to spending the rest of our lives together.

The Internet removes some of the limits that come with imprisonment. Rather than communicating only with the felons around me, my Web site allows me to record the steps I take to prepare for my future, and interact with people all over the world. Visit www.MichaelSantos.net to see how my Web site has enriched my life.

Michael Santos
FPC Florence, Florence, Colorado

INFLUENCE ON ACADEMIC STUDIES

Cohen (1973) and Franklin (1989) note that since the 1960s, there has been a literary renaissance in prison writing, especially in the United States, Canada, and Western Europe. In the current age of "mass imprisonment," writers in prison play a strategic role in exposing the inequities of criminal justice and in analyzing the excesses of the prison industrial complex. Through academic and political journals such as the *Journal of Prisoners on Prisons* (Canada), *Prison Legal News* (United States), *Prison Writing* (United Kingdom), *Sisters Inside* (Australia), and *Expac News* (Northern Ireland), contemporary prison writers are addressing their fate and that of their societies. The emerging "convict criminology" (Ross & Richards, 2003) initiative in the United States promises to further extend this trend into academic criminology. The development of "writers in residence in prison" programs has encouraged prison writers and widens the sphere of their influence to include writers and artists within their containing societies (e.g., Hadaway, 1986).

In the United Kingdom, the Writers in Prison Network has resulted in the production of the journal *Network Notes*, and numerous anthologies featuring the reflections of writers in residence (e.g., Hopwood, 1999). In the United States this development is captured in the compilation *Teaching the Arts Behind Bars* (Williams, 2003). This societal recognition of the literary and artistic productions of prisoners has resulted in numerous international anthologies of prisoners' poetry (e.g., Adilman, 1989), writing (e.g., Dowd, 1996; Franklin, 1998), and analysis (Gaucher, 2002).

RACE AND GENDER

While social class is a given as a focus and location for many prison writers, (e.g., Taylor, 1995), race and gender are specific categories that demand recognition. The history of the confinement of African Americans is represented in the oral traditions and songs of slavery through to their overrepresentation under contemporary conditions of mass imprisonment. Indeed, Franklin (1978, 1998) argues that the songs and writing of imprisoned African Americans constitute a coherent body of literature with a unique historical significance and cultural influence. This understanding is also evident in the "indomitable spirit of defiance which has empowered prisoners throughout Africa's colonial and postcolonial history" (Mapanje, 2003) as represented in the poetry and writing of African prisoners. Aboriginals in North America represent

another racially and culturally focused group of writers and artists whose work has influenced their tribal groups and their containing and constraining societies (e.g., Reed, 1993; Solomon, 1994; Meegwetch Wichiwakan Collective, 1994).

While the imprisonment of women has been a secondary concern in all societies, the contributions of women prison writers has exceeded their numbers and significance in prison populations worldwide. From the political discourse of Constance Markievicz (1868–1927), Rosa Luxemburg (1871–1919), N. Mandelstam (1899–1980), Ethel Rosenberg (1916–1953), and Assata Shakur (1947–) to the more gender-focused writing of Constance Lytton (1869–1923) and Norma Stafford (1932–), imprisoned women have made major contributions to political and gender-focused movements in their societies. The rapid growth in the imprisonment of women in the contemporary societies such as the United States, Canada, and the United Kingdom has fueled the growth of their written contributions to dominant discourse.

CONCLUSION

Prison writers make four distinct contributions to contemporary criminological discourses. By writing about their experiences of criminalization and incarceration, prison writers keep us up to date on the life and death issues of prison life. They provide inside observations on penal policy, its implementation and ramifications (e.g., mass imprisonment, prison overcrowding, prison violence, survival, and resistance). Their work rehumanizes the prisoner and serves to contest the distorting imagery their societies impose upon them. Finally, from their important impact upon the development of new critical discourses within criminology in the 1960s and 1970s, the plethora of contemporary prison writing continues to influence criminological discourse by shifting prisoners' accounts and understandings from the margin to the center of the discipline.

—Robert Gaucher and Sylvie Frigon

See also Activism; Art Programs; Drama Programs; Prison Culture; Prison Music; Resistance

Further Reading

Abu-Jamal, M. (1995). *Live from death row.* New York: Avon.

Adams, G. (1990). *Cage eleven.* Dingle, Ireland: Brandon Books.

Adilman, M. (Ed.). (1989). *Spirits of the age: Poets of conscience.* Toronto: Quarry.

Behan, B. (1958). *Borstal boy.* New York: Knopf.

Boethius, A. (1969). *The consolation of philosophy,* Trans. V. E. Watts. Harmondworth, UK: Penguin.

Breytenbach, B. (1984). *The true confessions of an albino terrorist.* London: Faber.

Bunyon, J. (1978). *Grace abounding to the chief of sinners*. Grand Rapids, MI: Baker Book House.

Cohen, S. (1973). Writing from inside. *New Society*, August 31, pp. 447–449.

Dalai Lama. (1990). *Freedom in exile: The autobiography of the Dalai Lama*. New York: Harper Collins.

Davies, I. (1990). *Writers in prison.* Toronto: Between the Lines.

De Sade, Marquis. (1966). *120 Days in Sodom.* Comp. & trans. A. Wainhouse & R. Seaver. New York: Grove.

Dostoevsky, F. (1951). *Crime and punishment*. Trans. D. Magarshack. Harmondsworth, UK: Penguin.

Dowd, S. (Ed.). (1996). *This prison where I live: The PEN anthology of imprisoned writers.* London: Cassell.

First, R. (1982). *117 days.* Harmondsworth, UK: Penguin.

Franklin, H. B. (1989). *Prison literature in America: The victim as criminal and artist.* New York: Oxford University Press.

Franklin, H. B. (Ed.). (1998). *Prison writing in 20th-century America.* New York: Penguin.

Gaucher, B. (Ed.). (2002). *Writing as resistance: The Journal of Prisoners on Prisons anthology (1988–2002).* Toronto: Canadian Scholars' Press.

Genet, J. (1966). *The miracle of the rose,* Trans. B. Frechman. New York: Grove.

Gramsci, A. (1971). *Selections from the prison notebooks.* Trans. Q. Hoare & P. Nowell-Smith. London: Lawrence & Wishart.

Hadaway, T. (1986). *Prison writers: An anthology*. London: Iron Press.

Hassine, V. (1999). *Life without parole: Living in prison today.* Los Angeles: Roxbury.

Havel, V. (1985). *The power of the powerless.* Trans. P. Wilson. Boston: Sharp.

Hopwood, C. (Ed.). (1999). *Free with words: Writers in prison.* Manchester, UK: Free Press.

Jackson, G. (1972). *Soledad brother.* New York: Bantam.

Luxemburg, R. (1978). *The letters of Rosa Luxemburg.* Ed. S. E. Bronner. Boulder, CO: Westview.

Lytton, Lady C. (1988). *Prison and prisoners.* London: Women's Press.
Malcolm X (with A. Haley). (1965). *The autobiography of Malcolm X.* New York: Grove.
Mandelstam, N. (1970). *Hope against hope.* Trans. M. Hayward. New York: Atheneum.
Mapanje, J. (Ed.). (2003). *Gathering seaweed: African prison writing.* Oxford, UK: Heinemann.
McKeown, L. (2001). *Out of time: Irish republican prisoners Long Kesh 1972–2000.* Belfast: Beyond the Pale.
Meegwetch Wichiwakan Collective. (1994). *Spirit within our dreams.* Stony Mountain, Manitoba, Canada: Stony Mountain Correctional Institution.
Reed, Little Rock. (Ed.). (1993). *The American Indian in the white man's prisons: A story of genocide.* Taos, NM: Uncompromising.
Reid, S. (1988). *Jack-rabbit parole.* Toronto: Seal.
Rives, J. (1992). Room at the inn. In *Shackles and silence: Poems from prison* (pp. 7–8). Hamilton, Ontario, Canada: Mini Mocho.
Rosenberg, E., & Rosenberg, J. (1953). *The death house letters of Ethel and Julius Rosenberg.* New York: Jero.
Ross, J. I., & Richards, S. (2003). *Convict criminology.* Belmont, CA: Wadsworth.
Serge, V. (1977). *Men in prison.* Trans. R. Greenman. London: Writers & Readers.
Shakur, A. (1987). *Assata.* Chicago: Lawrence Hill.
Solomon, A. (1994). *Eating bitterness: A vision beyond the prison walls.* Toronto: NC.
Solzhenitsyn, A. (1962). *One day in the life of Ivan Denisovich.* Moscow: Novy Mir.
Stafford, N. (1975). *Dear somebody: The prison poetry of Norma Stafford.* Santa Cruz, CA: Privately published.
Taylor, J. M. (1995). The resurrection of the "dangerous classes." *Journal of Prisoners on Prisons, 6*(2), 7–16.
Villon, F. (1978). *Selected poems.* Trans. P. Dale. Harmondsworth, UK: Penguin.
Wilde, O. (1973). *The complete works.* London: Collins.
Williams, R. (Ed.). (2003). *Teaching the arts behind bars.* Boston: Northeastern University Press.

Prison Litigation Reform Act 1996

In 1996, Congress passed the Prison Litigation Reform Act (PLRA), 28 U.S.C. §1915, in order to limit inmate litigation. The PLRA's main provisions require prisoners to exhaust administrative procedures before filing lawsuits, allow courts to dismiss complaints if a cause of action is not clearly stated, limit attorney's fees and special masters, and regulate the relief that courts can order. The act's provisions also modified the filing procedures for indigent inmates who file *in forma pauperis* actions. Courts must now dismiss indigent inmate claims if they are "frivolous," "malicious," or "fail to state a claim upon which relief can be granted" (28 U.S.C. §1915(e)(2)). In addition, if an inmate has had three or more prior complaints or appeals dismissed, then he or she will be barred from filing any further actions unless the complaint addresses a situation of "imminent" or "serious" bodily harm (28 U.S.C. §1915(g)). Under the PLRA, inmates are restricted in filing both class action and individual lawsuits.

NUMBER OF INMATE LAWSUITS

In 1993, inmate lawsuits accounted for about 15% of all civil suits filed in the federal district courts. By 1995, they grew to about 25% of all federal district court civil lawsuit filings, accounting for about 65,000 cases. Prior to the PLRA, more than 95% of these filings resulted in either a dismissal or in no orders for relief, because they were proven to lack merit.

Between 1980 and 1996, while the actual number and percentage of inmate filings increased, their rate decreased 17%. The contradictory variation between the increased number and percentage of filings and the decrease in the rate of filings is due to changes in the prison population. Over the past 20 years, the prison and jail population has grown dramatically, with almost 2 million persons in custody. In 2001, the total incarceration rate was about 700 per 100,000 persons. Two years after the act's passage, in 1998, the percentage of inmate lawsuits decreased more than 60%, from about 41,000 to about 26,000 petitions filed. The dramatic decrease in inmate filings can be directly attributed to the PLRA, since courts used the act to reduce their dockets.

FRIVOLOUS CLAIMS

One congressional purpose underlying the statute is to reduce inmate litigation that is frequently presumed to be frivolous and wasteful of judicial time and resources. Some reported cases of frivolity involved prisons being sued for failure to have a

salad bar, utilizing white as opposed to beige towels, and charging an inmate for creamy peanut butter when he wanted to purchase the chunky kind. Although some claims by inmates are indeed trivial, many prisoners sue over health care, violence and overcrowding, religious exercise, and other fundamental rights concerns. Under the PLRA, valid claims cannot be readily distinguished from those that are trivial and may be summarily dismissed if the inmate does not pay filing fees or fails to properly explain how a legal right was violated.

JUDICIAL OVERSIGHT

Another congressional purpose for the PLRA is to limit judicial oversight of the nation's prison system. In the first half of the 20th century, courts had a "hands-off" policy and refused to entertain any inmate complaints. During the 1970s, the U.S. Supreme Court began to hold that inmates retained those constitutional rights and protections that are not inconsistent with being incarcerated. Women and men sued institutions using the First, Fourth, Fifth, Eighth, and Fourteenth Amendments by alleging that a variety of conditions of their confinement violated their rights. By the end of the 20th century, nearly every state had a prison system operating under a judicial consent decree. These decrees enabled courts to enforce their decisions by providing them with judicial oversight through the appointment of special masters who would evaluate how the prison system was operating. In this manner, courts were able to directly intervene and oversee correctional operations on a day-to-day basis.

Congressional proponents of the PLRA argued that prison administrators are in the best position to determine how to oversee the operation of their facilities. The act aims to reduce the ability of courts to create broad, sweeping changes that empower the courts to direct the institution and order how they are to be run. Rather than allowing special masters to dictate massive changes on a court's behalf, the PLRA instructs courts to limit the reach of their orders to that which is the least intrusive of correctional authority. Despite the limits the PLRA places on the courts' power of judicial review, most federal appellate courts have validated the act.

THE CASE AGAINST THE PLRA

The act's provisions that engender the most controversy are the "Three Strikes" and indigent inmate filings requirements. In addition, some scholars question whether Congress has the power to limit the scope of judicial review, while others also question the degree to which courts should return to a "hands-off" policy of judicial deference to prison administrations.

Opponents of the PRLA argue that the act's requirements deny inmates due process and equal protection of the law, since they affect inmate filings without regard to the legitimacy of an individual's claim. People who are illiterate or have limited education have difficulty articulating their legal claims and may not understand the procedural requirements pertaining to filing a complaint. If a court reviewing the filing determines that the claim is insufficient, the complaint will be dismissed even if it might have been "meritorious" if given an opportunity to correct the legal deficiency. Likewise, under the "Three Strikes" provision, if a court dismissed three prior filings by the petitioner, the inmate will automatically be prevented from filing another suit irrespective of its merit. Although the act allows people to file a claim if they are in imminent danger (despite having a "third strike"), it does not clearly define what this means. This exception is aimed at protecting women and men who presently are "in danger" at the time of their filing. However, if the harm is no longer present, then the litigant can have the filing denied. If this happens, the inmate, even if indigent, is still responsible for paying in full the court costs and filing fees (these monies may be paid on a monthly basis).

The PLRA also discourages claims, even if valid, by limiting the ability of prisoners to file claims in federal court if they have not exhausted all prison administrative avenues prior to filing. Under the PLRA, it is not clear how inmates are to determine whether they have exhausted administrative channels, or whether they must wait to file a lawsuit

even if the administrative remedies are "futile" or unavailable to them.

CONCLUSION

The constitutional questions that pertain to the PLRA will require analysis by the nation's high court. While many courts of appeal, utilizing a rational basis test of constitutionality, have determined that the act is constitutional, some scholars who challenge the legitimacy of the act argue that the statute must be analyzed with stricter scrutiny because it affects fundamental constitutional rights such as access to the courts. Legal groups like the American Civil Liberties Union are concerned that the PLRA goes too far in reducing the ability of persons to protect their rights. They argue that while the act can limit some petty complaints, it infringes upon fundamental rights and undermines the judicial process.

One of the most difficult places to define and protect rights is within correctional institutions. Although it might be tempting to reduce court congestion by employing the PLRA to prison litigation, judicial authority stems from the Constitution itself. It remains for the U.S. Supreme Court to determine if the PLRA unconstitutionally impacts the separation of powers between the judiciary and Congress, and the separation of powers between the judiciary and the executive branches (prison administration). It also remains for the U.S. Supreme Court to untangle the due process and equal protection claims that inmates have in litigating their claims given the act's "hands-off" procedural limitations.

—Frances P. Bernat

See also Discipline System; Eighth Amendment; Fourth Amendment; Freedom of Information Act; *Habeas Corpus;* Jailhouse Lawyers; Prisoner Litigation; Resistance; USA Patriot Act 2001

Further Reading

Butler, T. J. (1999). Commentary: The Prison Litigation Reform Act: A separation of powers dilemma. *Alabama Law Review, 50,* 585–601.

Burns, K. L. (1997). Note: Return to hard time: The Prison Litigation Reform Act of 1995. *Georgia Law Review, 31,* 879–927.

Fielder, S. I. (2000). Comment: Past wrongs, present futility, and the future of prisoner relief: A reasonable interpretation of "available" in the context of the PLRA. *University of California Davis Law Review, 33,* 713–750.

Franklin, J. D. (2000). Comment: Three strikes and you're out of constitutional rights? The Prison Litigation Reform Act's "three strikes" provision and its effect on indigents. *University of Colorado Law Review, 71,* 189–220.

Herman, S. N. (1998). Article: Slashing and burning prisoners' rights: Congress and the Supreme Court in dialogue. *Oregon Law Review, 77,* 1229–1303.

Hobart, P. (1999). Comment: The Prison Litigation Reform Act: Striking the balance between law and order. *Villanova Law Review, 44,* 981–1014.

Kuzinski, E. J. (1998). Note: The end of the prison law firm?: Frivolous inmate litigation, judicial oversight, and the Prison Litigation Reform Act of 1995. *Rutgers Law Journal, 29,* 361–399.

Robertson, J. E. (2001). Prison reform, a Faustian bargain: Commentary on prospective relief before and after Miller v. French. *Criminal Law Bulletin, 37,* 195–209.

PRISON MONITORING AGENCIES

Citizen monitoring of correctional facilities helps ensure that corrections officials run prisons fairly and humanely. Because of the inherent imbalance of power that exists within it, citizens have a responsibility to monitor, like "watchdogs," the performance of the criminal justice system. Only by having independent, external reviews can we hope to minimize abuses of power.

However, other than a few organizations like the John Howard Association, the New York Correctional Association, and the Pennsylvania Prison Society, citizen monitoring of corrections facilities is rare in the United States. Instead, the general public has willingly turned the work of criminal justice over to professional workers in the system. Thus, most states rely on professional associations such as the American Correctional Association, the American Jail Association, the National Juvenile Detention Association, and the National Commission on Correctional Health Care, which promote standards and quality control practices and, in some cases, operate accreditation programs. In some states, government-based prison and/or jail inspection entities exist, or private consulting organizations perform correctional institution visitations and inspection

work. These, however, are not citizen or volunteer-based organizations.

HISTORY

Citizen monitoring of prisons has a long history outside the United States. John Howard (1726–1790) is perhaps the best-known and most effective prison reformer in the history of the English-speaking countries. At the age of 40 he experienced firsthand the pains of incarceration; he became a casualty of the Seven Years War when the French captured him en route to Spain on a sea vessel. He spent several months incarcerated and was sent home in a prisoner exchange. In 1773, at the age of 47, he became High Sheriff of Bedfordshire. Upon becoming High Sheriff, he devoted his life and his family fortune to prison reform in England and several other countries. He died in the Crimea in 1790, having contracted typhus while visiting Russian military hospitals. John Howard initiated the first documented citizen inspections of jails in England and published the first statistical summaries of jails and the conditions of confinement (*The State of Prisons in England and Wales,* 1777). To this day, John Howard societies (or similar associations) exist in England, Australia, Canada, the United States, and several other countries, with common justice system monitoring and reform goals.

John Howard's enduring contribution to justice system improvement lies in his advocacy of citizen involvement in the matters of government. Independent observers and review of criminal justice system operations by citizen volunteers represent an important component of the balance of powers essential to the social contract and our democratic form of government. John Howard and other reformers of his era realized this and put it into practice with systemic monitoring of English penal institutions. Howard also implemented similar practices in England, Australia, Russia, and several other countries.

THE JOHN HOWARD ASSOCIATION

While the practice of citizen monitoring of correctional facilities is not widespread in the current U.S. penal system, it has long-standing acceptance, and the principle is widely understood. The John Howard Association (JHA) in Chicago, Illinois, began in 1901, providing services to current and former offenders, serving as a not-for-profit citizens' watchdog organization for corrections. The association continues to this day as the main organization in Illinois that conducts independent, routine, systematic visitation and monitoring of prisons and jails (adult and juvenile facilities). The association undertakes other reform-oriented activities and initiatives relating to sentencing and other criminal justice system issues, but the visitation and monitoring program remains the foundation of its public education, policy development, and advocacy initiatives, which help shape funding and legislation relating to corrections in Cook County and the State of Illinois.

In recognition of the group's effectiveness, federal and state courts have repeatedly appointed the John Howard Association and its staff to serve as court-appointed monitors in individual and class action suits against jails, prisons, and juvenile detention centers in Illinois. JHA staff members have also served as expert witnesses or consultants in other litigation. Several of the association's correctional facility monitoring reports are now part of the collection at the Chicago Historical Society, which felt they were significant documents pertaining to the city's history.

CONCLUSION

The hidden nature of corrections makes it difficult for citizens to engage in issues relating to punishment and corrections. However, there are many benefits from ongoing citizen monitoring of correctional facilities. Public monitoring enhances public education about the workings of the criminal justice system and can increase the public's confidence in the justice system. It lets people who are inside prisons, jails, and juvenile detention facilities—the correctional officers, staff, and the inmates—know that what happens inside the correctional institution matters to those on the outside. It also helps prevent abuse of power and authority.

Monitoring by independent citizens and agency staff with correctional expertise provides both

constructive criticism of shortcomings and appropriate recognition for accomplishments by correctional administrators and staff. It frequently reveals the need for additional resources, including facilities, equipment, staff, programs, or services that may be essential to the mission of correctional facilities. Independent monitoring of our most restrictive and punitive public institutions is vital in a democratic society that maintains the importance of ensuring that even the least deserving poor are protected.

—James R. Coldren and Charles A. Fasano

See also Activism; John Howard; Fay Honey Knop; Families Against Mandatory Minimums; Elizabeth Fry; Legitimacy; November Coalition; Pennsylvania Prison Society; Philadelphia Society for Alleviating the Miseries of Public Prisons

Further Reading

Hay, G. (n.d.). *Biography of John Howard*. Retrieved from http://www.johnhoward.ca.bio.htm

Howard, J. (1777). *The State of Prisons in England and Wales*. London.

John Howard Association. (1948). *John Howard: His life, character and service*. Chicago: John Howard Association.

Johnson, R. (1996). *Hard time* (2nd ed.). Belmont, CA: Wadsworth.

Morris, N., & Rothman, D.J. (Eds.). (1995). *The Oxford history of the prison: The practice of punishment in Western society.* New York: Oxford University Press.

National Mental Health Association. (n.d.). *Checking up on juvenile justice facilities: A best practices guide*. Alexandria, VA: National Mental Health Association.

Rudovsky, D., Bronstein, A. J., Koren, E. I., & Cade, J. (1988). *The rights of prisoners* (4th ed.). Carbondale: Southern Illinois University Press.

Whitfield, D. (Ed.). (1991). *The state of the prisons—200 years on*. New York: Routledge.

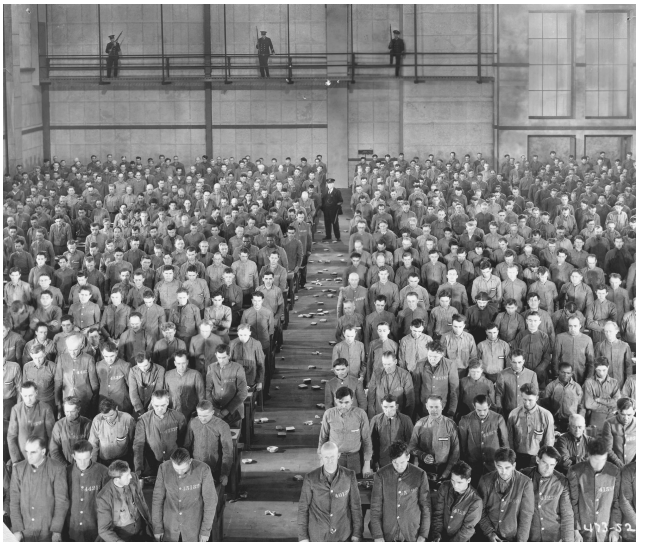

Photo 3 *Still from "The Big House," 1930*

PRISON MOVIES

Prison movies are among the most complex kinds of cinema, impossible to classify simply according to genre, period, or narrative conventions. Yet, they have historically been characterized as full of direct and superficial social messages and, in general, as less interesting than the majority of commercial movies. This tendency, in combination with the limited availability of many early and independent films, have restricted the development of a critical body of knowledge examining the relationship between cinema and the prison, particularly in comparison to crime, detective, gangster, or legal thrillers. All this, despite the fact that prison films make up a persistent category within the Hollywood system, as well as in various independent and international cinemas. They also regularly appear across politically alternative and experimental categories, documentary, B-movie distribution, and pornography. The prison film, thus, crosses generic boundaries, amalgamating conventions and tendencies from *film noir,* social consciousness films (including social documentary and social problem cinema), gangster films, crime thrillers, police procedurals, mysteries, action-adventure films, melodrama, comedies, musicals, animation, and women's cinema.

The prison film persists across cinema as a perennial setting in which to enact primary social dramas about physical, social, and psychological entrapment, a laboratory for enacting the struggle between good and evil, perpetually pitting the individual against the apparatus of the state, often through scenarios of stark injustice. With their characteristic bleak and oppressive worldviews, these films have served as extreme settings in which to act out the fundamental tensions of the human condition: struggles to preserve individual identity,

humanity, and dignity in the face of inflexible power structures and corrupt authorities.

HISTORY

Films set within prisons or incorporating penal institutions into their narratives have existed from the inception of cinema. Prison movies experienced their heyday in the Hollywood studio productions of the 1930s and 1940s. Films like *The Big House* (1930), starring Robert Montgomery, Chester Morris, and Wallace Beery, and *20,000 Years in Sing Sing* (1939), based upon the real-life experiences of Warden Lewis E. Lawes and starring Spencer Tracy, stand as exemplars of the period, crystallizing many of the key conventions of the formula. In this era, many of the fundamental frames and uses of the prison in cinema were established, including its quasi-biographical or true-life impulse (*Devil's Island*, 1939; *20,000 Years in Sing Sing*, 1939); its socially conscious focus (*I Am a Fugitive from a Chain Gang,* 1932; *Hell's Highway*, 1932; *They Made Me a Criminal*, 1939; *Sullivan's Travels*, 1941); the introduction of women-in-prison films (*Ladies of the Big House*, 1930; *Women in Prison*, 1938; *Caged*, 1950); the juvenile delinquency film (*Are These Our Children*, 1931; *Mayor of Hell*, 1933; *Crime School*, 1938; *Angels with Dirty Faces*, 1938; *Boys Town*, 1938); and the use of the prison film as a star vehicle for popular actors (Humphrey Bogart in *San Quentin* and *Dead End* in 1937, and *You Can't Get Away with Murder* in 1939; James Cagney in *Angels with Dirty Faces*, 1938, and *White Heat*, 1949; Clint Eastwood in *Escape from Alcatraz*, 1979; Paul Newman in *Cool Hand Luke*, 1967; Robert Redford in *Brubaker*, 1980, and *The Last Castle*, 2001).

In the past 50 years, American cinema has witnessed a series of transformations in the structure and trajectory of prison films. By the early 1970s, a number of films had emerged that, for the first time, overtly critiqued the notion of rehabilitation. Stanley Kubrick's *A Clockwork Orange* (1971) and *One Flew Over the Cuckoo's Nest* (1975) stand at the center of the emergence of a wave of "asylum films" that were not simply skeptical of the treatment model of corrections but depicted it as deeply destructive and coercive. Others include *Morgan: A Suitable Case for Treatment* (1966), *Cool Hand Luke* (1967), *Titicut Follies* (1967), *Riot* (1969), *The Longest Yard* (1974), *Short Eyes* (1977), *Scared Straight* (1978), and *On the Yard* (1979). Such films, with their emphasis on nonconformity and futility, differ from similar narratives of the preceding decade (*Carbine Williams*, 1952; *My Six Convicts*, 1952; *Riot in Cell Block 11*, 1953; *The Birdman of Alcatraz*, 1962; *Convicts 4*, 1962), which, when critical of rehabilitation, grounded its failure in the shortcomings of individuals who resisted professional treatment and correctional change.

Since the 1970s, a number of prison films have been made in the genre of science fiction. With its insular worlds, claustrophobic spaces, industrial entrapment, and near-total isolation in some form of "outer" space where individuals have been abandoned or trapped, these story lines invoke many of the key narrative devices of prison cinema, including elements of escape, authority, and transcendence (*Terminal Island*, 1973; *Escape from New York*, 1981; *Escape 2000*, 1981; *Prison Ship*, 1984; *Space Rage*, 1985; *The Running Man*, 1987; *Deadlock*, 1991; *Star Trek VI: The Undiscovered Country*, 1991; *Alien 3*, 1992; *Fortress*, 1993; *No Escape*, 1994). In these settings, the prison becomes an existentialist site for the elaboration of the human condition, where communities, cities, societies, and entire worlds are often rendered as prisons, as in the panoptic worldviews of *Blade Runner* (1982); *The End of Violence* (1997); *The Truman Show* (1998); *Dark City* (1998); *Pleasantville* (1998); *The Matrix* (1999); *The Cell* (2000); *X-Men* (2000); *The Panic Room* (2002); and *Minority Report* (2002).

THE FORMULA

The beginning of most prison films operates as a primer in prison sociology, introducing its viewers to the mechanical daily routines and processes of imprisonment typically through the entry of a central character into the overwhelming social world of the institution. The viewer follows this new "fish,"

who is usually unjustly convicted or punished, through the dehumanizing pains of imprisonment, his (or, less often, her) introduction to the convict code, and the consequent patterns of adaptation. Thus, prison films come typically with what Nicole Rafter (2000) identifies as stock elements: big casts that are easily typologized, including the new fish as hero; his older, more experienced (and hardened) buddy, who is often the con with standards (the "real man"); the "square john"; the rats, snitches, and squealers; the paternalistic and often impotent warden of the 1930s and '40s who transforms into the cruel, sadistic warden of contemporary cinema; the unsophisticated, brutal guard as "smug hack"; and the psychotic inmate who is beyond reclamation.

The prison film's most fundamental plot mechanisms and narrative devices are manipulative acts of personal violence (*Cool Hand Luke*, 1967; *American History X*, 1998), riots (*Brute Force*, 1947; *Riot in Cell Block 11,* 1954), thrilling escapes (*I Am a Fugitive from a Chain Gang*, 1932; *The Defiant Ones*, 1958; *The Shawshank Redemption*, 1994), and executions (*Angels with Dirty Faces*, 1938; *I Want to Live!*, 1955; *Dead Man Walking*, 1995; *The Green Mile*, 1999). These conventions build upon key axes of narrative structure, what Cheatwood (1998) labels the "fundamental structural elements" of these films, including their specific orientation toward such issues as confinement, justice, authority, and release (p. 213). Cheatwood argues that these elements reappear consistently across prison cinema and one may map cultural transformation through changes in the ways in which these elements are mobilized through various historical eras to justify or challenge imprisonment. For instance, Depression era films are more likely to characterize imprisonment as a miscarriage of justice, avoid the positioning of responsibility and blame upon individual offenders, and legitimate the existing justice system through the removal of a few key corrupt individuals (guards or wardens)—a style in many ways deeply inconsistent with contemporary treatments of these same conventions under incapacitation. Thus, the prison film operates as a significant sociohistorical artefact.

RACE AND GENDER

The rigid physical structures and restricted spaces of the cinematic prison are modeled in such a way as to mimic the constraints in social forces that lead the central characters to the prison, where the protagonist may be put into direct confrontation with the state and its most oppressive social institution. Consequently, prison portrayals have always engaged a complex set of identity politics about race and gender.

Contemporary images of race in prison films fluctuate between two poles of representation: (1) an explicit articulation of racial disproportionality or (2) race as omission. The first issue is often portrayed with respect to violence and gang formation in prisons and is explained as a failure of governance and the crisis of the state. This critique is often implied in the movie title: *American Heart* (1992), *American Me* (1992), or *American History X* (1998). (Others include *South Central*, 1992; *Malcolm X*, 1992; *Bound by Honor: Blood In, Blood Out*, 1993; *Slam*, 1998; *Monster's Ball*, 2001.) The second issue, where the racial politics of contemporary imprisonment are situated in nostalgic retrospectives of the penal past has been particularly apparent in the most popular prison films of contemporary cinema (*The Shawshank Redemption*, 1994; *The Green Mile*, 1999).

An explosion of sexploitation films in the aftermath of the rights movement, including such titles as *The Big Doll House* (1971), *The Big Bird Cage* (1972), *Black Mama, White Mama* (1972), and Jonathan Demme's first film, *Caged Heat* (1974), provides discrete cultural arenas for reworking gender roles within existing social hierarchies. The popularity of these women-in-prison films presents a clear cultural site for the punishment of women who violate prescribed roles. The films often incorporate a violent sexual style that brutally emphasizes power relationships under patriarchy. In this manner, the prison film has always existed somewhere between social consciousness and exploitative spectacle, between a specific concern with existing social realities (specifically, the conditions of imprisonment) and the institution's seductive use as both metaphor and fantasy.

CONCLUSION

Many scholars anticipate that contemporary prison cinema is undergoing significant transformation. They argue that the classical definitions, conventions, and plots of prison films have become increasingly murky and abstract with no clear moral message. Individual actors are rendered less capable of meaningful action in an increasingly arbitrary, confusing prison setting, where authority, justice, and moral systems are no longer clear or stable. In such a context, heroes become anti-heroes, and the easy resolutions of classical prison cinema are no longer believable. These films are exemplified by an odd mixture of self-reflexive documentary-style productions, including *Swoon* (1991), *Aileen Wuornos: The Selling of a Serial Killer* (1992), *Natural Born Killers* (1994), *Paradise Lost* (1996), and *Dancer in the Dark* (2000). Yet some of the most popular prison productions of the past decade have clearly been built on the established conventions and nostalgic formulas of classic prison films, including Frank Darabont's *The Shawshank Redemption* (1994) and *The Green Mile* (1999), both from works authored by Stephen King. As well, the most popular images of criminality in American cinema have continued to emerge from the walls of the prison, including the perpetual recycling of Dr. Hannibal Lecter (*The Silence of the Lambs*, 1991; *Hannibal*, 2001; *Red Dragon*, 2002). The images are vivid and diverse, never simplistic and somehow always difficult to turn away from, perpetually asserting through sheer ubiquity that prisons have primary social functions and fulfill complex cultural needs.

—Michelle Brown

See also Prison Culture; Prison Literature; Prison Music; Race, Gender, and Class of Prisoners

Further Reading

Cheatwood, D. (1998). Prison movies: Films about adult, male, civilian prisons: 1929–1995. In F. Bailey & D. Hale (Eds.), *Popular culture, crime, and justice* (pp. 209–231). New York: West/Wadsworth.

Crowther, B. (1989). *Captured on film: The prison movie*. London: BT Basford.

Freeman, R. M. (1998). Public perceptions and corrections: Correctional officers as smug hacks. In F. Bailey & D. Hale (Eds.), *Popular culture, crime, and justice* (pp. 196–208). New York: West/Wadsworth.

Mayne, J. (2000). *Framed: Lesbians, feminists, and media culture*. Minneapolis: University of Minnesota Press.

Parrish, J. R. (1991). *Prison pictures from Hollywood*. Jefferson, NC: McFarland & Company.

Querry, R. B. (1973). Prison movies: An annotated filmography, 1921–present. *Journal of Popular Film, 2*(2), 181–197.

Rafter, N. H. (2000). *Shots in the mirror: Crime films and society*. New York: Oxford University Press.

Roffman, P., & Purdy, J. (1995). *The Hollywood social problem film: Madness, despair, and politics from the Depression to the fifties.* Bloomington: Indiana University Press.

PRISON MUSIC

Prison music includes songs written and/or sung by the incarcerated and songs written by them after release that are thematically influenced by their experiences of imprisonment. Although prison music is most often recognized by the content of the songs, some of it has a distinctive structure that can be traced to the cultural heritage of the convict musician. For instance, prison work songs have a distinctive rhythm and plaintive sound that is immediately recognizable as part of African American heritage. Drawing from folk music, commercially recorded music, and unpublished songs of prisoners, prison music includes all forms of music: ballads, blues, rockabilly, reggae, country, rock and roll, rhythm and blues, work songs, and rap. However, work songs, blues, and country music are the most common types of prisoners' musical expressions.

AFRICAN AMERICAN PRISON MUSIC

Blues

The blues developed out of the unique social experience of black people in America, especially in reaction to their lack of freedom after Emancipation. It is said that the blues were born out of disappointment, one of which was most certainly the Southern mass imprisonment practices after Reconstruction that continued to enslave blacks. The "crying" sound, in addition to the major themes of the blues, depict a sadness and loneliness consistent with conditions of incarceration. According to H. Bruce Franklin (1982),

> The blues form . . . developed with the prison experience at its core, explicitly in songs such as "Penal Farm Blues," "Prison Bound" . . . and the many different songs entitled "Prison Blues," "Jailhouse Blues," and "Chain Gang Blues." (pp. 107–108)

As a result, many of the finest blues musicians were prisoners and ex-prisoners: Bukka White, Robert Pete Williams, Son House, Lightnin' Hopkins (whose ankles bore the scars of chain gang shackles), Leadbelly, and Billie Holiday.

Work Songs

The work song is perhaps one of the most unique cultural expressions of black Americans. Black prisoners imported this traditional music from slavery to accompany gang work on Southern prison penal farms, plantation prisons, and local chain gangs. The work ranged from cutting trees and picking cotton to hoeing and cutting sugar cane. These songs survived in prisons well into the 1960s because work conditions mirrored those of slavery. Led by a song leader, work songs are sung by a group of men, using a "call and response" pattern. Work songs supply a rhythm to labor by, they help pass the time, and they serve as a vehicle for expressing tension, frustration, and anger. In this sense, they qualify as protest. Bruce Jackson (1972) also suggests work songs allow the cooptation of the work by the prisoners:

> The songs change the nature of the work into the workers' framework rather than the guards'. By incorporating the work with their song, by, in effect, coopting something they are forced to do anyway, they make it *theirs* in a way it otherwise is not. (p. 30; emphasis in original)

In supplying a rhythm for work, the songs not only ensure efficiency by helping everyone to work at the same pace, but they also make labor safer. When a team of inmates is cutting down a tree (crosscutting), for example, the rhythm of the song regulates the swing and strike of the axes and prevents the unregulated swing that could possibly cut a fellow inmate's hand or leg (Jackson, 1972, pp. 31–32). The rhythm also helps some prisoners survive, since those who worked too slowly and lagged behind were singled out for beatings. "By singing together and keeping the strokes together while cutting logs or working with hoes, none could be singled out for being too slow so no one could be punished simply because he was weaker than his fellows" (Jackson, 1972, p. 30). Finally, work songs help men to alleviate tension, frustration, and anger by singing about the intolerable conditions under which they had to live. They could sing about things that they were not allowed to say—"it is as if sung words were not real."

Work songs have essentially disappeared from the prison community for a variety of reasons. Late 1970s federal court interventions into prison operations prohibited whippings and "sun-up to sundown" work, conditions that had provided the basis for work songs. Courts also ruled that no prisoners could have power over other prisoners, thus eliminating the old convict-guard system. Some states interpreted this ruling to mean song leaders of the work groups had "power" and accordingly forbade the use of work songs. Finally, Jackson (1972, p. xxi) found that young prisoners of the late 1960s no longer wanted to sing that "old time slavery stuff."

ANGLO-AMERICAN PRISON MUSIC

Anglo-American prison music arises out of a different tradition than African American work songs. Although some white prisoners worked on chain gangs and on plantation prisons, there is no evidence they used work songs as black prisoners did.

Similar to the early pre-execution ballads, white prisoners sing country music that includes themes that reflect the Protestant individualism of Anglo-American cultural traditions. Country music is not group music as the work songs were, and it does not represent any sense of community with others. Thematically and structurally, country music sung by prisoners is an individual expression about and by one person. Prison country music tells a musical story that presents criminals or convicts as people who blame themselves for being in prison. As Merle Haggard observes in "Momma Tried," it was not his mother's fault that he went to prison, but his. The criminals of country music set themselves apart

from the group as a bad example, someone not to copy. They worry about the shame families must bear for their wrongdoings. And they worry about loved ones from whom they are separated.

GENDER

Prison music seems to be an overwhelmingly male area of creativity, with few examples of women prison musicians to be found. There are some songs used by women while working. However, they differ from men's songs being used to accompany their work rather than to regulate it.

MYTHS ABOUT PRISON MUSIC

Johnny Cash never served time in a state prison, although he did serve a series of brief stays in jail. As a result of one of these stays, and on the eve of a prison concert, Cash wrote "Starkville City Jail." He had been arrested for "picking flowers" and "swaying in the southern breeze" at 2:00 A.M. (Fisher-Giorlando, 1987, p. 208). Cash has been associated with prison music because of his efforts to identify with convicts. They have embraced Cash because they perceive he has "convict attitude." Likewise, one of the most well-known myths about prisoner musicians, that Huddie "Leadbelly" Ledbetter sang his way out of prison, is also false. Although Governor Pat Neff of Texas pardoned Leadbelly, Leadbelly had actually served just a few months shy of his minimum seven-year sentence. Leadbelly was not pardoned out of Angola, either.

In some ways, prison music itself may be a myth. In the early part of the 1900s, folklorists visited prisons to collect folk music, believing that music in prison was unadulterated by the free world and was maintained in some pure cultural form. Prisons were believed to be unchanging institutions, frozen in time; therefore, cultural expressions that emerged from prison presumably had been preserved. Based on the belief that prison is a total institution, completely separate and uninfluenced by the outside world, prison music can exist. Although prisons today are as physically isolated as they were in the early 1900s, and access to them is heavily restricted, times have changed. Correctional facilities have become bureaucratic warehouses, and prisoners, through television, are more connected to societal ambience than they used to be. Prison music, therefore, has lost the relevance it once had for prisoners.

CONCLUSION

Some form of prison music as an expression of the incarceration experience is still written and sung from inside prisons. However, due to the pervasive availability of contemporary popular music within the institution, prison music of the 21st century is not necessarily focused on the prison world. Even songs that deal with the loss of loved ones may not be easily identified as prison songs. Unless the lyrics of the song clearly relate to the incarceration experience, it is difficult to identify the music as prison music.

Undoubtedly, prisoners will continue to create music regardless of scholarly arguments about the purist nature of it. Prisoners will form bands and choirs and dream about being successful musicians when released. The Lifers' Group at Rahway State Prison in New Jersey, however, has gone beyond these individual efforts. They produced the first rap music recording in which prisoners on the inside rap directly "to kids on the outside about prison life as it really is, and not some fictionalized version" (New Opportunities, 1992). Contrary to much criticism of rap, these men are using music in an innovative approach to deterrence. One wonders what the men who sang the work songs on the prison plantations and the chain gangs of yesteryear would say.

—Marianne Fisher-Giorlando

See also Angola Penitentiary; Labor; Music Programs in Prison; Parchman Farm, Mississippi State Penitentiary; Plantation Prisons; Prison Farms; Prison Literature

Further Reading

Fisher-Giorlando, M. (1987). *Prison culture: Using music as data*. Unpublished dissertation. Columbus: Ohio State University.

Franklin, H. B. (1982). *Prison literature in America: The victim as criminal and artist*. Westport, CT: Lawrence Hill & Company.

Haggard, M., with P. Russel. (1981). *Sing me back home*. New York: Pocket Books.

Horstman, D. (1975). *Sing your heart out, country boy.* New York: Dutton.

Jackson, B. (1972). *Wake up dead man: Afro-American worksongs from Texas prisons.* Cambridge, MA: Harvard University Press.

Spitzer, N. 2000. Prison songs. *American Routes.* National Public Radio, December 13.

Wolfe, C., & Lornell, K. (1992). *Leadbelly.* New York: Harper Collins.

Recordings

Angola Prisoners' Blues. (1959, 1996). Arhoolie CD 419. Ed. Chris Strachwitz & Harry Oster.

Jailhouse Blues. (1987). New York: Rosetta Records. Liner notes by Rosetta Reitz.

Jailhouse Rock—Part 1. (2003). BBC Radio 2. (January 1). Cambridge, UK: Smooth Operations.

Jailhouse Rock—Part 2. (2003). BBC Radio 2. (January 7). Cambridge, UK: Smooth Operations.

Prison Songs. Historical Recordings from Parchman Farm 1947–48. Volume 1: Murderous Home. (1997). Rounder CD 1714. Comp., ed., & res. Matthew Barton, Anna L. Chairetakis.

Prison Songs. Historical Recordings from Parchman Farm. 1947–48. Volume 2: Don'tcha Hear Poor Mother Calling? (1997). Rounder CD1715. Comp., ed., & res. Matthew Barton, Anna L. Chairetakis.

Prison Worksongs. (1959, 1997). Arhoolie CD 448. Recorded by Dr. Harry Oster at the Louisiana State Penitentiary at Angola, Louisiana, and other locations, mostly in 1959. Ed. Harry Oster.

Robert Pete Williams. Vol. 1—I'm Blue as a Man Can Be. (1959, 1994). Arhoolie CD 394. Recorded by Dr. Harry Oster at Angola State Penitentiary, Louisiana, in 1959 and 1960. Edited and annotated by Henry Kaiser.

PRISON NURSERIES

Prison nurseries are residential units within prisons in which young children of inmates reside, usually with their mothers. Although they are rare in the United States, prison nurseries are commonplace in women's prisons elsewhere throughout the world. A 1987 survey of 70 nations found that only four—Suriname, Liberia, the Bahamas, and the United States—did not allow pregnant inmates to keep their babies with them after they were born in prison. All but 14 nations permitted young children born before their mothers' incarceration to accompany them to prison.

HISTORY

Prior to the 1950s, prison nurseries existed in many states, including California, Connecticut, Florida, Illinois, Kansas, Massachusetts, Maine, New York, New Jersey, Ohio, Virginia, and Wyoming. Some nurseries welcomed babies born prior to their mothers' incarceration as well as those born during imprisonment. For example, inmates at the Connecticut Women's Prison in Niantic gave birth to 47 infants in 1937. They joined 56 babies in the nursery who had come to prison with their mothers. The Niantic nursery remained full until the end of the 1940s, with almost as many babies at the prison as inmates, no doubt reflecting the criminalization of nonmarital sex by women. At the State Industrial Farm for Women in Lansing, Kansas, where children could remain with their mothers up to age two, children sometimes outnumbered the inmates.

Even states that did not have formal nurseries often allowed mothers to keep infants born at the prison who had no relatives to take them. These babies lived amid the general prison population, where many women vied for the chance to play surrogate mother.

Attitudes toward incarcerated mothers and their children changed in the United States after World War II. During the following decades, every state except New York closed its prison nurseries. Most prisoners were required to surrender their babies to relatives or child welfare agencies as soon as they gave birth. Legislators and prison administrators judged prison nurseries to be too expensive and the prison environment too bleak for young children, even babies. In any case, mothers in prison were deemed to be unsuited to the task of rearing the next generation.

NURSERIES OUTSIDE THE UNITED STATES

Most other prison systems throughout the world, meanwhile, continued to sustain the mother–child bond despite maternal incarceration. In some prisons in Central and South America, Africa, and Asia, entire families reside in prisons where a parent is

incarcerated. In others, like the women's prison in Córdoba, Argentina, young children may live with their mothers amid the general prison population or, as in the prison outside Buenos Aires, may reside in a separate wing for mothers and babies. Separate wings for mothers and young children can also be found within traditional prisons in Europe, such as the mother–child unit at Holloway, a large, high-security women's prison in London. Perhaps the only Western European nation that does not allow young children to reside in prison is Norway, which bans incarceration of mothers with young children altogether.

Perhaps the best-known prison nursery can be found in Frankfurt, Germany. At the women's prison in Preungesheim, mothers and babies under the age of 18 months reside in a separate building within the walls of the maximum-security prison. Children older than that but too young to attend school live with their mothers in a special campus-style unit built just beyond the prison's walls. Certified child care workers tend the children while their mothers work during the day at the prison or in the city. Mothers are responsible for their own children at all other times, and may take their children out into the community during specified hours. School-aged children are not allowed to live at the prison, but still the mother–child bond can be maintained. Mothers of children who reside in Frankfurt with relatives can be approved for the work-release job of being mother and homemaker for their own families, performing the myriad tasks of motherhood in their children's home during the day, but sleeping at the prison at night.

PRESENT-DAY NURSERIES IN THE UNITED STATES

The only prison nursery in the United States that remained open throughout the 20th century is the one at Bedford Hills, New York. There, mothers who give birth while in prison can keep their babies with them until they are 18 months old. Mothers and babies reside in a secure dormitory setting until the babies are one year old, at which time they move to single rooms. During the day, specially trained inmates care for the babies in a cheerful nursery while their mothers work at jobs within the prison and take parenting classes. Although most of the mothers complete their sentences in time to leave the prison with their babies, about 20% do not. In those cases, most of the children go to relatives outside the prison or are cared for in a special foster home that was established by the long-time director of the prison's nursery, Sister Elaine Roulet. Bedford Hills is an old, fortress-style prison with little room for modern amenities. Yet not only did the prison's staff keep alive what was for a time the only prison nursery in the United States, but they also pioneered summer camps for older children at the prison and child–parent-friendly visitation rooms and practices. In addition to the nursery at Bedford Hills, New York State now maintains nurseries at Taconic, a medium-security prison for women near Bedford Hills, and at the jail on Rikers Island.

In 1994, the Nebraska Correctional Center for Women became the first U.S. prison outside New York to open a nursery in more than half a century. Unlike Bedford Hills, pregnant inmates are only allowed to keep their babies with them at the prison if they have fewer than 18 months to serve—the maximum age for children in the program. Thus, all eligible mothers have release dates that allow them to leave the prison at the same time as their babies. As in New York, inmates take parenting and child care classes at the prison before and after giving birth. During the day, trained inmates provide childcare while the mothers work and attend classes.

Washington State and Ohio became the third and fourth states to open nurseries in 1999 and 2001. Like the Nebraska nursery, the one at Marysville, Ohio, is physically removed from most of the inmate population and is limited to nonviolent inmates with sentences of fewer than 18 months. The nursery at the Washington Corrections Center for Women in Gig Harbor is more expansive. Any mother who retains custody of her child is eligible for the program if she has a release date within three years of her baby's birth. The first 18 months are spent together at the prison, at which time mother and child can go to one of two prerelease centers for an additional 18 months. Even mothers who have committed

crimes of violence can apply if they will be the primary caregivers of their child on their release from prison. A program administrator explained, "If they are going to be parents on the outside, they should be in our program." The babies of Gig Harbor are also less quarantined from the general prison population. Administrators note that the presence of babies at the prison has a "calming effect" on the institution.

ARGUMENTS FOR AND AGAINST NURSERIES

Arguments against prison nurseries usually focus on four concerns: the well-being of the child, the depravity of the mother, cost, and liability. A prison, critics maintain, is no place to raise a child; it is a dangerous, unwholesome environment with unnatural constraints on its residents regardless of age. Incarcerated mothers have by definition violated important societal norms. Most would not be in prison if they had placed the welfare of their children first in their lives. They are unfit mothers who are likely to raise children as prone to crime as they have proved themselves to be. Furthermore, nurseries take space and are an added expense for overcrowded, underfunded prisons, and are an unnecessary risk for administrators dealing with litigation-prone inmate populations.

Even critics of prisons raise objections to nurseries. They fear that judges may be more likely to send pregnant women to prison if they will not be separated from their newborns. They also worry that nurseries, which serve the needs of only a few hundred incarcerated mothers and their babies, detract from the far more pressing need to maintain bonds between inmate mothers and the hundreds of thousands of children they leave behind when they go to prison.

Proponents respond that babies thrive in prison nurseries where they receive an abundance of care, attention, and affection and are oblivious to negative aspects of the prison world. Prison administrators note that many mothers in their nursery programs have demonstrated poor parenting skills on the outside, yet almost all prove to be devoted mothers on the inside, where they are drug and alcohol free and receive training and help with crucial parenting skills, often for the first time. Nursery proponents reason that since most inmates will be the primary custodial parents for their children after their release from prison, their children—and ultimately society as a whole—will benefit from nurturing the mother–child bond in a closely supervised setting rather than ripping apart the bond at birth and hoping it will mend itself once the mother is released. That alone, they suggest, justifies the added expense. Administrators also cite the beneficial effects that babies have on the prison environment as a whole, with corresponding decreases in conflicts and disciplinary problems throughout the institution, and an absence of lawsuits. Without carefully designed longitudinal research regarding the long-term effects of nurseries on mothers and children in the United States or elsewhere, debate between the two sides is likely to be inconclusive.

—Kelsey Kauffman

See also Alderson Federal Prison Camp; Bedford Hills Correctional Facility; Children; Cottage Style; Fathers in Prison; Foster Care; Gynecology; Mothers in Prison; Parenting Programs; Termination of Parental Rights; Women Prisoners; Women's Health; Women's Prisons

Further Reading

Blinn, C. (Ed.). (1997). *Maternal ties.* Lanham, MD: American Correctional Association.

Boudaris, J. (1996). *Parents in prison: Addressing the needs of families.* Lanham, MD: American Correctional Association.

Gabel, K., & Girard, K. (1995). Long-term care nurseries in prisons: A descriptive study. In K. Gabel & D. Johnston (Eds.), *Children of incarcerated parents* (pp. 237–254). New York: Lexington.

Kauffman, K. (2001). Mothers in prison. *Corrections Today*, *63*(1), 62–65.

Kauffman, K. (2002). Prison nurseries: New beginnings and second chances. *Women, Girls and Criminal Justice, 3*(1), 1–20.

Rierden, A. (1997). *The farm: Life inside a women's prison.* Amherst: University of Massachusetts Press.

PRISON SHIPS

Prison ships are decommissioned ships (usually warships or barges) that have been refitted to accommodate

inmates serving a period of incarceration. The ships may be moored offshore and/or adjacent to a land-based prison or military establishment. Although convicted felons had been sentenced to penal servitude aboard the galley ships of most Mediterranean nations from antiquity through to the 17th century, the use of ships as places of confinement did not commence until the mid-18th century in England.

Collectively, prison ships became known as "prison hulks" or "the hulks" during the 18th century. From their inception in the 1750s to their general demise in 1859, these ships tended to be rat infested, with disease-ridden conditions and brutal practices. The early prison hulk was a product of three factors: (1) the various wars that England fought against her European neighbors, notably France during the 18th century; (2) the American Revolution; and (3) the increasing incidence of crime among the English poor during the 18th and 19th centuries. Prison hulks were employed in America, Antigua, Australia, Barbados, Bermuda, Canada, Gibraltar, Ireland, Malta, and South Africa. In recent years, due to problems of overcrowding, some U.S. jurisdictions have once again started to place inmates on prison ships.

18th-CENTURY ORIGINS

During the 18th century, England operated two penal systems under the civil authority. Since the time of King Henry II, counties (*shires* in England) had operated primitive lockups and *gaols* (pronounced "jails") under the administration of local Justices of the Peace; gaols were operated by gaolers who made their living by charging for food and lodging. During the latter part of the 18th century, the central government introduced legislation that authorized the temporary holding of convicts in decommissioned warships (or "hulks") and the building of two penitentiaries.

There were few penal sanctions authorized by England's criminal code during the late 18th and early 19th centuries. Punishments of the day included fines, military service, floggings, penal servitude (imprisonment at hard labor), transportation, and death. While military service was a popular sentence during both the Seven Years War (1756–1763) and the Napoleonic Wars, offenders convicted of non-capital crimes generally received the sentence of transportation. Capital offenders could also often have their death sentence commuted to transportation. Transportation was a form of banishment whereby convicts were transported to one of England's overseas colonies, where they were required to remain for a specified number of years (usually 7 years for non-capital crimes and 14 years for commuted capital crimes).

As the number of convicts awaiting transportation increased so, too, did the strain on the prison system. The rising numbers, both among those sentenced to a period of incarceration and those awaiting transportation, demanded that new means of housing be found. The use of prison hulks was seen as a temporary solution to the problem. Although hulks had early been employed by the Royal Navy to hold French prisoners of war during the Seven Years War, the application of them to deal with civilian prisoners was unique for the time.

The first civilian prison hulks were moored at Portsmouth Harbor and on the Thames River at Woolwich Warren. Large wards were constructed by partitioning the open gundecks, and smaller cells were made from the junior officers' cabins or constructed anew on the topside deck. Dismantling of the masts and rigging permitted an additional area to be built above the main deck of the ship. Covered by a large wooden roof that ran the length of the ship, the hulk may have given the casual observer an impression of a floating barracks, whereas a closer inspection would reveal a structure that was more akin to a floating dungeon. Indeed, like the prisons on land, little fresh air and sunlight entered the hulks, food was scarce and of poor quality, disease was rampant, and inmates were lorded over by brutal guards who had learned their trade in the notorious Newgate Prison.

Inmates were far from idle during their time of incarceration, since they were put to hard labor at the naval dockyard in Portsmouth, dredging the Thames River and building the Royal Arsenal at Woolwich. Less fortunate were those who were transported to other prison hulks in the far reaches of the British

Photo 4 *Marine drill with bayonets on a wharf near the prison ship U.S.S. New Hampshire in the late 19th century*

Empire. Rather than banishment to a new world, these convicts would find their new conditions similar to what they had experienced in England, but with two new tropical companions to overcome: the oppressive heat and deadly fevers (usually malaria).

The American Revolution further strained an already inadequate hulk system as the British lost the ability to transport convicts to America. Those convicts who would have been sent to the American colonies and released were either held in English hulks or sent to Bermuda. This did not result, however, in the discontinuation of prison hulks in the American colonies.

Those hulks that were stationed in the American colonies prior to the American Revolution, notably in the harbors of New York, Charleston, and Savannah, continued to operate throughout the conflict and held large numbers of colonial prisoners of war and civilian rebels or patriots taken by the British. Indeed, captured American seamen were routinely given the choice between serving in the Royal Navy or going into captivity aboard a prison hulk. The most notorious were the *Jersey* and *Whitby*. These and the remaining six New York-based hulks held approximately 13,000 prisoners, while Charleston and Savannah held nearly 3,000 prisoners throughout the conflict. The end of the American Revolution was accompanied by the release of the prisoners held in the hulks and the closing of a dark chapter of British colonial history.

19TH-CENTURY DEMISE

Even though the American prison hulk experience was negative, this fact did not preclude Americans from employing hulks during the 19th century. The Gold Rush in California during the mid-1800s resulted in a large influx of both settlers and crime in places like San Francisco and Sacramento. In both cities, the town fathers sought a quick and inexpensive alternative to constructing a local jail. San Francisco, for its part, purchased the brig *Euphemia* and converted it into a floating jail, with single cells that would operate until a local land-based jail was constructed. One year later, Sacramento rented the bark *Strafford* to serve as a floating jail that would be moored on the banks of the Sacramento River.

Unlike San Francisco, Sacramento eventually purchased and converted two additional ships for use as floating jails. Since the *Strafford* would serve as a prison ship only for a year before being returned to its owners, the city purchased the brig *Stirling,* only to have it sink shortly after accepting prisoners. This necessitated the purchase of another brig, the *La Grange*, which would be moored on the American River. The *La Grange* would serve as Sacramento's longest floating jail until it sank in 1859.

As in California, the Australian Gold Rush brought forth an increase in crime in the state of Victoria. Similarly, the inadequacy of the existing gaol resulted in the purchase and conversion of five ships to serve as prison hulks in Melbourne's Port Phillip Bay. Conditions for the 700 convicts aboard these Australian prison hulks were just as desperate as they were in their British counterparts and led to their discontinuance in that country.

Perhaps the final straw was the conviction of Baxter Grundy, a lawyer, who wrote of the deplorable conditions aboard the British hulk, *Thames*, on which he was imprisoned. His passionate letters to Lord Grey contributed to the government of the day declaring an end to the use of hulks as a penal sanction in England during 1859.

20th-CENTURY REVIVAL

Nearly 150 years after the British government ordered the closure of the hulk system, the prison ship is enjoying a limited revival in England and the United States. This revival has occurred for two of the same reasons that led to the use of the prison hulk to house civilian convicts during the 18th century: increasing crime and a subsequent crisis in prison crowding. While transportation in the 18th-century context is not an option for today's courts, overcrowded correctional agencies are able to shift inmates to other correctional agencies that will rent vacant beds to them. Like the 18th century, however, this has also contributed to the use of decommissioned ships to house inmates as, yet again, a temporary measure to deal with emergency prison accommodation problems.

The New York City Department of Corrections was faced with increasing numbers of short-term inmates during the 1980s as a result of increased crime and the national "war on drugs." With its facilities at Rikers Island operating at or over capacity, two Staten Island ferries were purchased and reconditioned, each ferry to securely house 162 minimum-security inmates. Since 1987, these two prison ships have served as annexes to the Otis Bantum Correctional Center on the northern tip of Rikers Island. Expansion of their use of prison ships had also been explored by the New York City Department of Corrections, which sought Coast Guard certification of a European-built 800-person floating prison whose purchase it was exploring during 1989. By 1996, the department had reversed its stand on "floating jails" due to their single-cell design and general lack of space for support services and disposed of them.

With the cessation of hostilities between Great Britain and Argentina over control of the Falkland Islands in 1982, Britain sought to increase its military presence in the colony without the costs of building a permanent base. The solution was to order the construction of a "floating" base or barge in which to house several hundred troops and could be moved as government priorities changed. By 1985, British government policies had changed, and the five-story barge (containing accommodation, kitchen, gymnasium, and a chapel) had been declared surplus. Years later, and in the face of economic restrictions on purchasing land and building a new prison, the surplus barge was bought by Her Majesty's Prison Service to deal with prison crowding. After being refitted to meet the security and housing needs of 400 inmates, the new prison ship was named Her Majesty's Prison *Weare* and was moored in Portsmouth Harbor in Dorset in 1997.

CONCLUSION

The original prison ships or hulks were a temporary, cost-efficient expedient to the problems of prison overcrowding in England and the demands of empire building. The conditions that were present in the hulks were similar to and, in some cases, worse than those found in the land-based prisons of the time. This temporary measure evolved into an accepted penal practice over the years and an exercise in empire building as hulks were employed in various parts of the British Empire to build public works such as fortifications, harbor defenses, and naval dockyards.

Prison hulks were also employed by American cities and Australian states during the 19th century as temporary, cost-efficient expedients for the same reasons. Conditions in these latter prison hulks were similar to those in their land-based cousins. Both the United Kingdom and the United States returned to using prison ships during the last two decades of the 20th century to deal with the same conditions that were present during the 18th and 19th centuries. Unlike the conditions found earlier, though, these modern hulks complied with national standards for the safe and humane custody of inmates.

It may be that, as modern correctional agencies face the crises of increasing prison populations and decreasing funding for building new prisons, limited funds might be found for purchasing and renovating decommissioned ships as temporary measures. Indeed, if this practice continues into the 21st century, history might repeat itself as the new generation of prison and jail ships themselves become

overcrowded. Additional strain caused by the combination of overcrowding, lack of on-board services (e.g., recreational, chaplaincy, and other services), and ongoing maintenance costs will most likely contribute to prison ships falling out of use in 21st century, as they did in the 19th century.

—Allan L. Patenaude

See also Australia; England and Wales; History of Prisons; Increase in Prison Population; Prisoner of War Camps; Rikers Island; War on Drugs

Further Reading

Branch-Johnson, W. (1957). *The English prison hulks.* London: C. Johnson.

Campbell, C. (2001). *The intolerable hulks: British shipboard confinement, 1776–1857* (3rd ed.). Tucson, AZ: Fenestra.

Home Office, United Kingdom. (1982). *Home Office 1782–1982.* London: The Queen's Printer.

Lyon, D. (1993). *The sailing navy list 1688–1860.* London: Conway Maritime.

PRISONER LITIGATION

Prisoner litigation has always provided one of the primary means of challenging prison conditions and practices as well as parole matters. Prisoners may go to court to demand a new trial, or file writs of habeas corpus to challenge their criminal convictions. Many actions require prisoners to use a grievance system and to exhaust administrative remedies before proceeding to court, but there are different rules for each state and for the federal system. Prisoners must also abide by the appropriate statutes of limitations, which restrict how long they can wait before suing about an event. Different kinds of suits are subject to different limitations periods, and if the deadline is missed, the case may be permanently barred.

Many prisoners have no option but to represent themselves, because most lawyers have little knowledge of prisoner litigation and most prisoners have no funds to pay for attorney services. Legal research for such activity is crucial, but many prisoners have, at best, limited access to legal materials. They also often lack writing skills and knowledge of court procedure. As a result, federal district courts immediately dismiss approximately 97% of pro se lawsuits filed (where the inmate represents him- or herself).

MOTIONS FOR A NEW TRIAL

A motion for a new trial may be placed after a guilty verdict has been rendered. Each state has specific procedures to be followed. Many are similar to Rule 33 of the Federal Rules of Criminal Procedure. Most jurisdictions allow a motion for a new trial based on newly discovered evidence to be filed within two years of the verdict. Motions based on other grounds must be filed within seven days of the verdict. A new trial is authorized when it would be in the interests of justice, including when the inmate did not receive counsel, if there was juror misconduct, interference of attorney–client communications, or any improper reference to past criminal conduct. A motion for a new trial based on newly discovered evidence must allege that (1) the evidence was newly discovered after trial, (2) the defendant was diligent in learning of the evidence, (3) the evidence is material to the trial issues, (4) the evidence is not merely cumulative or for impeachment purposes, and (5) the evidence would probably produce acquittal at a new trial.

ACTIONS BY STATE PRISONERS

Prisoners may bring legal claims in state courts under relevant state laws, but there are also federal statutes that allow actions for violations of prisoners' constitutional rights. For example, Title 42 U.S.C. §1983 allows a prisoner to sue for "deprivation of any rights, privileges, or immunities secured by the Constitution and laws" caused by persons acting "under color of state law," while Title 28 U.S.C. §1343(3) provides jurisdiction for a federal court to hear the case. "Persons" who may be sued under §1983 include individuals who participated in the constitutional violation, city and county governments, and their agencies. States and their agencies may not be sued because they are immune under the Eleventh Amendment. Supervisory officials who did not commit the act or were not present when they occurred also cannot be sued.

Under the doctrine of "pendant Jurisdiction," a federal court will adjudicate claims alleging violations of a state's common law, regulations, statutes, or constitution that are not of a federal nature so long as there is a nonfrivolous federal law claim arising from the same facts. A §1983 suit cannot be used as a substitute for a state court appeal.

OTHER CIVIL RIGHTS STATUTES

Under Title 42 U.S.C. §1981, individuals may sue over racial discrimination. This statute, unlike §1983, can be used alleging conduct by private parties and is not limited to actions taken under color of state law. Private conduct is also actionable under Title 42 U.S.C. §1985(3), which provides for damage actions against persons who "conspire [to] . . . deprive any person . . . of the equal protection of the laws or of equal privileges and immunities under the law." Title 42 U.S.C. §1986 provides for damage liability against anybody who, knowing of a §1985 conspiracy and having the power to prevent it, neglects or refuses to do so. Under these statutes, there must be a class-based, discriminatory purpose likely to cause ill will behind the conspirator's action, or the complaint will be dismissed (i.e., there must have been an intent to violate the statute).

POSTCONVICTION REMEDIES

State prisoners who are in custody and who have not waived or forfeited the right to present an issue may file a writ of habeas corpus (Title 28 U.S.C. §2254) to challenge their convictions after they have exhausted the appeals process. Prisoners must show that the issues in the petition were raised at trial and argued on appeal or in some state court proceeding (i.e., one may not raise a previously unargued new issue for the first time in federal court). The federal court must also find that the petitioner has exhausted all remedies available in the state courts. If any one of the issues raised in the petition was not briefed for the state courts, the federal court must dismiss the petition. A district court may dismiss subsequent petitions if it finds a prisoner failed to assert new grounds in a prior petition.

Generally, a procedural forfeiture will result in dismissal of a postconviction petition. There are two exceptions to this rule for state prisoners: (1) If a state appellate court considers an issue forfeited at the lower court level, the federal court can consider the issue as well; (2) if the prisoner can show "cause" for failing to follow a court rule and "actual prejudice" resulting from the alleged issue.

ACTIONS BY FEDERAL PRISONERS

Declaratory, Injunctive, and Damage Actions

There is no statute like §1983 for suits against federal officials who violate federal prisoners' rights. However, federal courts have always assumed they could issue commands against federal officials, and in *Bivins v. Six Unknown Federal Narcotics Agents* (1971), the Supreme Court allowed federal officials to be sued for damage. A *Bivins* action is generally regarded as the §1983 federal equivalent—a damage action for those acting under color of federal (as opposed to state) law. Generally, administrative remedies must be exhausted under either claim.

Title 28 U.S.C. §§1346(b), 2671-2680, the Federal Tort Claims Act

With the Federal Tort Claims Act (FTCA), passed in 1946, the U.S. government waived sovereign immunity for tort liability (with certain exceptions). Thus, the federal government, under the FTCA, is now liable for acts that would be common-law torts in the state where they occurred under the doctrine of *respondeat superior*. This act does not make the government liable for constitutional violations, but if the offending act involves both common-law torts and constitutional violations, one can bring an FTCA or *Bivins* action or both (even in the same lawsuit). There is no right to a jury trial or punitive damages in an FTCA action. An FTCA judgment bars any later recovery against individual officials.

An FTCA claim might ensue for a wrongful or negligent act by a federal official resulting in a prisoner's personal injury. Examples of intentional torts

are assaults, batteries, and false imprisonment. Acts or failures to act or to use such care as a reasonably prudent and careful person under similar circumstances would use and that resulted in any nonwork-related injury are examples of negligence that might lead to an FTCA lawsuit by a prisoner. There must have been a *duty* to follow a certain standard of care to protect the prisoner from unreasonable risk, a *failure* by prison personnel to perform the duty, and *actual injury*. The duty of care owed by Federal Bureau of Prisons personnel is fixed by Title 42 U.S.C. §4042, independent of an inconsistent state rule. If prison personnel were performing a "discretionary function" (under no set standard), it is a viable defense to the action. If the function was at the planning level, it is discretionary, but if it is at the operational level, it is nondiscretionary.

Title 18 U.S.C. §4126

The Federal Prison Industries' Inmate Accident Compensation System provides compensation to federal prisoners who are injured during the course of their employment in a federal prison. It is the exclusive remedy for those hurt while working in federal prisons. The guidelines and criteria are promulgated as rules by the Bureau of Prisons at 28 CFR §§301 et seq. Compensation (the minimum wage set by the Fair Labor Standards Act) will not be provided until release from prison. The Federal Employees Compensation Act (Title 18 U.S.C. §4121) is followed to determine disability and payment.

POSTCONVICTION REMEDIES FOR FEDERAL INMATES

Title 28 U.S.C. §2255, Motion to Vacate, Set Aside, or Correct a Sentence

If a prisoner appeals a sentence and loses, he or she may bring a postconviction proceeding under this statute in the court where the sentence and conviction were obtained. In order to entertain such a petition, the court must find that the prisoner is (1) in "custody," (2) that the prisoner used the ordinary appeals procedure before resorting to a postconviction remedy, and (3) that the prisoner did not waive the right to present an issue by failing to preserve it. It must be shown that the issues in the petition were raised at trial, were argued on appeal, and that that person is still in custody (incarcerated, on parole, probation, or bail) when the petition is filed. Generally, the petition will be dismissed if there has been a procedural forfeit, but there is an exception to this rule if the petitioner can show "cause" for failing to follow court rules and can show "actual prejudice" resulting from the alleged error. If the defendant has received an adverse decision on an issue raised on direct appeal, that issue cannot be relitigated in a §2255 motion unless there has been a change in a law that must be applied retroactively.

A court should grant the §2255 motion if (1) the criminal court had no jurisdiction; (2) the sentence was illegal; (3) the defendant's constitutional rights were violated, rendering the judgment subject to collateral attack; or (4) some error of a fundamental nature was committed that resulted in a miscarriage of justice. Generally, technical violations of rules relating to indictments and guilty pleas are not sufficient grounds for §2255 relief.

A defendant will receive a hearing on a §2255 motion only if the motion contains sufficient facts to show an entitlement to relief. Even if a hearing is held, a prisoner does not have a right to be present, but if a hearing is held, the court should appoint counsel for an indigent defendant. At an evidentiary hearing, the defendant must establish allegations by a preponderance of the evidence, and the federal district court will usually make findings of fact and conclusions of law for appellate review. Appellate review can only be obtained if the prisoner seeks and receives a certificate of probable cause that there is a genuine issue.

Title 28 U.S.C. §2241, Motion for a Writ of Habeas Corpus

Generally, this writ is used to challenge the way a prisoner's sentence is being carried out. It is filed in the district where the prisoner is confined. Examples of use of this writ include parole

procedures, sentence computations, segregation and transfer issues, loss of good time, or detention beyond the release date. Exhaustion of administrative remedies is almost always required before pursuit of a §2241 action, and a federal prisoner may seek this writ only where it is not covered by §2255 or where a §2255 remedy is inadequate or ineffective to test the legality of the detention or the duration of the confinement.

CONCLUSION

Although all branches of government have tried to limit prisoner litigation, inmates still have various outlets in state and federal courts to pursue nonfrivolous claims of violation of their constitutional, statutory, and common-law rights. The fact that prisoners have the right to litigate does not translate into them being successful in that pursuit. Courts traditionally defer to the government when it defends against inmate legal actions. Inmates have a difficult time understanding the procedural rules, which limits their ability to advance to consideration of the merit of their claims.

—Kenneth Linn

See also American Civil Liberties Union; *Estelle v. Gamble; Habeas Corpus;* Jailhouse Lawyers; Prison Litigation Reform Act 1996

Further Reading

Anderson, J., & Dyson, L. (2001). *Legal rights of prisoners*. Lanham, MD: University Press of America.

Branham, L. (2002). *The law of sentencing, corrections and prisoners' rights*. Eagan, MN: West.

Eaglin, J., Cordisco, M., Wheeler, R., & McKenna, J. (1997). *Resource guide for managing civil rights litigation*. Collingwood, PA: Diane.

Richey, C. (1997). *Prisoner litigation in the U. S. courts*. Eagan, MN: West.

Rudovsky, D., Koren, E., & Cade, J. (1990). *The rights of prisoners: The basic ACLU guide to prisoners' rights*. Carbondale: Southern Illinois University Press.

Legal Case

Bivins v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

PRISONER OF WAR CAMPS

Prisoner of war (POW) camps are usually temporary and/or semi-permanent facilities designed to hold prisoners of war until the end of armed conflict. Such camps are generally located either in areas away from the front lines or in the home country of the capturing nation. They are often guarded by troops who are not fit for frontline service (those who are over age, have medical restrictions, and so forth). Civilian prisons and penitentiaries may not house POWs. The conditions of prisoner of war camps are dictated by the Geneva Convention (1864, 1906, 1929, and 1949, followed by two protocols added during 1977).

19TH-CENTURY WARS

During the American Revolution, both the British and Continental armies made use of existing jails, prisons, and guardrooms in nearby forts as well as converted warehouses to confine prisoners of war. British military commanders also employed prison hulks (decommissioned warships adapted to hold civil prisoners) that were moored in New York, Charleston, and Savannah harbors and impressment (captured American seamen were routinely given the choice between serving in the Royal Navy or going into captivity aboard a prison hulk). Nearly 11,000 of the estimated 13,000 prisoners died because of beatings, starvation, and disease.

Less than 40 years after the Revolutionary War, the United States and Britain again found themselves in battle. Prisoners taken during the War of 1812 were held under much better conditions of confinement. As in the earlier conflict, guardrooms at existing forts and civilian jails and prisons were used to confine those prisoners of war who were not paroled or exchanged. Unlike during the Revolutionary War, neither side employed prison hulks.

Guardrooms at or near existing military forts were first used to hold prisoners of war during the American Civil War. When these facilities proved inadequate to hold the increasing numbers, civilian

jails and prisons were pressed into service, but they, too, later proved inadequate to meet the demand for holding space. By the end of the conflict, five classes of facilities held prisoners of war, namely: (1) fortifications like the existing military fortifications at Fort Warren, Massachusetts, and Fort Pickney, South Carolina; (2) converted warehouse buildings such as Libby Prison, Virginia, and Gratiot State Prison, Missouri; (3) tent cities like those found at Point Lookout, Maryland, and Belle Isle, Michigan; (4) stockades such as Andersonville, Georgia, and Salisbury, North Carolina; and (5) converted jails and prisons like Elmira, New York. The operation of these five types of facilities also gave rise to a new term: "soldier prisons."

The confinement conditions in the approximately 150 Civil War prisoner of war camps varied between the North and South and between camps on both sides. Elmira in the North and Andersonville in the South stand out from the camps that were operated by both sides during the war. Andersonville was a stockade enclosure whose prisoners were forced to dig holes in the ground for shelter and forage for scraps of wood or other materials from which to construct small, above-ground shelters known as "shebangs," while Elmira consisted of numerous poorly heated wooden barracks and tents with few amenities.

Both camps suffered high rates of death and disease among their respective prisoner populations. Elmira's prisoners endured high rates of diarrhea, exposure (during the winter months), malnutrition, scurvy, and small pox that resulted in 2,963 Confederate deaths, or an average of 16 Confederate deaths per day. At Andersonville, where more 14,000 federal troops had died by 1865, prisoners of war suffered from diarrhea, dysentery, gangrene, and scurvy as well as the malnutrition that was endemic to prisoners of war on both sides. Brutality exacerbated the confinement conditions at both Andersonville and Elmira. These conditions eventually led to the courts-martial of the commandants of both camps, Colonel Frederick Eastman at Elmira and Captain Henry Wirz at Andersonville; the former was acquitted while the latter was convicted and executed.

WORLD WARS I AND II

Camps and holding facilities for prisoners of war during the First World War (1914–1918) were quite different on either side of the Atlantic. Facilities for POWs in the United States ranged from the comfortable living conditions of merchant sailors interned aboard their respective ships to the spartan conditions experienced by captured naval personnel in stockade facilities at military forts. POWs held in Western Europe were generally moved to a semi-permanent camp in the far rear areas in France or temporary camps constructed on large estates of the titled gentry in England, where they were housed in above-ground buildings that were heated, albeit not greatly; medical aid and regular food were provided.

The adoption of the third Geneva Convention (1929) formalized the treatment of prisoners of war, but had little effect on how American POW camps operated or on how enemy POWs were treated during the last four years of the Second World War (1939–1945). While this convention guaranteed (1) humane treatment and protection from acts of violence, insults, public curiosity, and reprisals; (2) the provision of necessary medical aid; (3) respect for their persons, military rank, honor, and personal property; (4) protection from torture or unpleasantness to gain military information; and (5) internment in towns, fortresses, or camps sufficiently removed from the fighting zone for them to be out of danger, such conditions were a part of POW life for those captured and held by American forces. To ensure compliance with these conditions, an inspection role for the International Committee of the Red Cross was included in the 1929 convention.

Prisoners of war taken during the Second World War were processed into long-term captivity in a similar fashion. American prisoner of war camps in both England and the United States provided conditions of confinement that included semi-permanent, heated buildings, laundry, recreation halls as well as open air recreation, and sports equipment. POWs followed their own existing rank and command structures, which, in turn, contributed to better internal discipline as well as better organized escape attempts. During the last two years of the war, many

of these same prisoners of war were either escorted for daily work or paroled to local farms where they lived, worked, and contributed to the national economy. Japanese prisoners of war were usually transferred from the island where they were captured to an immediate rear area that was often hundreds of miles away from the combat. The conditions of confinement in the rear area prisoner of war camps were similar to those experienced by American and Allied troops in the front lines of the Pacific theater.

KOREA

In the Korean War (1950–1953), POWs taken by American and Allied forces were held in the country in which they were captured, since there were no out-of-theater POW camps. Allied POW camps were operated by the host nation (South Korea) with other United Nations forces providing troops to act as perimeter guards on a rotational basis. The camps were clearly identified, medical services were provided, and provisions were made for recreation and self-government using the existing rank hierarchy of the North Korean and Chinese forces. There were reports of less than humane treatment, including acts of violence, at the hands of the South Koreans throughout the war, even though the International Committee of the Red Cross routinely inspected the POW camps.

VIETNAM

No American POW camps operated during the Vietnam War (1956–1975). Instead, prisoners of war were held in camps operated by the host state (South Vietnam) at which the Allied forces provided additional security on a rotational basis. There were no out-of-theater POW camps. In direct contravention to the Geneva Convention (1949), former colonial prisons were often expanded to hold the large numbers of captured POWs as well as those individuals accused of being Viet Cong. The conditions in these prisons became deplorable when overcrowding was exacerbated by the lack of adequate food, shelter, regular medical care, and torture at the hands of the South Vietnamese guard staff.

THE GULF WARS

During both the First and Second Gulf Wars (1991 and 2003), large numbers of Iraqi troops either surrendered or were captured by U.S. and Coalition forces in Kuwait and Iraq. Due to the relatively small size of the theater and the speed of the ground campaign, the largest type of prisoner of war facility operated by American forces was prisoner collection points (POW cages). No semi-permanent facilities of the types seen during the Second World War or Korea were operated. As during those two earlier conflicts, captured or surrendered enemy troops were passed from the capturing front-line unit through its immediate headquarters to POW cages in the immediate rear area, where they received food and medical aid and were interrogated in depth.

THE WAR ON TERROR

Large numbers of prisoners and prisoners of war were taken by American and Allied forces during the 2002 invasion of Afghanistan. The status of these individuals as belligerents, enemy combatants, or civilians has been problematic due to a blurring of these definitions by the U.S. political leadership. The U.S. military, for example, claims to have treated its Taliban prisoners in compliance with the articles and protocols of the Geneva Conventions while also providing prisoners of war in its in-theater POW camps with food, medical aid, and other necessities of life required under the Geneva Conventions. Due to restrictions on monitoring, their claims cannot be evaluated.

In contrast, the transfer of suspected Al-Qaeda fighters captured in Afghanistan appears to have violated conditions of both the Geneva Conventions and the U.S. Constitution in its transfer of such persons to the American military facility at Guantánamo Bay, Cuba. The Geneva Conventions require the detaining power, which in this case is United States, to keep protected persons in an environment that is not unhealthy to them. The United States must also provide shelter of a similar standard to that of the members of its own armed forces. It must also provide tribunals to

determine POW status. None of these conditions have been met.

Refusing to define the suspected Al-Qaeda fighters as POWs raises considerable challenges under both international and U.S. law. From the standpoint of American jurisprudence, for example, the Supreme Court has ruled individuals must be accorded the due process protections of the U.S. Constitution regardless of how they arrived on American soil; the base at Guantánamo Bay is sovereign U.S. territory. Yet, as of 2003, no legal challenges either from within the United States or from outside bodies had been successful.

CONCLUSION

Prison of war camps should provide the minimum conditions of confinement under Geneva Conventions (1949). Housing, latrine, washing, recreational, and medical services are provided within the camps. The daily routine of the camps keep POWs as busy as possible, but unlike civil prisoners, they may not be put to work except for harvesting crops and other non-war-related activities. POW camps should be regularly inspected by officials from the International Federation of the Red Cross and Red Crescent Societies in order to ensure that POWs are not treated inhumanely.

—Allan L. Patenaude and J. Talmadge Dodson

See also Enemy Combatants; Relocation Centers; USA Patriot Act 2001

Further Reading

Bernard Fall, B. (1967). *Street without joy*. Harrisburg, PA: Stackpole.

Karnow, S. (1983). *Vietnam: A history*. New York: Viking.

McElroy, J. (1879). *Andersonville: A story of rebel military prisons.* Huntsville, AL: Elegant Solutions.

Office of the High Commissioner for Human Rights. (1949). *Geneva Convention relative to the Treatment of Prisoners of War.* Retrieved September 10, 2004, http://www.unhchr.ch/html/menu3/b/91.htm

PRISONER PAY

While prison labor has long been a practice in most correctional institutions, the notion that prisoners should be paid for their work is relatively new. In the early penitentiaries, prisoners were expected to work to achieve a number of correctional objectives. At that time, it was believed that hard labor was a form of punishment in and of itself; it followed, therefore, that pay for labor was forfeited with criminal conviction. Others argued that labor was an important component of prison management, since it was seen to combat individual idleness and collective restlessness during confinement. Rehabilitation was also an important concern for those who supported prison labor. Work was itself viewed as a form of rehabilitation as well as a teaching mechanism through which offenders learned valuable skills that could be used in the legitimate job market. Most recently, national focus on prisoner reentry to the outside world has lent new support to the view that prison labor endows offenders with the job skills and experience necessary for successful reentry.

HISTORY

Until the early 20th century, prisoners were commonly used as contract laborers who were leased to private businesses for a fee payable to the prison. However, following examples of widespread corruption of officials and abuse of prisoners, by the 1900s most states had banned prison contract labor. They replaced it with the public account system, in which prisons bought raw materials that prisoners used to make goods, and the public works system, in which unpaid prison labor was used to provide necessary services such as road construction or repairs. These practices were short-lived, as they were thought to be unfair to private businesses, which had to compete against the free labor of prison workers, at the same time as they exploited prison workers, who were paid nothing for their work.

Federal legislation designed to address these concerns was introduced in the early 1900s, which limited the export of prison-made goods and the use of convict labor on government contracts. A number of exceptions were carved out in the 1940s that increased demand for prison labor. Beginning in the 1950s, the state-use system, which allows prisoners to produce items for use by the prison itself and for

government agencies, often with pay, became common practice. This remains the most common form of prison work today.

INTRODUCING PRISON PAY

In 1973, President Richard M. Nixon issued an order that entitled federal prisoners to be paid for their labor, and most states followed suit with similar legislation. In 1979, restrictions on interstate sale of prison-made goods were lifted, and prisoners nationwide were required to be paid minimum wage for labor on products sold interstate. They did not have to be paid for products retained within a state or sold outside the United States.

These wage requirements laid the groundwork for a new type of prison work in the United States, the use of "free market" prison industry. Private companies employing prison labor has notably increased in recent years, with such examples as "Prison Blues," a line of prison-made clothing and furnishings from the Unigroup Correctional Industries of Oregon, which boasts annual sales in excess of $20 million and greater than minimum wages for prison workers.

THE SITUATION TODAY

Currently, all jurisdictions in the United States allow or require inmates to participate in prison labor. However, they differ in the rate of compensation to prisoners. Georgia, for example, forces inmates to work in institutional jobs and prison industries, but provides them with neither monetary compensation nor credits toward time for prison labor. Many states offer one rate of pay for institutional jobs (for example, $0.15–$1.30 an hour as a janitor) and minimum wage for jobs in prison industries. Still other states provide competitive wages to inmates employed in prison industries. For example, inmates in Iowa earn up to $12 an hour or more for labor in prison industries. Table 1 provides a sample of average wages in selected jurisdictions.

Of the states that provide higher wages to individuals employed in correctional industries, most take significant deductions for restitution and victim compensation, child and family support, and prison "rent." In Iowa, where prisoners can earn up to $12 an hour in prison industries, up to 75% of those earnings are diverted to victim restitution, child support, and rent. Several states also require mandatory savings, which range from $25 per month (Virginia) to 20% of offenders' pay (Oklahoma), which is held in a savings account and given to the offender upon release from prison. Arizona, which allows up to 80% or more in deductions, also has a provision that if an inmate escapes, wages held as savings are forfeited.

Table 1 2002 Prison Pay in Selected Jurisdictions

Location	*Rate of Pay*
Federal	$.030–$1.30/hour
Georgia	No pay to inmates
Illinois	$100–$400/month
Iowa	$0.50–$12.00+/hour
Montana	$0.31–$1.30/hour for basic work
Ranch, dairy, fire	$4.00–$6.90/hour
Active fire crew duty	$24.00/hour
New Hampshire	$0.85–$3.50/day
New York	$0.16–$0.70/hour
North Carolina	$0.13; $0.20;$0.26/hour
Plus bonuses	$3.00/ day maximum
Janitors	$0.70/day
Oklahoma	$0.35–$0.65
Oregon	$0.28–$8.00
Utah	$0.50–minimum wage
Vermont	$0.15–$1.35/hour
Plus bonuses	$0.10–$1.50/hour
Virginia	$0.24–$0.80/hour

Source: personal communication with prison industries representatives in these states.

UTILITY AND ETHICS

There is some disagreement as to the utility and ethics of prison pay. Some argue that these practices amount to coercion or forced labor, since some jurisdictions place inmates who refuse to work in corrective detention and deny credits toward early release. Opponents of prison labor argue that the use of captive labor is, by definition, exploitation. Others view it as a requirement of prison, a consequence for criminal activity, and a means to offset the high costs

of prison operations. Still others cite the benefits of labor for prisoners: providing offenders with job skills, reductions in time, and funds to assist them upon reentry. Finally, anecdotal accounts and empirical studies outline such prison benefits as reduced discipline problems, better employment options for offenders upon release, and societal benefits such as reduced recidivism by inmates employed in correctional industries.

CONCLUSION

Overall, prison work conditions and rates of pay vary widely across the nation. Some jurisdictions require inmates to work but pay nothing; others offer substantial pay for voluntary work by inmates. Inmate labor and pay is a hotly debated ethical issue. While institutional jobs are available at most correctional facilities, prison industries are more widely available in larger prisons, resulting in more opportunities for paid employment for male prisoners than female prisoners. So, while comparable wages are paid for comparable work regardless of gender, greater opportunities for prison work exist for male inmates.

—Connie S. Ireland

See also Convict Lease System; Hard Labor; Labor; Prison Industrial Complex; Prison Industry Enhancement Centification Program; Prisoner Reentry; Privatization of Labor; Rehabilitation Theory

Further Reading

Camp, C., & Camp, G. (1999). *The corrections yearbook 1999*. Middletown, CT: Criminal Justice Institute.

Disposition of prisoner's earnings. (2001). Montana Code Annotated §46-18-702. Retrieved November 15, 2002, from http://wwwunix.oit.umass.edu/~kastor/private/prison-labor.html

Earnings of prisoner. (n.d.). 31 Ariz. Rev. Stat. §334. Retrieved November 15, 2002, from http://www.azleg.state.az.us/ars/31/00334.htm

Exec. Order No. 11755, 18 U.S.C. 4082 (1973). Retrieved November 20, 2002, from http://www.envirotext.eh.doe.gov/data/eos/nixon/19731229.html

Flanagan, T., & Maguire, K. (1993). A full employment policy for prisons in the United States: Some arguments, estimates and implications. *Journal of Criminal Justice, 21*, 117–130.

Haga, B. (1994). Prison blues: Jeans change public perceptions, offer innovative solutions. *Corrections Compendium, 19,* 1–4.

Johnson, W. W., Bennet, K., & Flanagan, T. J. (1997). Getting tough on prisoners: Results from the National Corrections Survey, 1995. *Crime and Delinquency*, *43,* 24–41.

Labor by prisoners. (n.d.) 31 Ariz. Rev. Stat. §254. Retrieved November 20, 2002, from http://www.azleg.state.az.us/ars/31/00254.htm

Myers, M. (1998). *Race, labor and punishment in the New South*. Columbus: Ohio State University Press.

National Center for Policy Analysis. (1995). Prisoner work. *Crime and Punishment in America.* Retrieved November 20, 2002, from http://www.public-policy.org/~ncpa/w/w83.html

PRISONER REENTRY

Prisoner reentry refers to former prisoners' transition back into society. Due to the sheer numbers of inmates who are incarcerated and high recidivism rates, the corrections system, nongovernmental organizations, and other entities are expanding efforts to help offenders reintegrate back into society on a scale greater than in the past. Many persons released from prison are not well prepared for the transition to the "outside."

According to the Bureau of Justice Statistics (Beck, Karberg, & Harrison, 2002), in 2001, approximately 592,000 people were released to the community after serving time in prison. An inmate is released from prison in one of two ways: (1) through unconditional release after time served is complete, and (2) through conditional release, such as parole. The use of parole has declined considerably over the past 30 years, with the result that the percentage of all released prisoners returned to the community through parole has dropped from 72% in 1977 to 26% in 1996. Unconditional release does not offer the same opportunities to monitor offenders in the community as does parole. Though it is generally accepted that supervision level does not necessarily lead to reductions in offending, it is not clear whether individuals without supervision integrate as well as those under unsupervised release. There is evidence, however, that parolees are less successful at completing parole now than they had been in the past.

HISTORY

Prior to the late 1970s, prisoner reentry was bound to the discretionary powers of the parole board. Ideally, the parole board was comprised of experts in the field of criminality and criminal behavior who routinely evaluated prisoners for release. A parole board considered various levels of community attachment, such as a stable family life, whether or not the offender had secured a place of employment and a place of residence, and behavioral changes indicative of rehabilitation for release. The goal of corrections at this time was to return the offender to the community as a law-abiding, constructive citizen.

In the late 1970s, both liberals and conservatives grew uncomfortable with the unchecked discretionary power of parole boards. Many states instituted stricter sentencing guidelines and invoked determinate sentencing practices in an attempt to reduce the amount of discretion available to parole boards. The rehabilitative ideology was virtually abandoned by policymakers in the 1970s. It was replaced with an emphasis on deterrence and incapacitation that continues today. Parole boards either have been abolished (15 states) or have experienced severe reductions in discretion (21 states). For instance, in 1990, 39% of inmates were released by parole board action, and 29% of inmates were released on mandatory release. By 1998, these figures had reversed, with 26% of prisoners released by parole board action and 40% by mandatory release. Also, the average time served in prison has increased from 22 months in 1990 to 27 months in 1998.

Though the use and discretion of parole boards has waned, the use of parole officers continues. Approximately 80% of released inmates will be assigned a parole officer. In 1970, parole officers averaged 45 parolees on their caseloads, whereas today the typical parole officer is responsible for approximately 70 parolees. The increase in caseload has changed the duties of the parole officer. Parole officers no longer serve as aids to successful community reintegration of parolees. Instead, they more often perform surveillance duties (such as ensuring that parolees undergo drug testing, avoid contact with known criminal associates, and maintain employment). Parole officers remand a high proportion of parolees back to prison. Between 30% and 40% of all new prison admissions are parole violators, of which nearly 20% are readmitted for technical violations.

IDEOLOGY AND PROGRAMS

One of the primary objectives of the criminal justice system is to prevent crime. The United States increasingly uses incapacitation through incarceration to achieve this objective. A major limitation to the use of incapacitation, in the present context, is the complicated process of offender reintegration into society and the risk of recidivism when reintegration fails. As noted, a significant proportion of released prisoners return to prison. With more than a half-million released offenders returning to the community each year and anywhere from 34% to 60% of released offenders recidivating, offenders who were already "punished" in the corrections system commit 170,000 to 300,000 new crimes per year. The recidivism percentages may be higher, given that those reported here are based on official data and therefore may not capture the actual amount of crime committed by released offenders. If the corrections system aims to prevent crime, recidivism among released prisoners must be a focus of intervention strategies.

Prisoner reentry refers to the security and control of offenders in the community as well as treatment and rehabilitation in areas such as education, employment, housing, social and familial issues, physical and mental health, and substance abuse programs. Prisoner reentry programs are important for three reasons. First, released offenders are at high risk for recidivism. Therefore, some type of intervention is needed. Second, released offenders have significant impediments to integrating into society, such as employment, health, substance abuse, education, and housing. Third, although treatment programs have demonstrated effectiveness, the criminal justice system offers less treatment programs to offenders now than it has in the past.

THE RISK OF RECIDIVISM

Policymakers and communities that receive an influx of released offenders must respond to concerns about public safety and the high risk of recidivism. Released offenders have proven to be at high risk for repeat offending after a correctional intervention. An estimated two-thirds of all released inmates will be rearrested within three years of their release date. An offender is most vulnerable to revert to old maladaptive habits in the period immediately following release from prison.

Adding to the problem is that many offenders are from low-income and socially disadvantaged communities. When they are released from prison, they are returned to a relatively small number of neighborhoods. Some of these communities may have as many as 15% of its young black male population incarcerated on any given day. "Recycling" or "churning" released prisoners between prison and community frustrates both policymakers and citizens alike as they attempt to find solutions to crime in these concentrated areas.

OBSTACLES TO PRISONER REENTRY

Prisoners reentering society face a number of challenges in the transition, including homelessness, physical and mental health problems, chemical dependency, civil incapacitation (elimination of voting rights and other civil services), and a number of social issues, such as family and community reconnection. It is unclear whether employment with a livable wage reduces recidivism among released offenders. The salient yet unmeasured factor in this research may be individual-level motivation to change. Still, employment is a common target for intervention in prisoner reentry programs. The need for this intervention seems great, as the percentage of unemployed parolees ranges from 60% to 90%. Past periods of incarceration reduce a person's employability. Ex-offenders must overcome stigmatization after release that can result in informal discrimination and/or formal restrictions in certain areas of the labor force. Employability is also reduced for the released offender, since time out of the job market interrupts job skill development. Reduced employability also may increase the risk of recidivism, which, in turn, may lead to incarceration.

Work-release programs began in the 1970s to give offenders the skills and training necessary to obtain stable employment. These programs generally begin shortly before an offender is to be released from prison. Earnings can be put toward a security deposit on an apartment, victim restitution, or saved for other necessary living expenses. Education is a corollary target for intervention with offenders. Generally, offenders have low education levels. Approximately 50% of parolees in a California sample are functionally illiterate (Petersilia, 1999). Vocational and educational programming (like all treatment programming) is high in need and low in availability. Only a third of released offenders receive educational training, and only a quarter of offenders receive vocational training. Even though employment skills training has some demonstrated effectiveness, this training has not kept pace with the increase in prison population.

THE NEED FOR TREATMENT

Substance abuse is of great concern in prison reentry because of its prevalence among prisoners and its correlation with criminal behavior. Between 70% and 85% of inmates report a history of substance abuse, and 50% admit that they used substances when committing their current crime. Drug treatment is generally an effective approach to reduce both drug use and recidivism. The most successful outcomes are among inmates who participate both in prison and community treatment after release. Unfortunately, however, only 10% to 13% of inmates report getting drug abuse treatment.

The comorbidity of substance abuse and mental health is a particularly strong predictor of recidivism. Inmates suffer from mental illness at a rate 2 to 4 times higher than the general population. Approximately 18% of inmates have psychological problems. In general, successful community reintegration of the mentally ill depends upon treatment in the community after release. Services for the mentally ill include substance abuse treatment, housing assistance, and improved social support.

Even though the mentally ill have many needs, treatment for this population is the exception rather than the rule. Only a fourth of parolees receive special programs for mental illness.

Inmate populations have higher rates of infection for many communicable and life-threatening diseases including HIV/AIDS, hepatitis B, hepatitis C, and tuberculosis. In 1997, released prisoners made up 20% to 26% of the total population with HIV/AIDS, approximately 30% of those infected with hepatitis C, and 38% of the total population infected with tuberculosis. While in prison, inmates have access to health care, and their health generally improves with incarceration, but medical services are often disrupted upon release from prison. A lag time in treatment or long-term inaccessibility to health care can lead to severe, life-threatening complications. The health of released offenders is a target area in prisoner reentry, not only for the well-being of the inmate but for public health as well.

Housing is an immediate need for a newly released offender, and if not present, creates a higher risk of recidivism. Upon release from prison, an offender must be able to find an apartment and have the money to secure it, which proves almost insurmountable for many offenders who do not have family support. Offenders rarely have the financial means to afford housing in the private market. Applications for housing typically require the applicant to report any criminal history. Housing may be denied based on this information. In government-subsidized housing, housing may be denied to anyone with a criminal history.

CONCLUSION

Evidence suggests that prisoner reentry is most successful when reintegration happens the first time an offender is released. Unfortunately, chronic recidivists are being created at a faster rate than successful parole completers. With the high numbers of people being incarcerated and released from prisons across the country, prisoner reentry will continue to be an important area of research and practice in American corrections.

—Michelle Coleman and Georgia Spiropoulos

See also Drug Treatment Programs; Health Care; HIV/AIDS; Incapacitation; Mental Health; Parole; Parole Boards; Prerelease Programs; Recidivism; Rehabilitation Theory; War on Drugs

Further Reading

Austin, J. (2001). Prisoner reentry: Current trends, practices, and issues. *Crime and Delinquency, 47*(3), 314–335.

Beck, A., Karberg, J., & Harrison, P. (2002). *Prison and jail inmates at midyear 2001* (NCJ 191702). Washington DC: Bureau of Justice.

Hammett, T. M., Roberts, C., & Kennedy S. (2001). Health-related issues in prisoner reentry. *Crime and Delinquency, 47*(3), 390–409.

Lynch, J. P., & Sabol, W. J. (2001). *Prisoner reentry in perspective*. Crime and Policy Report, vol. 3. Washington, DC: Urban Institute.

Petersilia, J. (1999). Parole and prisoner reentry in the United States. In M. Tonry & J. Petersilia (Eds.), *Prisons.* Chicago: University of Chicago Press.

Petersilia, J. (2001). Prisoner reentry: Public safety and reintegration challenges. *The Prison Journal, 81*(3), 360–376.

$6 m in reentry grants. (2002). *Juvenile Justice Digest*, *30*(22), 7.

Travis, J. (2000). But they all come back: Rethinking prisoner reentry. *Corrections Forum, 9*(6), 11–15.

Travis, J., Solomon A. L., & Waul M. (2001). *From prison to home: The dimensions and consequences of prisoner reentry*. Washington, DC: Urban Institute.

PRISONER UNIONS

Prisoner unions advocate for fair labor conditions and improved living conditions and treatment. The first successful union was formed in Sweden in 1966. Within seven years, it grew to represent the majority of Swedish prisoners, winning wages almost equal to those on the outside, safer prison factories, and worker's compensation. In the United States, however, prisoner unions have been and continue to be strongly opposed by government and prison authorities.

HISTORY

Following prisoner work strikes in California throughout the 1960s, a small group of attorneys and ex-prisoners formed the United Prisoners' Union in

1970. By 1972, it had started to focus on litigation and legislation relating to prison unionization, responding to specific inmate problems and building membership within California's male prisons. In San Quentin State Prison, Harlan X. Washington and 15 other Muslim inmates successfully recruited not only their fellow Muslims, but also members of the Aryan Brotherhood, demonstrating the union's appeal across race lines. Washington was transferred to the prison at Soledad, where he continued to organize. In 1973, at its peak of 3,000 members, the union split into the Prisoners' Union, which confined itself to prison issues, and the United Prisoners Union, which allied itself with the more radical Bay Area groups.

In January 1976, the California Department of Corrections (CDC) and the Prisoners' Union agreed that the union would have the right to represent Soledad inmates and to organize within the prison. In turn, the CDC could suspend the union following a public hearing. However, word leaked to the press, the California Correctional Officers Association threatened to strike, and the Soledad prison authorities rejected the inmates' charter and bylaws for their first chapter. The union then petitioned the courts for the right to hold meetings. The California Supreme Court, however, ruled that prisoners' unions violated institutional security. Three years later, the court upheld the CDC's prohibition of correspondence between union members in prison and on parole.

Despite such setbacks, the Prisoners' Union was one of the groups responsible for the 1971 abolition of California's Indeterminate Sentence Law, which allowed indefinite incarceration until rehabilitation had been proven. The union continues to exist as a support for inmate grievances, although it now makes no effort to organize and hold meetings in prisons.

In 1971, men in New York State's maximum-security Green Haven Correctional Facility organized their own labor union to gain the same rights, privileges, and protections for prisoners as outside labor; to advance their economic, political, social, and cultural interests; and to promote unity between inmate laborers and workers nationwide. By 1972, organizers had gathered nearly 1,200 union membership cards from the facility's 1,800 inmates and had allied itself with the Distributive Workers of America. In response, union members were segregated and transferred to prisons further upstate, and the Public Employees Relation Board of New York (PERB) ruled that prisoners were not public employees and thus had no right to organize and collectively bargain under the Public Employees' Fair Employment Act. During this time, prisoner unions also emerged in North Carolina, Michigan, Delaware, Rhode Island, Massachusetts, Maine, Wisconsin, Washington, and the District of Columbia.

WOMEN'S UNIONS

Although most unions exist in men's prisons, women at New York's Bedford Hills Correctional Facility and Washington, D.C.'s Women's Detention Center organized their own unions with similar goals. The Bedford Hills union also petitioned the PERB for recognition. Consolidated with that of the unions at Green Haven and the male prison at Walkill, New York, the Bedford Hills union's petition for recognition was denied by the PERB.

LEGISLATING AGAINST PRISONER UNIONS

The strongest blow against prisoner unions came in 1977, with the U.S. Supreme Court's decision in *Jones v. North Carolina Prisoners' Labor Union*. The North Carolina Union was established in 1974 to attempt to improve working conditions through collective bargaining. Within a year, it had attracted 2,000 inmates from 40 different prisons throughout the state. At this point, the state intervened, prohibiting inmate solicitation of other inmates, meetings between union members, and bulk mailings from outside sources concerning the union. In response, the union filed suit and won in district court. The state then appealed to the Supreme Court, which overturned the ruling.

THE REEMERGENCE OF PRISON UNIONS

For many years following *Jones*, prisoner unions' attractiveness and effectiveness faded. However, in the 1990s, prisoner unions began to reemerge. In 1997, three men at Potosi Correctional Center organized the Missouri Prisoner Labor Union. This organization sought to repeal prisoner disenfranchisement, to enforce worker's compensation laws for prisoners, to form arbitration committees dealing with complaints about daily living and working conditions, to arrange minimum wage for all working prisoners, and to abolish the death penalty. In August 1998, the union became legally chartered by the state of Missouri. Four months later, the founders organized fellow prisoners to file 1,631 grievances in one week around food quality, law library access, inmate abuse, racism, racial profiling, prisoner rape, and the lack of African American staff. More than half of these grievances were won. Male prisoners in Texas, Colorado, and Australia have also organized unions.

CONCLUSION

Like their predecessors, organizers of prisoner unions today face administrative harassment, punitive transfers, and extended time in segregation. The emergence and continued existence of these unions testify to the growing number of inmates who are actively organizing for fair and humane treatment. Their continued success or failure will depend in part on prisoners' determination and also on the response of administrators and the courts.

—Victoria Law

See also Correctional Officer Unions; Labor; Prisoner Pay; Privatization of Labor

Further Reading

Cummins, E. (1994). *The rise and fall of California's radical prison movement*. Stanford, CA: Stanford University Press.

Dowie, M. (1973). Unionizing prison labor. *Social Policy, 4*(1), 56–60.

Legal Case

Jones v. North Carolina Prisoners' Labor Union, 97 S. Ct. 2532 (1977).

PRISONIZATION

Donald Clemmer coined the term "prisonization" in his 1940 book *The Prison Community*. He defines prisonization as "the taking on, in greater or lesser degree, of the folkways, mores, customs, and general culture of the penitentiary" by inmates (1958, p. 299). Clemmer's ideas stimulated the development of a literature on prison socialization and culture, the basic premise of which is that, over time, incarcerated individuals will acquire the values, norms, and beliefs held and practiced by other inmates.

Prisonization is a process of assimilation into inmate society that is characterized by the adoption of a particular constellation of norms, values, and beliefs that then shape the prisoner's worldview and undermine the goals of reform. The *inmate code* isolates the prisoner from the influence of penitentiary staff by fostering the prisoner's allegiance to his fellow prisoners. Devotion to the code represents a type of solidary opposition. The new rules are distinct from both those of the institution and of the wider society. The more true someone holds to prison culture, the more he or she rejects the rules of prison authorities and those of the outside community. Stanton Wheeler summarizes, "The net result of the process [is] the internalization of a criminal outlook, leaving the 'prisonized' individual relatively immune to the influence of a conventional value system" (1961, p. 697).

According to Clemmer, prisonization plays the primary role in determining the success of the prisoner's adjustment to outside life. The learned set of values and norms that replaces the inmate's conventional beliefs and practices inoculates him or her against prosocial influences upon returning to mainstream society. The general hypothesis is that empirical research should find a negative relationship between the degree of prisonization and the success of rehabilitation. The deleterious effects of

imprisonment depend on the frequency and intensity of associations with other inmates and the length of time spent in the penitentiary setting. Putting the matter simply, the more time inmates spend with other prisoners, and the longer their sentences, the more prisonized they will become.

CRITICISMS AND ALTERNATIVE VIEWS

Although Clemmer's book provides a detailed account of how new entrants into penitentiary life become prisonized, his work has been faulted for failing to explain the preexistence of inmate culture. Clemmer, according to critics, does little more than assume that prisonization results from the "universal features" of prison life, rather than explain how they come about. One could object to such criticisms on the grounds that Clemmer's book is concerned with identifying the process of prisonization and not with the origins of the convict code. However, Clemmer does identify numerous structural elements shaping prison society, such as the antagonistic relationship between inmates and prison staff, the existence of cellhouse groups and work gangs, race/ethnic stratification, and so forth. Nonetheless, filling the gaps between socialization and prison culture has occupied many social scientists since *The Prison Community* was published, and, in the end, their research bears on the validity of the prisonization thesis.

TOTAL INSTITUTIONS

Many observers attribute prisonization to the austere realities of incarceration. Like mental hospitals and concentration camps, the penitentiary is a species of what sociologist Erving Goffman (1961) calls "total institutions." In a total institution, all activity occurs according to rigid rules and tight schedules. Shorn of responsibility for basic life choices and activities, prisoners become almost wholly dependent upon the regimen of the system. Goffman believes total institutions cause "self-mortification," and deaden people's autonomy, identity, and willpower. In a similar fashion, Ann Cordilia (1983) find that prisons "desocialize" inmates and make them reliant upon authority, while Kathryn Watterson (1996) characterizes women's prisons as a "concrete womb"—only behind prison walls do the prisonized feel secure.

THE PAINS OF IMPRISONMENT

Gresham Sykes (1958) used the idea of the "pains of imprisonment," to describe how prisoners adapt to prison life. According to Sykes, prison culture is shaped by five specific deprivations: deprivation of liberty, deprivation of goods and services, deprivation of heterosexual relationships, deprivation of autonomy, and deprivation of security. These needs are served by inmate culture. Lloyd W. McCorkle and Richard Korn (1962) describe the inmate social system as a culture based upon the "convict code," replete with its own argot and system of sanctions. More recently, James Austin and John Irwin (2001) report an affective dimension to these pains, finding among inmates feelings of powerlessness, meaninglessness, normlessness, detachment, and alienation. From this perspective, the culture of penitentiaries in which inmates are prisonized is caused by their anomic state of existence, as inmates, struggling to make sense of their world, develop their own normative and value systems.

IMPORTATION AND DEPRIVATION

Research by Sykes and others explain prison culture as having emerged from the pains of imprisonment and the structural context of the prison. In contrast to the *deprivation* thesis, proponents of the *importation model* point to the influence of exogenous factors, mainly the criminal code that exists in the outside world, as shaping prison culture and inmate society. Convicts, according to this view, have already been socialized with the values and attitudes that manifest in prison. For example, John Irwin (1980) argues that street norms are introduced into prison culture. From the perspective of the importation model, the inside of prisons is much like the outside—at least for criminals.

In their study of the history of prison gangs, Geoffrey Hunt and associates (1993) present evidence indicating that both models are historically correct. In an earlier time, the culture of the "old school" gangs, such as the Mexican Mafia, La Nuestra Familia, Texas Syndicate, Black Guerilla Family, and Aryan Brotherhood, emerged from prison life. These groups did not exist beyond prison walls. In contrast, the new prison gangs, such as Nortenos, Surenos, New Structure, Border Brothers, Crips, and Bloods, reflect neighborhood ethnic organizations that exist outside the prison institution. Consistent with the importation model, contemporary prison culture is one in which beliefs and conduct norms are introduced into prison life. These findings suggest that in today's prison climate, prior socialization to a normative system found in society might be mistaken for absorption into a preexisting prison culture. Similarly, many claim that new circumstances in prisons—overcrowding, racialization, and violence—make prisonization models less valid.

Finally, critics point out that we must be careful not to assume a monolithic process of prisonization. Thus, for example, Irwin (1980) identifies several behavioral patterns among prisoners that divide them into distinct groups. A person who is "jailing" is thoroughly prisonized. This is frequently the result of past socialization in total institutions—such individuals are typically "state-raised youth." In a second pattern, "doing time," professional criminals "play the system" by "programming" (participating in prison programs to look good). There is no significant transformation of conscience during their time in confinement. Last, inmates are "gleaning" when they genuinely try to better themselves.

CONCLUSION

To the degree that prisonization is a factor in prisons, the phenomenon creates problems for the goals of rehabilitation. Accustomed to prison culture, convicts find life on the outside challenging. Just how problematic prisonization makes reform depends on length of confinement and the degree of assimilation to prison culture. According to Clemmer, as a general rule, the longer inmates stay in prison, the more prisonized they become, the less likely they are to successfully adjust to society, and the more likely they are to recidivate after release. From Goffman's perspective, dependence upon constant surveillance and authority makes autonomous existence beyond prison difficult. A certain percentage of convicts find it impossible and make their way back from behind penitentiary walls. However, as Stanton Wheeler (1961) shows in his study of prison socialization, most prisoners undergo a "recovery process" as they approach parole or release, in which they shed the beliefs and values of prison culture and adopt values and behaviors consistent with mainstream society.

—Andrew Austin

See also Argot; Aryan Brotherhood; Bloods; Donald Clemmer; Crips; Deprivation; Gangs; Importation; Inmate Code; Prison Culture; Recidivism; Rehabilitation Theory; Gresham Sykes

Further Reading

Austin, J., & Irwin, J. (2001). *It's about time: America's incarceration binge* (3rd ed.). Belmont, CA: Wadsworth.

Clemmer, D. (1958). *The prison community*. New York: Holt, Rinehart, & Winston.

Cordilia, A. (1983). *The making of an inmate: Prisons as a way of life*. Cambridge, MA: Schenkman.

Hunt, G., Riegel, S., Morales, T., & Waldorf, D. (1993). Changes in prison culture: Prison gangs and the case of the "Pepsi generation." *Social Problems, 40,* 398–409.

Goffman, E. (1961). *Asylums*. New York: Doubleday.

Irwin, J. (1980). *Prisons in turmoil*. Boston: Little, Brown.

McCorkle, L. W., & Korn, R. (1962). Resocialization within walls. In N. Johnston, L. Savitz, & M. E. Wolfgang (Eds.), *The sociology of punishment and corrections.* New York: Wiley.

Sykes, G. (1958). *The society of captives*. Princeton, NJ: Princeton University Press.

Sykes, G., & Messinger, L. (1960). The inmate social system. In R. A. Cloward et al. (Eds.), *Theoretical studies in social organization of the prison*. New York: Social Science Research Council.

Toch, H. (1977). *Living in prison*. New York: Free Press.

Watterson, K. (1996). *Women in prison: Inside the concrete womb*. Boston: Northeastern University Press.

Wheeler, S. (1961) Socialization in correctional communities. *American Sociological Review, 26,* 697–712.

PRIVATIZATION

Private prison companies contract with state and federal jurisdictions for the custody of inmates, and, like other free market entities, economic profit is their objective. Currently in the United States there are two main companies who run most of the private facilities: Corrections Corporation of America (CCA) and Wackenhut Corrections Corporation. As with businesses in other industries, these companies are multinational, operating prisons all around the world. Though there is a fair amount of resistance to the privatization of corrections, both from within the penal system and outside, the involvement of private corporations in U.S. corrections is becoming increasingly more common.

HISTORY

Aspects of confinement have been privatized for several centuries and can be traced back to Virginia in 1607, when convicts were transported to America for labor through a contract system between early American agricultural entrepreneurs and the British government. During the 1800s, several early U.S. penitentiaries were privately operated, such as Louisiana's first state prison and New York's Auburn and Sing Sing prisons. In addition, during these decades, several states allowed private contractors to supervise inmates engaged in private sector labor activities under a policy of convict leasing.

Near the beginning of the 20th century, public confidence in privatized corrections waned as a pressure mounted from prison reformers and religious groups. These efforts laid the foundation for legislation eventually banning the use of inmates for private interests. By the end of the 1920s, U.S. prisons were all under government control, and privatization came to an end.

Despite the establishment of a few private correctional facilities for juveniles in the 1970s, adult prisons remained under state and federal government control until 1985, when Kentucky contracted with Corrections Corporation of America to take over the operation of a state prison. During the late 1980s and throughout the 1990s, the number and size of private prisons increased significantly, taking the form both of private companies assuming control of existing public facilities and of these firms building and then operating new facilities as for-profit entities. Finally, in the late 1990s, the federal government began contracting with private prison firms. In 1997, the first contract between the Federal Bureau of Prisons and a private prison corporation, Wackenhut, was signed, providing the company with $88 million in exchange for running the Taft Correctional Institution in California.

The rated capacity for private, secure adult correctional facilities in 1987 was approximately 5,000. At the end of the 1990s, this had increased to more than 140,000, an eightfold amplification. Even with this capacity, most private prisons routinely incarcerate only minimum- and medium-security-level inmates. During this decade, there was a steady move away from private facilities designed primarily to house minimum-security prisoners in dormitory-style housing units to cell-based institutions capable of holding prisoners with medium- to maximum-security classifications. At the same time, the typical private facility moved from a capacity of 500 or fewer prisoners to a capacity of 1,500 or more.

CONTEMPORARY ISSUES

At the turn of the 21st century, there were more than 155 private adult facilities in operation in the United States. At midyear 2002, 32 states, the District of Columbia, and the federal prison system held 86,626 inmates in privately operated prisons. This number accounts for 5.8% of all state prisoners and 12.3% of all federal inmates.

The use of private prisons is not distributed evenly throughout the country. Among the states, Texas holds 10,764 inmates in more than 40 private facilities, and California has 4,452 inmates in 22 private prisons. Five states—New Mexico (44%), Montana (33%), Alaska (32%), Oklahoma (29%), and Wyoming (28%)—have at least 25% of their prison population housed in private facilities. Instead, northeastern states have placed only 1.8% and midwestern states only 2.9% of their inmates

in private prisons. In contrast, 6.2% of inmates in western states, and 8.1% of those in southern states are imprisoned in for-profit institutions. Various states, such as Colorado, Oregon, Wisconsin, Indiana, and Missouri, also allow offenders to be transferred to private facilities in other states.

There are no centralized, available statistics on the number of women incarcerated in private prisons. However, Corrections Corporation of America, the dominant domestic private prison company, provides gender-related information on their Web site (www.correctionscorp.com). CCA operates four institutions exclusively for women, with a total rated capacity of nearly 2,220. Based on rated capacity, just over 3% of CCA private prison beds are for women; the overwhelming majority are intended for men. These proportions are below those reported for the overall U.S. incarcerated population and may or may not be representative of all private prisons in the United States or throughout the world.

STRUCTURAL FOUNDATIONS

Three social factors combined over the past two decades to make the federal and state governments look upon privatization with favor. First, the punitive shift toward longer and stricter sentences in U.S. crime control policy, beginning in the mid-1980s, resulted in an unprecedented growth in the U.S. prison population. At the end of 1985, there were just over 744,000 people in adult correctional facilities. In comparison, by the end of 2001, there were more than 1.4 million prisoners. The incarceration rate in the United States has grown from 313 per 100,000 citizens in 1985 to 686 per 100,000 at year-end 2001.

Second, voters during the late 1980s and early 1990s become unwilling to support bond initiatives and tax increases for new prison construction and operation. The costs of incarcerating a steadily increasing number of offenders are high and continue to grow. The total cost of state and local incarceration in fiscal year (FY) 1980 was in the neighborhood of $3.1 billion. By the end of FY 2000, this cost was more than $40 billion. It is noteworthy that corrections expenditures represent a considerable part of states' budgets, with 1 out of every 14 general fund dollars spent on prisons during the year 2000. Of this $40 billion, it is estimated that $24 billion was allocated for incarcerating nonviolent offenders. Yet, voters would not approve necessary additional funding for this enterprise. These rejections are consistent with voting patterns during the past decade, where general tax increases are time and again rejected. One of the most notable examples is California, where voters recently defeated numerous bond initiatives for new prison construction, most by double-digit margins.

Third, a series of court orders to reduce prison overcrowding also led governments to consider privatizing parts of the penal system. In 1993, 40 different state prison systems were under court order to reduce population density. States that believed they could not manage to construct enough new facilities themselves often turned to private companies.

These factors—the rapid growth in prison population causing tremendously increased costs to house inmates, the lack of voter support for increasing tax revenue income for corrections, and court orders to reduce overcrowding—forced various states and the federal government to search for innovative ways to handle this crisis. State governments bear the largest burden, because they are the primary financial supporters of prison expansion, supplying more than $40 billion annually, compared with the nearly $20 billion spent by the federal government. Most state budgets must be balanced and cannot run at a deficit.

CURRENT TRENDS

Recent data demonstrate a leveling off in the number of state-level private adult correctional facilities. This trend could be due to economic downturns in the early 21st century or the slowing of annual growth in state inmate populations. Since the year 2000, no states have negotiated new private prison contracts, and several (such as North Carolina and Arkansas) have reduced involvement with the private prison industry. Others, including North Carolina, Montana, and California, passed legislation prohibiting the import of out-of-state inmates.

Even though state-level private prisons appear to be on the decline, the use of for-profit facilities by the U.S. federal justice system is expanding. As a result of recent federal legislation requiring mandatory minimums and increased prison sentences for drug offenders, federal prisons were operating at 33% over capacity by the middle of 2001. In fact, from 1990 to 2001, the federal prison population grew from 65,526 inmates to nearly 157,000, making it the third largest prison system in the country, when compared with state-level systems. If growth rates remain the same, the federal system will be the largest in the United States by year-end 2003. This rapid growth motivated the federal justice system to search for immediate solutions for housing inmates. For example, in 2001 the Bureau of Prisons awarded Corrections Corporation of America a contract for more than 3,300 beds, with an estimated value of $760 million over a 10-year period.

THE PRIVATE PRISON INDUSTRY

In 2002, even though 13 companies ran private prisons in the United States, two large firms dominated the industry: Corrections Corporation of America (CCA) and Wackenhut Corrections Corporation. CCA controls more than 52% of the domestic private prison market, while Wackenhut runs just over 22% of the domestic industry and more than 55% of international market share. No other firm owns more than 9% of the private prison market.

Since CCA is the dominant domestic private prison company, it is important to review some of its characteristics. This corporation was established in 1983 and currently runs the sixth largest prison system in the United States, with only Texas, California, the federal government, New York, and Florida having larger systems. CCA operates more than 60 facilities across the country and houses nearly 60,000 inmates, while boasting that 95% of their private prison contracts with government agencies are renewed.

In 1997, CCA claimed the average daily incarceration cost was $30.51 per inmate and the per diem operating cost has been kept between $30 and $32 per inmate since the origins of the company. However, according to reports, the level of compensation stipulated in contractual agreements with government entities has risen from $32.71 per inmate in 1987 to $42.72 in 1997. With 10.5 billion billable days in 1997, the corporation had revenues of more than $460 million and a net profit of more than $400 million. Their stock price soared in the late 1980s through the late 1990s, increasing nearly 1,500% in value. However, the closing value of CCA stock in 2001 was down more than 50% from its peak. This decline in stock value appears to correlate with the leveling of state prison populations and reluctance on the part of many states to enter into contracts for additional private prisons.

THE DEBATE

Private prisons are controversial. Proponents suggest that private facilities could result in cost reductions of 10% to 20% for government agencies, savings that would ultimately be passed on to taxpayers. Typically, states contract with a company to house a particular number of inmates for a per diem amount. Exactly how much is paid to private prison corporations is difficult to discern, since many of these contractual agreements are not available for public inspection. Nevertheless, for the sake of example, a particular private prison organization may agree to house 1,000 inmates at a cost of $45 per day per inmate. The government pays the company $45,000 per day for taking custody of these inmates over a certain number of years. The corporation provides housing and services for the inmates, while attempting to keep the daily average cost below $45 per inmate. Every sum the corporation saves when housing and providing for the inmate population becomes profit.

Proponents of private prisons also argue the profit motive creates incentive to buy goods and services, including those involved with construction, at the lowest possible price, thereby saving money. These supporters claim government agencies are fettered with bureaucratic "red tape," slowing and possibly blocking progress due to massive amounts of paperwork and required approvals for purchasing goods and implementing services. For

example, in the early 1990s, CCA built a detention center for the Immigration and Naturalization Service (INS). The project was completed in less than six months at a cost of $14,000 per bed. The INS estimated federal government contractors would have taken well over two years to complete the facility at a cost of $26,000 per bed.

Finally, those in favor of private prisons further argue the desire for efficiency encourages quality services from subcontractors. Contracts can be cancelled for poor performance. Similarly, threats of civil lawsuits keep private prison companies alert, with special attention to legal stipulations, all while minimizing cost.

In contrast, opponents of prison privatization claim the profit motive encourages for-profit prison corporations to cut corners in order to save money and increase profitability. Thus, they point out that staff at private prisons earn considerably less than their counterparts in state facilities, since one of the easiest ways private companies reduce costs is by lowering the salaries of prison workers. Private corrections officers also enjoy fewer benefits, such as overtime pay, worker's compensation claims, sick leave, and health care insurance. Using lower-paid and less well-trained staff may, in turn, lead to reduced security and programs for inmates.

In addition, critics point out, there is no incentive for private prisons to agree to the early release of inmates. If the private prison industry receives a daily amount for each inmate, obviously it is more profitable if prisoners remain in the facility for their full sentences as opposed to receiving early release under parole. Even though government parole boards make the final decision about who is released, staff members could be encouraged to generate numerous, often questionable, misconduct reports to taint an inmate's parole case. There have been cases where institutions have held inmates over for just a few days after their release date to collect extra sums.

Concerns also exist over the transparency of the contractual arrangements and the amount of political influence private prison companies exert on sentencing policy. Contracts between governments and private companies often are not publicized, and citizens have no say in approving or disapproving of this revenue distribution designed to expand the correctional system. State legislatures can move appropriations from other state-sponsored activities to pay private prison contracts without taxpayer knowledge or consent. Similarly, CCA and Wackenhut are major financial contributors to the American Legislative Exchange Council (ALEC), which is a Washington, D.C.-based public policy organization supporting conservative legislators. More than 40% of all state legislators are members of this organization. ALEC develops model legislation advancing conservative principles, such as longer prison sentences and privatization of correctional facilities.

There also is a concern over the lack of public oversight for money allocated to private prisons by legislatures. While most prisons traditionally are financed through voter-approved, tax-exempt general obligation bonds that are backed by tax revenues, private prisons follow a different route. For-profit prison corporations build prisons using privately generated revenue from investors. State governments then enter into long-term contracts with private prisons without voter approval. Yet, taxpayers still are liable for expenses incurred by the government through these contracts.

Regarding claims of more efficiently run and higher quality operations, recent research finds private prisons are, at best, equal to public facilities. A 1998 report conducted by Abt Associates, Inc. (1998, p. 56), found "no compelling evidence of superiority," while Austin and Coventry (2001, p. 36), when reviewing studies comparing programs in private and public prisons, find "no definitive research evidence that . . . the quality of confinement is significantly improved in privately operated facilities." This report further claims the rate of major incidents is higher in private than in public facilities. Troubling cases of inmate abuse or escapes were reported in New Jersey, Texas, Ohio, and Louisiana private prisons, which may be the result of poorly trained staff along with substandard working and living conditions inside these institutions.

Finally, some critics wonder whether it is appropriate for private interests to imprison citizens. Should a company be given the authority to deprive

individuals of liberty and engage in the legally sanctioned exercise of coercion? Or, does such a responsibility belong solely to the government and therefore should not be contracted out, like garbage collection or road maintenance, to private interests?

DO PRIVATE PRISONS SAVE MONEY?

A common argument in favor of privatization is that it will save taxpayers at least 10% on the total cost of corrections. Then again, as long as the total number of needed cells increases, the total cost to taxpayers increases. For example, even if taxpayers are asked to pay 90% of a $50 billion corrections tab to incarcerate 2 million people, it will cost the public $45 billion. However, a change in correctional policy, whereby only 1 million people are incarcerated at a cost of $25 billion, would save the public $20 billion even if the taxpayers fund 100% of the cost. The public may be told that privatization saves $5 billion; yet, the increasing demand on the correctional system is costing an additional $20 billion.

In 1996, the U.S. Government General Accounting Office conducted an analysis of five states (California, New Mexico, Tennessee, Texas, and Washington), comparing costs of private prisons with public facilities. This study found no significant support for the claim that private prisons save taxpayers money. In fact, the most optimistic finding in this comparison was a 1% cost savings from the use of private prisons in some instances.

Since most cost-saving measures in private prisons result from lower labor costs, increasing the use of private prisons could undermine state and federal employment in public correctional systems. Those currently working in these systems might lose their jobs if existing facilities are converted to private prisons. Similarly, future employment possibilities in public corrections, along with higher wages and attractive benefit packages, might be eliminated if the use of private prisons expands.

OUTSIDE THE UNITED STATES

Private prisons are an American phenomenon; even so, international use of them is increasing as companies are exploring possibilities for opening prisons in South America, the Pacific Rim, and other European countries. A small number of for-profit prisons already exist in Canada, the Netherlands, New Zealand, and Scotland. Further, Australia, England, and South Africa have numerous private prisons housing between 6,000 and 7,000 inmates. However, the United States has more than 20 times more inmates in private facilities than any of these countries, and more than six times more than all other countries combined.

CONCLUSION

Even though state-level use of private prisons appears on the decline, data demonstrate that federal contracts with private prisons are expanding dramatically, and every indication shows this trend will continue for some time. Furthermore, the number of private prisons operated outside the United States is growing in countries such as the United Kingdom, Australia, and South Africa, with possible sites in other countries being considered and pursued.

Numerous interest groups, such as The Sentencing Project, Good Jobs First, and Citizens Against Private Prisons, actively advocate against private prisons. Formal political opposition to the use of private prison corporations also exists. For example, as of 2001, California allowed only privately owned community correctional centers and not adult prisons; Michigan allowed only for-profit juvenile facilities. New York and Illinois completely prohibit private correctional facilities. Further, two bills were introduced in the Missouri Legislature in 2001 and 2002, respectively, prohibiting privately operated prisons. These proposals remained in committee and were not discussed in the General Assembly.

On the federal level, in 2001, Representative Ted Strickland of Ohio introduced the Public Safety Act into the House of Representatives, and Senator Russell Feingold of Wisconsin initiated a companion bill into the Senate. These acts would prohibit the placement of federal prisoners in private prisons

and deny federal funding to states contracting with for-profit prison companies. The bill was sent to the House Subcommittee on Crime and the Senate Committee on the Judiciary in May 2001. To date, this is the last action taken. This type of state and federal legislation, which eventually will emerge for debate and passage or rejection, illustrates that privatization of prisons in the United States continues to be a central and controversial issue in American correctional policy.

—Karl R. Kunkel and Jason S. Capps

See also Contract Facilities; Convict Lease System; Corrections Corporation of America; Federal Prison System; Increase in Prison Population; Overcrowding; Prison Industrial Complex; Privatization of Labor; Wackenhut Corrections Corporation

Further Reading

Abt Associates, Inc. (1998). *Private prisons in the United States: An assessment of current practice*. Retrieved September 9, 2003, from http://www.abtassoc.com/reports/criminal-justice/priv-report.pdf

Austin, J., & Coventry. G. (2001). *Emerging issues in privatized prisons*. Washington, DC: U.S. Department of Justice.

Bowman, G., Hakim, S., & Seidenstat, P. (Eds.). (1993). *Privatizing correctional institutions*. New Brunswick, NJ: Transaction.

Burton-Rose, D., Pens, D., & Wright, P. (Eds.). (1998). *The celling of America: An inside look at the U.S. prison industry*. Monroe, ME: Common Courage.

Dyer, J. (2000). *The perpetual prisoner machine: How America profits from crime*. Boulder, CO: Westview.

Lilly, J. R., & Deflem, M. (1996). Profit and penality: An analysis of the corrections-commercial complex. *Crime and Delinquency, 42,* 3–20.

Mullen, J., Chabotar, K. J., & Carrow, D. M. (1985). *The privatization of corrections*. Washington, DC: U.S. Department of Justice, National Institute of Justice Issues and Practices.

Shichor, D. (1995). *Punishment for profit: Private prisons/public concerns*. Thousand Oaks, CA: Sage.

The Sentencing Project. (2002). *Prison privatization and the use of incarceration*. Retrieved from http://www.sentencingproject.org/news/pub1053.pdf

U.S. General Accounting Office. (1996). *Private and public prisons: Studies comparing operational costs and/or quality of service*. Washington DC: U.S. General Accounting Office.

PRIVATIZATION OF LABOR

The private exploitation of penal labor first occurred in ancient civilizations as part of a larger system of slave labor supplied to states, municipalities, and religious bodies as well as private individuals. During the fourth and fifth centuries B.C., the Greeks occasionally used slavery (personal and public) as a criminal sanction. Since then, the employment of prisoners by private individuals and companies has assumed several distinctive forms. Though today it is more common for inmates to be without work entirely than to work for someone else's profit, the privatization of their labor continues.

HISTORY

Private industrial contracting started with merchant capitalists in 16th-century European workhouses. Beginning in the 17th century, English felons were transported first to the American and later to the Australian colonies, where private employers were granted or bought leases on their labor. Tradesmen, merchants, shipbuilders, and iron manufacturers also purchased convicts, who were cheaper than slaves; other convicts, principally women, served as house servants and cooks. They were also usually required to offer sexual services as well. The French transported its convicts to Guiana and New Caledonia, primarily for the profit of the state, but also for private employers. Beginning in the 18th century, convicts worked at North African and Spanish American presidios in mining, textile, and agricultural work.

The private control of prison labor in America began in the colonial period. In the 18th century, the crime of theft was punished by restitution through compulsory labor under indenture. This form of punishment was soon replaced by forced labor in houses of correction, however. From 1790 until 1829, American penitentiaries operated under a "piece-price" form of the contract system. In this system, prison authorities supervised prisoner workers while merchant capitalists furnished raw materials and arranged to acquire the finished products at an agreed-upon price per unit. Massachusetts introduced the contract system as early as 1807. The

rise of the merchant capitalist after 1825 rapidly spread the piece-price system to congregate prison factories using modern power machinery. Gradually, merchant capitalists began offering contracts through which they leased the labor of prisoners, directly controlling and supervising the workers at the prison shops. This type of contracting reached its high point in the period from 1835 to 1885, when it predominated in American prisons outside of the South.

Criticism of contracting mounted in the 1870s, however, with prison reformers objecting to the pernicious and corrupting influence of entrepreneurs on the daily prison regime. While there was some debate about their profitability, prison factories also came under intense pressure from the emerging labor union movement and from small manufacturers. Together, they formed "anti-contract" associations to lobby state legislatures. Considerable opposition to free market prison industry led to the gradual abandonment of most contracting and convict leasing by the 1890s. Many penologists and reformers also opposed the contract and piece-price systems. But not long after the diminution of contracting, these same reformers were bemoaning the lack of meaningful work in prisons—illustrating the essential paradox of prison labor: It is both oppressive and liberating. By the start of the 20th century, many state prisons under the state-use system had deteriorated into large-scale idleness and unrelieved boredom, and productive labor was completely done in by Depression-era legislation—the 1935 Hawes-Cooper Act and the Ashurst-Sumner Act of 1940—outlawing the interstate commerce of prison-made goods.

CONVICT LEASING AND RACE

The South during Reconstruction presented ideal conditions for coerced labor, since it suffered from chronic labor shortages. Prisoner exploitation through the convict lease system helped the South make a transition from slavery to capitalist agriculture and early industrialization. At the same time, the lease functioned culturally as a symbol of the ongoing white supremacy. Through "Black Codes" that regulated all aspects of the lives of black Americans and, later in the century, through Jim Crow legislation, criminal justice systems became the handmaiden of plantation owners and unscrupulous industrial entrepreneurs. Georgia overcame agricultural labor shortages between 1868 and 1936 through forced labor, and everywhere in the South prisons were part of a continuum of coercion that ran from sharecropping and tenant farming to peonage and to the convict labor lease.

The convict lease system was also used as a strikebreaking device because it provided replacement workers. One of the most notorious convict strikebreaking incidents was the Tennessee Coal Company lockout of union workers in 1891, which led to riots by union miners. After having served as a bridge to the new economy, the convict lease lost its function and profitability by the end of the 19th century. The depression of 1892, mounting social criticism, and agricultural technology converged to doom convict leasing in most of the South by the turn of the century. From then through World War II, Southern states replaced private leasing with public-works-and-ways and state prison farms.

CONVICT LEASING AND WOMEN

While few black women and almost no white women were convicted of offenses in the 19th and early 20th centuries, those who were unfortunate enough to be sentenced to the penitentiary or lease camps experienced harsh treatment. Women prisoners were usually segregated from men in most Southern states, yet they shared buildings and could see and hear the male prisoners. In 19th-century Georgia lease camps, women were chained to men in the bunkhouses and were subjected to continual sexual assault.

CONTEMPORARY PRIVATIZATION

Normalization and Repatriation

Post–World War II rehabilitation penology and the "treatment" approach exercised considerable influence on the structure and operations of prisons,

with most state governments operating generally inefficient industrial systems for state-use, institutional maintenance, and vocational education. As early as the 1960s, however, the liberal medical model of "correctionalism" came under intense criticism in academia, from the left and the right of the political spectrum. One group of critics of the rehabilitation model argued that it had a deleterious effect on prison industries, resulting in poor quality, make-work, overassignment, and lack of accountability. Vocationally oriented work programs using the "treatment ethic" deprived prisoners of the opportunity to gain self-worth through the work ethic required by private industry. Many more state prisoners were languishing in complete idleness.

The reintroduction of private contracting in prison industry was part of a larger and radical transformation of the U.S. political economy that was underway by the mid-1970s. Neoconservative policy greatly transformed the relation of the state to private interests, fostering the breakdown of philosophical and legal barriers between government and business. While acknowledging the existence of social problems, neoconservatives argue that community and voluntary agencies and the business sector could do a better job of delivering public services. Initiated in the late 1970s by President Jimmy Carter and given momentum under President Ronald Reagan, privatization and efficiency norms gained public policy dominance over "welfare state" solutions to social problems.

A law-and-order campaign conducted at a time when most states were experiencing severe fiscal crises and taxpayer revolt gave added impetus to a widespread privatization and commercialization movement. This was an ideal opportunity for criminal justice privatization: The private policing business burgeoned from the 1970s on, and private prison companies were formed to finance, build, and operate state and federal jails and prisons. Although a recession would not normally be an auspicious time for prison industrial proposals, union wages were still high, and the working class was more immediately concerned with the overseas flight of manufacturing jobs. Minnesota led the way with private industrial production for the open market as early as 1973. In 1979, Senator Charles Percy of Illinois introduced the Justice System Improvement Act, which repealed Depression-era limitations on the interstate commerce in prison-made goods. This legislation led to the quick implementation of "joint venture" programs in seven states, beginning with a Free Venture model in Connecticut, and quickly followed by Minnesota. A second phase of the Percy legislation established Prison Industry Enhancement programs (PIEs) that encouraged state and local governments to place prisoners voluntarily in "realistic" work environments and pay them a local prevailing wage for similar work, although there had to be assurances that free workers would not be displaced. Other provisions and restrictions called for various salary deductions for victim compensation, taxes, and room and board (if the states so chose), the total sum of which should not exceed 80% of the hourly wage.

The Free Venture Program, which became the model for many subsequent PIE programs, sought to "normalize" prison work by providing wage incentives and workers' compensation. But it required prisoners to meet or exceed free-world production standards, including a full workday. Normalization was promoted by a school of criminologists, led by Gordon Hawkins (1983), who distanced themselves from the treatment model and sought to harness privatization under the "justice as fairness" perspective, a penal philosophy based on utilitarian principles that encourages prisoner volition and responsibility. Many important political and business leaders promoted the Free Venture doctrine. While a faction of businesses was interested exclusively in the profit-making potential of prison labor contracting, other corporate executives (from the monopoly sector) saw privatization of prison industry as a civic opportunity. The late Chief Justice of the United States, Warren E. Burger, and former Attorney General Edwin Meese III were strong supporters of the PIE programs. Burger advanced the philosophy behind privatization in an article in the *Public Administration Review* (1985), where he called for "turning warehouses into factories with fences" in order to help stem the relocation of industry overseas.

By the late 1980s, private prison industry had reached a plateau. Labor union criticisms mounted, and inmate lawsuits over pay and working conditions were being upheld in state courts. State officials became secretive and defensive about their joint venture contracts. But the record tight labor market of the late 1990s reinvigorated the privatization movement, with a second wave of support under the banner of "repatriation." The search for products that are mainly imported is an old appeal, used as far back as the 1880s to fight globalization. In the United States today, more than 30 states permit free enterprise contracting. And with 80,000 prisoners working in joint venture industries and annual sales in the hundreds of millions of dollars, the economic impact of private contracting is small yet not insignificant. Prisoner contract workers are employed in manufacturing, assembly, and service jobs for a wide variety of companies (more than 150), including multinationals Nike, TWA, Dell, Microsoft, and Target. An unusual Joint Venture Initiative, Prison Blues produces a line of denim clothing in Eastern Oregon Correctional Facility, with retail distribution in the U.S., Asian, and European marketplaces. Women working for the private sector are heavily concentrated in light manufacturing and in telemarketing, especially in the South and Southwest. In Florida, PRIDE Enterprises operates as a nonprofit general manufacturing and services management company that forms business partnerships that in 1998 operated in 22 state correctional institutions and generated more than $81 million in sales, from which $1.2 million went to the state and nearly $300,000 to victim restitution. While the United States has an extensive operation of joint ventures, other countries that share the U.S. free market doctrine—especially New Zealand—have contracts with large corporations. Austria, the Scandinavian countries, and Australia come closest to equating prison workers with the free market. Japan, on the other hand, remains extensively involved in private contracting and subcontracting of prison industries. But workers are extremely repressed. In Mexico, the new *maquiladora* sweatshop prisons could crowd out the petty entrepreneurial economy characteristic of most Mexican prisons.

CONCLUSION

To what extent is the prison labor privatization initiative more political and ideological than economic in inspiration? The industry has many deficiencies and drawbacks, not least of which are poor training, high turnover, questionable morale, security priorities, and workday interruptions for various appointments and visitation. On the other hand, employers need not worry about unions, sick leave, Social Security taxes, disability insurance, vacation, or a host of other free-world labor obligations. State coffers are often used to build new production facilities or modify existing buildings and in other ways subsidize private operations. This is not exactly a free market fundamentalist's idea of laissez-faire, and a faction of pure marketers call for open competition and the elimination all government market preferences and restrictions, while applying labor laws and allowing unionization.

At the federal level, this pure market approach was reflected in the McCollum bill (HR 2558), the Prison Industries Reform Act of 1999, which sought to eliminate mandatory sourcing, but allow the Federal Prison Industries to sell its products on the open market. An opposing bill also was presented that would prohibit subcontracting with the private sector altogether. This controversy inspired a national conference on inmate labor force participation (ILFP) in May 1999 at George Washington University, which invited several internationally prominent economists to examine the economic costs and benefits of ILFP, aside from any criminal justice considerations. The conferees came to the general consensus that repatriation is viable and can be greatly extended without undue harm to free labor wages. But there are concerns other than profitability, of course.

Opponents argue that prison labor competition is inherently unfair, and others see private contracting as little more than wage slavery. Can prison work provide valuable experience and training and at the same time be profitable for investors? What about prisoners' wages? Can the pay ever be decent and not violate the less eligibility principle? The debate tends toward extremes, with "true believers" at one end of the spectrum who see enormous potential of prison industries as an alternative to foreign-based

production, and "realists" at the other end who see absolutely no potential in profitable penal industry. Since privatization of prison labor might represent the only hope for meaningful prison industry, the best potential and wisest policy course might be a middle course of somewhat subsidized and protected industry. In any event, the prison labor problem is an enduring paradox.

—Robert P. Weiss

See also Ashurst-Sumner Act; Auburn System; Contract Facilities; Convict Lease System; Hard Labor; Hawes-Cooper Act; History of Women's Prisons; Labor, Prison Industry Enhancement Certification Porgram; Privatization; UNICOR

Further Reading

Conley, J. (1980). Prisons, production, and profit: Reconsidering the importance of prison industries. *Journal of Social History, 14*(2), 257–275.

Ekirch, A. R. (1987*). Bound for America: The transportation of British convicts to the colonies, 1718–1775*. Oxford, UK: Clarendon.

Gildemeister, G. A. (1987). *Prison labor and convict competition with free workers in industrializing America, 1840–1890*. New York: Garland.

Hawkins, G. (1983). Prison labor and prison industries. *Crime and Justice: An Annual Review of Research* (Vol. 5, pp. 85–127). Chicago: University of Chicago Press.

Lichtenstein, A. (1996). *Twice the work of free labor: The political economy of convict labor in the New South*. New York: Verso.

Parenti, C. (1999). *Lockdown America: Police and prisons in the age of crisis*. New York: Verso.

Weiss, R. P. (1987). The reappearance of the ideal factory: The entrepreneur and social control in the contemporary prison. In J. Lowman, R. Menzies, & T. S. Palys (Eds.), *Transcarceration*. Aldershot, UK: Gower.

Weiss, R. P. (2001). "Repatriating" low-wage work: The political economy of prison labor reprivatization in the postindustrial United States. *Criminology*, *39* (2), 253–291.

PROBATION

Probation is one of the most widely used sanctions in misdemeanor and felony courts, yet its purpose and methods of operation are largely unclear to most citizens. Probation is often called an "alternative to incarceration," but in recent years it has more likely been used as an adjunct to jail and prison terms. Originally, probation diverted alcoholic men and women from local jail sentences and offered them a chance to reform themselves under the guidance of a volunteer overseer. Historically, probation cases have come to involve increasingly serious offenses, including various degrees of felony crimes. Nowadays, probation officers have caseloads that comprise a diverse group of offenders who have committed a wide range of offenses.

ORIGINS

Ever since the Middle Ages, sanctions have been developed to mitigate the harshness and punitiveness of usual penalties such as corporal punishment, death, and social exclusion. Benefit of clergy, judicial reprieve, sanctuary, and abjuration are examples of such sanctions. Others include royal pardons, lenient interpretation of statutes, and even lessening the value of stolen property to lower the appropriate penalty. Over time, courts started rewarding offenders who showed good behavior with less restrictive sanctions. By the 19th century, efforts were being made in England and later in the United States to use volunteers, often associated with religious or temperance groups, to care for and supervise persons convicted of either minor offenses or offenses serious enough to attract jail or prison terms. This practice eventually became known as "probation."

Probation in the United States is typically dated to August 1841, when Boston philanthropist John Augustus (1784–1859) began asking the Boston Police Court to release into his custody and care criminals who were ordinarily placed behind bars because of their alcohol-influenced and -related behavior. Augustus believed that he could help these men and women improve their lives more effectively than would a period of incarceration. Augustus described his first case this way:

> I was in court one morning, when the door communicating with the lock-room was opened and an officer entered, followed by a ragged and wretched looking man, who took his seat upon a bench allotted to prisoners. . . . The case was clearly made out, but before sentence had been passed, I conversed with him for a few moments, and found that he was not yet past all

> hope of reformation. . . . He told me that if he could be saved from the House of Correction, he never again would taste intoxicating liquors; there was such an earnestness in that tone, and a look expressive of firm resolve, that I determined to aid him; I bailed him, by permission of the Court. (Augustus, 1939, pp. 4–5)

Augustus asked this man to sign a pledge to stop his drinking and found him employment, and the man became sober. Later, Augustus returned to court with the man, whose appearance impressed the court. Instead of receiving the usual jail sentence, he was fined one cent, plus court costs. Within six months, Augustus was responsible for the release of 17 other persons for similar crimes. Ten of these paid their fines, and Augustus himself paid the fines of those who were too poor to do so.

The following year, 1842, Augustus began bailing out persons charged with other offenses. He also started working with women, who quickly became a major portion of his caseload. In 1843, he extended his work to municipal court, and three years later turned his efforts to juvenile offenders. By 1858, Augustus had bailed out 1,946 defendants—1,152 men and boys and 794 women and girls.

Despite Augustus's efforts, probation was not quick to catch on. Instead, American states had begun to invest in the penitentiary as a means of penalizing behavior it found unruly and criminal. Not until 1878, approximately 20 years after Augustus's death, did Massachusetts become the first state to pass legislation authorizing the use of probation. Maryland followed suit in 1894. By 1900, probation laws had been approved in Vermont, Rhode Island, New Jersey, New York, Minnesota, and Illinois. Historian David J. Rothman argues that it was not until the Progressive era that probation became a "popular courtroom disposition." He observes, "In 1900, only six states provided for probation. In 1915 alone, 33 states created or extended the procedure; and by 1920, every state permitted juvenile probation and 33 states, adult probation" (Rothman, 1980, p. 44). In 1956, Mississippi became the last of the original 48 states to give legislative approval to probation. Subsequently, Alaska and Hawaii also did so when each became a state.

CHARACTERISTICS OF PROBATIONERS

Probation is the most commonly applied sanction in the United States Thus, according to the most recent report by the Bureau of Justice, at year-end 2002 nearly 4 million men and women were on probation (Harrison & Beck, 2003). This total figure represents a rate of 1,854 probationers per 100,000 adult U.S. residents, or the equivalent of 1 in every 54 adults. Half of these people had been convicted of a felony, 49% of a misdemeanor, and 1% of other infractions. Twenty-four percent were on probation for a drug law violation, and 17% for driving while intoxicated.

As with prison, probation is not applied evenly across the country or among the community. Thus, women make up about 20% of those people on probation, while 1 out of 3 probationers are black. Washington State had the highest rate of people on probation, while New Hampshire had the lowest. Though the numbers of people sentenced to probation increase every year, they are growing at a rate considerably slower than the nation's prison population.

PURPOSES OF PROBATION

Probation is a criminal sanction applied to persons convicted of crimes as a method of monitoring, supervising, and improving their subsequent behavior in local communities. Since John Augustus, the key purposes of probation have included diversion, rehabilitation, and social control.

Diversion suggests that probation is used as an alternative to incarceration. This should meant that it is not simply a sanction that does not involve serving time in jail or prison, but is instead one that uses community-based interventions for persons who, without the benefit of probation, would have been incarcerated. While a good case can be made that Augustus's efforts aligned themselves with this purpose, the early—as well as subsequent—history of probation suggests that probation lost touch with its original purpose as it gained support and was used more widely. As Rotman (1995) observes, "Judges, in practice, tended to give sentences of probation to those who in an earlier period would

have been given a suspended sentence or let off with a verbal warning; in effect, probation became a supplement to incarceration [rather] than an alternative to it" (p. 182). Still, with troublesome levels of jail and prison crowding and occasional budget crises at the start of the 21st century, probation is still a means through which offenders can be diverted from incarceration, with less cost to local, state, and federal governments.

Rehabilitation is a process by which offenders with specific problems, such as alcohol or drug addiction, change their behavior and thinking and improve their economic well-being, living conditions, and social life. Probation serves this purpose either by providing direct assistance to offenders or by acting as a liaison between offenders and useful resources. Probation officers are often required to prepare presentence reports (PSRs) or investigations (PSIs) that not only inform courts about offenders' criminal and social histories, but also about resources available in the community to address particular matters. These reports can serve as rehabilitation plans. They can also provide the informational basis for court decisions that place offenders under probation supervision rather than penal confinement.

Social control suggests that probation is intended to monitor and keep surveillance over offenders on its caseload. Diverse strands of probation reform over the years give primacy, in practice if not in theory, to controlling, as opposed to rehabilitating, offender behavior. In the mid-1930s, for example, Harvard Law School professor Sheldon Glueck observed, "The characteristic feature of probation, that which distinguishes it from the other crime-treating institutions thus far invented, is that it enables the offender to remain in the community, but at the same time to be under control and guidance" (Glueck, 1933, p. 4). In recent years, social work perspectives in probation practice have long given way to such reforms as justice models approaches suggested in the mid-1980s (see McAnany et al., 1984) and, more bluntly, to strategies that include such technology as electronic monitoring and alcohol and drug detection devices. In nearly all these cases, humanitarian concerns, which thread their way through the history of probation, have been sacrificed to law enforcement interests. This trend is even evident in recent efforts—a growing industry of sorts—to incorporate program services through risk/need classification instruments and research-based program effectiveness studies.

Probation also has other purposes, including crime prevention, deterrence, and victim services, and periods of probation supervision can serve several of them simultaneously. In recent years, for instance, many probation officers or probation agencies have explored the use of restorative justice techniques that heal or repair the conflicts and consequences that result from criminal activity that harms people or communities in one fashion or another. Proponents of restorative justice recognize that probation agencies, in the wake of victim rights agitation starting in the 1980s, have either begun to address the needs of crime victims or have included crime victims in decision-making processes that concern the development of probation policies and professional standards and practices.

PROBATION AND INCARCERATION

Probation, at least in the United States, was initially used as an alternative to incarceration. As the practice of probation slowly spread across the country, and as it was applied to a broader and increasingly more serious set of offenders, probation was used less as an alternative to incarceration, but more as an alternative to other, often less stringent options, such as conditional discharges, fines, and so forth. As probation changed its focus, a struggle emerged, and is present today, about the ability of this sanction to effectively counter the use of incarceration.

In the mid-1950s, Marjorie Bell, a longtime official of the National Probation and Parole Association, made the following observation about probation's potential as an alternative to incarceration:

> I once asked the warden of a state penitentiary how many of its inmates might in his opinion have become law-abiding without entering the prison gates, if they had instead been kept under the supervision of the court which convicted them. After a thoughtful moment, the

> warden answered, "*Nearly half of them* could have done well on the outside if they were on probation.'" (Chute & Bell, 1956, p. vii; emphasis in original)

But can probation focus its resources on offenders who generally receive jail or prison terms, and not on offenders who ordinarily receive lesser sanctions? Notable efforts on this account have included California's probation subsidy programs in the 1960s, community corrections acts in states such as Minnesota and Kansas in the 1970s and 1980s, and New York State's Classification/Alternatives legislation of 1984. Each of these measures shared similar mechanisms of attaching state funding that required local probation agencies to provide community-based services for offenders instead of sending them to state prisons.

THE FUTURE OF PROBATION

Probation practices, especially over the past 35 years, have undergone significant challenges and reformations. Partially because probation is rarely at the center of deliberative program and policy development, it is susceptible to changing political opinion. Still, probation survives because of the sizeable caseload probation officers manage, the number of professionals employed in this field, its legislative authorization, the variety of initiatives and tasks historically subsumed under its wings, and the length and tradition of its service to consumers, communities, and constituents. The future of probation will undoubtedly depend on the actions and activism of professional and political forces. While it would be intriguing to see what probationers might contribute to the shape of probation services, little evidence exists that such a "bottom-up" movement is likely. All in all, probation agencies have been far less influenced through the political mobilization of probationers than prisons have been affected by the constructive actions of prisoners.

In this general context, it is likely that probation will experience periods of change that may include some of the following:

- *Labor unionization*. Probation officers have the most to gain or risk when probation practices are altered one way or another. Probation officers, like security staff in jails and prisons, have an economic interest in probation's maintenance as a governmental agency. Labor unionization, especially in the face of prospects of increased privatization, may expand, not just in number but also in content. Economic interests, some of which are quite reasonable, may be addressed not simply through salary negotiations, but also through improvements in the work probation officers do, including the ability of probation officers to offer information and services that allow for the diversion or deinstitutionalization of men and women in the criminal justice system.

- *Consumer involvement.* Probationers are clearly consumers of probation's services, but so too are communities, including law-abiding citizenry, local business and civic concerns, and neighborhoods where probationers may or may not live. At various points in probation's history, these constituencies have been involved—often very involved—with probation work. The Volunteers in Probation initiative, which Michigan Municipal Court Judge Keith J. Leenhouts (1925–) began in 1959 and later mobilized through the National Council on Crime and Delinquency, is one example. It is useful to remember, too, that John Augustus was a volunteer service provider to the court. Such business, community, and volunteer groups can establish important assistance to courts looking to reduce reliance on incarceration.

- *Privatization.* Probation services, particularly at the misdemeanor level, have been privatized in some places, with Los Angeles being one example. Again, John Augustus was "a private agent" for reform. Similarly, other private (mostly nonprofit, but some for-profit) agencies have spearheaded efforts to provide probation-like services to assist courts and communities in reducing reliance on incarceration. The best contemporary example is the National Center on Institutions and Alternatives, lead by former Massachusetts Youth Commissioner Jerome G. Miller, which used "client specific planning" to present judges with sentencing plans the focused on the ability of jurisdictions to coordinate and mobilize its resources for community-based sanctions instead of imprisonment.

- *Research and training.* Organizations such as the American Probation and Parole Association, the International Community Corrections Association, and the National Institute of Corrections (a branch of the U.S. Department of Justice) have been leading advocates of evidence-based approaches to criminal sanctioning practices and, through annual conferences, regional or national workshops, and site visits, have been active in establishing training opportunities for local and state agencies and governments to become familiar with risk-sensitive and outcome-effective programs that pass empirical muster.

- *Reinventing probation.* Probation has always had to struggle for its place within criminal justice. In recent decades, political changes have foisted upon probation, often with its own acquiescence, a variety of name changes. Nowadays, probation is frequently blended, without much guidance, into such "new practices" as community corrections, community punishment, community penalties, or community control. According to the Reinventing Probation Council, a non-official 14-member group of leading academics and probation officials that met for two years in the late 1990s to study and make recommendations about the future of probation, "Either probation will be at the political and intellectual core of future policy-oriented efforts to promote public safety and offender rehabilitation in America, or it will continue to be widely marginalized, mischaracterized, and under funded" (Reinventing Probation Council, 1999, p. 1). Seven strategies, based on probation experiences in such cities as Boston, Spokane, and Phoenix, emerged from the group's determination to suggest successful probation reforms: public safety; working in the community; developing partners in the community; the rational allocation of scarce resources; enforcing conditions and penalizing violations; performance-based initiatives; and strong and steady leadership. The report concluded with a vision of change for probation:

> Probation will change when those who run probation departments are held accountable for achieving—or failing to achieve—specific outcomes. The paramount outcome for probation is public safety. However, there are other valued outcomes that must be addressed if probation is to be successfully reengineered. These outcomes include equality of justice, punishment, crime prevention, and a restorative commitment to victims and communities. These outcomes express the public's expectation that the justice system is doing its job. These are the outcomes that matter and that require ongoing and careful measurement by probation practitioners. (Reinventing Probation Council, 1999, p. 9)

CONCLUSION

The foundation of probation remains secure in the criminal justice system. Despite attempts such as the intermediate sanctions movement of the late 1980s and early 1990s to establish penalties "between probation and prison" (see Morris & Tonry, 1990), no one is likely to suggest abolishing probation. The core dilemma for probation is not a matter of life or death, but rather a matter of form, philosophy, and substance.

Probation is an important societal response to criminal offending. At its core, probation officers are charged with the task of meeting, talking, and moving forward with the boys and girls, and the men and women, who come to them on order from local, state, and federal sentencing courts. They are as much advisors and architects as monitors or supervisors. How probation officer meetings, conversations, and planning processes occur with those persons sent to them depends on a variety of professional and political circumstances.

Probation has grown, developed, and survived over the course of 160 years. While its continued existence seems certain, even with challenges posed by tenets of retributive or restorative justice, probation will likely remain, and may emerge from the current period of punitive "law and order" as a stronger framework for intervening in the lives of those who break the law and are convicted of doing so. In the process, criminal justice systems will learn to rely less on incarceration and more on community-based resources.

—Russ Immarigeon

See also Classification; Community Corrections Centers; Deterrence Theory; Home Arrest; Intermediate Sanctions; Parole; Prisoner Reentry; Rehabilitation Theory

Further Reading

Augustus, J. (1939). *John Augustus, first probation officer.* New York: National Probation and Parole Association.

Chute, C. L., & Bell, M. (1956). *Crime, courts, and probation.* New York: Macmillan.

Glaze, L. (2003). *Probation and parole in the United States, 2002.* Washington, DC: Bureau of Justice Statistics.

Glueck, S. (Ed.). (1933). *Probation and criminal justice: Essays in honor of Herbert C. Parsons.* New York: Macmillan.

Harding, J. (1987). *Probation and the community: A practice and policy reader.* London,: Tavistock.

Harrison, P., & Beck, A. (2003). *Prisoners in 2002* (NCJ 200248). Washington DC: U.S. Department of Justice.

Mair, G. (Ed.). (2004). *What matters in probation.* Cullompton, UK: Willan.

McAnany, P. D., Thomson, D., & Fogel, D. (Eds.). (1984). *Probation and justice: Reconsideration of mission.* Cambridge, MA: Oelgeschlager, Gunn & Hain.

Mitchell, G. (1999). Privatizing parole and probation in Wisconsin: The path to fewer prisons. *Wisconsin Policy Research Institute Report, 12*(3), 1–39.

Morris, N., & Tonry, M. (1990). *Between prison and probation: Intermediate sanctions in a rational sentencing system.* New York: Oxford University Press.

Petersilia, J. (1997). Probation in the United States. In M. Tonry (Ed.), *Crime and justice: A review of research* (pp. 149–200). Chicago: University of Chicago Press.

Raynor, P. (2002). Community penalties: Probation, punishment and "What Works." In M. Magure, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (3rd ed., pp. 1168–1205). Oxford, UK: Oxford University Press.

Reinventing Probation Council. (1999). *"Broken windows" probation: The next step in fighting crime.* New York: Center for Civic Innovation.

Rothman, D. J. (1980). *Conscience and convenience: The asylum and its alternatives in progressive America.* Boston: Little, Brown.

Rotman, E. (1995). The failure of reform: United States, 1865–1965. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 169–197). New York: Oxford University Press.

Ward, D., Scott, J., & Lacey, M. (2002). *Probation: Working for justice* (2nd ed.). Oxford, UK: Oxford University Press.

Whitman, J. Q. (2003). *Harsh punishment: Criminal punishment and the widening divide between America and Europe.* New York: Oxford University Press.

PROFESSIONALIZATION OF STAFF

Certain occupations or careers such as law and medicine are thought to hold a "professional" status in our society. Generally an occupation is considered to have gained professional status when the following elements are present: a specialized body of knowledge is developed and maintained; practitioners undertake a training period during which that body of knowledge is studied, learned, and tested; members are recognized by the community and their clients as having authority in their field; the profession operates autonomously and develops a culture maintained through associations; and it develops, maintains, and enforces a code of practice and/or a code of ethics and behavior.

Since the late 1970s and following significant changes in staff recruitment and training in the 1980s, corrections officials have increasingly sought to be perceived as professionals. However a number of barriers remain in place before the professionalization of corrections may be complete. Correctional employment is often poorly paid and has minimal educational requirements. It is also potentially a dangerous occupation, usually with monotonous routines. It may also be thought to involve questionable ethical practices. Until such factors change, the status of correctional employees as professionals will continue to be questioned.

HISTORY

The history of the professionalization of correctional staff is linked to changing views regarding punishment and prisons. During the 1960s and 1970s, for example, increased overview by external agencies regarding the conditions of imprisonment drew attention to the conditions and treatment of prisoners and staff behavior. An awareness of how staff were treating prisoners increased the demand for staff accountability. Many correctional centers modified their organizational structures and began to monitor staff–prisoner interaction. Staff composition also changed at this time, as more teachers, counselors, and psychologists were employed. Female correctional staff began to be employed in male prisons, where their presence was thought to "soften" the all-male environment and assist in more humane ways of managing prisoners.

As the conditions of imprisonment and the administration of punishment shifted, the working

culture and expectations of correctional staff began to change as well. Moving beyond their previous task of merely locking and unlocking prisoners, correctional staff began to perceive themselves as having a wider and more "professional" role in the management of prisoners. In an effort to achieve the professionalization of the workforce, correctional agencies sought to change recruitment practices, revise orientation programs for new officers, and provide in-service training for those staff already present in institutions. Training began to emphasize the humane treatment of prisoners and introduced new techniques of prisoner management that stressed the need for staff to exercise their authority in ways consistent with the new reforms in the administration of punishment.

BARRIERS TO IMPLEMENTATION

Despite some considerable gains, there were a number of barriers to achieving the professionalization of correctional staff. The reforms often were imposed from outside the institution, frequently mandated by court orders. Consequently, many of the new approaches often were not supported by the employees. Instead they were seen as a threat to the security of the institutions and to the safety of both prisoners and staff.

Many of the barriers also existed at an organizational level. While there were changes in the recruitment practices of correctional departments to attract more highly educated staff, the actual job of front-line correctional worker was not substantially modified. Officers were not granted more autonomy nor given voice in the management of prisoners. Instead, they found that emphasizing the human services aspects of their occupational roles might lead to sanctions. Correctional departments and organizations themselves tended to remain rigidly hierarchical, with paramilitary rank structures. Such organizational structures were not supportive of any self-controlling, autonomous decision making on the part of staff, as the rhetoric of professionalization had emphasized. Nor were these organizational structures conducive to changes to the organizational culture of the workforce that would support the modified staff recruitment.

IMPLICATIONS

There remains some work to be done within corrections in order to develop a professionalized correctional workforce. While there is no doubt that the administration of punishment requires specialized expertise and knowledge, correctional administrators must examine some of the continuing organizational structures that hinder professionalization.

The realities of work in correctional institutions must be fully examined in order to determine the degree to which they meet the demands for formal systems of training and accreditation. They must also be analyzed to see how they have developed and maintained standard codes of ethics and practice. Professional autonomy for correctional staff operating in secure environments requires an examination of the ways it differs from the operation of professional autonomy in other occupations. Adequate strategies for the implementation of organizational reforms must focus on the structures of the organization as well as the nature of the staff operating within those structures.

Public stigmatization of the work of correctional staff continues to make the achievement of full professional status very difficult. Without the widespread acknowledgment of the specialized knowledge and expertise of correctional staff as well as respect for the contributions of that work within the wider community, the internal organizational recognition of professionalism among correctional staff remains problematic. Finally, current trends in criminal justice, particularly those related to the rapid expansion of penal populations that tend to result in the mere warehousing of inmates, also mitigate against the professionalism of staff. Overworked staff in overcrowded institutions are often unable to undertake the individualized management of prisoners in their care. Instead, they effectively revert to their historical role as those who merely lock and unlock prison cells.

CONCLUSION

The professionalization of correctional staff requires that their work be recognized as demanding specialized expertise and skills, occupational training, acknowledged authority, and ethical

standards of practice. Currently, correctional officers often work in an uncertain, sometimes dangerous environment that is characterized by set organizational structures, a capricious political climate, increasing workloads, and diminishing resources. Even though there has been substantial progress made toward the professionalization of the correctional workforce over the past three or four decades, there remain a number of serious issues that need to be addressed before corrections can be considered professionalized.

—Anna Alice Grant

See also American Correctional Association; History of Correctional Officers; Managerialism; Officer Code; Staff Training

Further Reading

Jurik, N. C., & Musheno, M. C. (1986). The internal crisis of corrections: Professionalization and the work environment. *Justice Quarterly, 3*(4), 457–480.

Larson, M. S. (1977). *The rise of professionalism: A sociological analysis.* Berkeley: University of California Press.

Poole, E. D., & Regoli, R. M. (1983). Professionalism, role conflict, work alienation and anomia: A look at prison management. *Social Science Journal, 20*(1), 63–70.

Struckhoff, D. R. (1978). Deprofessionalizing corrections is bad business. *Offender Rehabilitation, 2*(4), 333–338.

Vollmer, H. M., & Mills, D. L. (Eds.). (1966). *Professionalization*. Englewood Cliffs, NJ: Prentice-Hall.

PROTECTIVE CUSTODY

Celebrity and other high-profile offenders as well ordinary inmates fearful for their lives are sometimes held in protective custody during part or all of their sentences. While in protective custody, prisoners are usually placed in housing units that are separate from the larger institution. In official publications, a variety of terms, including *administrative segregation* or *detention, dissociation, isolation, seclusion, protective custody,* and *solitary confinement*, are used interchangeably to describe these restrictive environments. People are usually placed on segregation to ensure the safety of inmates and others, to protect institutional property, and to guarantee the security and orderly running of the facility. Segregation from the general inmate population for reasons other than disciplinary ones is not considered punitive in nature, although it can have detrimental effects on an inmate's chance of parole, admission to a halfway house, and security classifications.

WHO IS ASSIGNED TO PROTECTIVE CUSTODY?

Placement in protective custody, administrative segregation, or administrative detention can be voluntary and involuntary. If an inmate is classified as a protective custody case and segregated from others, it is likely that he or she was threatened or actually assaulted while in the general population. He or she may be an inmate informant or may have been pressured to participate in nonconsensual sex. Some former law enforcement officers, or people who held legal positions outside of the institution, are also placed in protective custody. Individuals may have previously worked in sensitive positions within the institution, such as prison dog caretaker. Finally, high-profile prisoners are also sometimes held in protective custody. Take, for example, Yolanda Saldivar, who was convicted of the murder of Tejano music singer Selena. National media attention covered Saldivar's 1995 trial, sentencing, and arrival at a Texas state prison. She is currently housed in protective custody in an isolated portion of the unit for both her safety and the security of the institution.

CONTROVERSIAL USES OF PROTECTIVE CUSTODY

Historically, institutions segregated minorities, homosexuals, those with mental illnesses, or the terminally ill from other inmates in order to limit them from participating in prison activities and to control the threat of prison riots. However, following numerous lawsuits and challenges, this use of administrative detention, with some exceptions, has been greatly reduced.

In a number of court cases in the 1960s and 1970s (see *Washington v. Lee,* 1996, 1968; *McLelland v.*

Siegler, 1971; *Taylor v. Perini,* 1976, 1977, 1979; and *Thomas v. Pate,* 1974), the Supreme Court ruled that racial segregation can only be used to maintain security, discipline, and order within jails. Since then, institutions have reduced the use of racial segregation unless there is a compelling reason for the separation. When racial segregation does occur, documentation must be kept detailing the reasons for it.

Unlike minorities, it is more common for prisons to place homosexual or bisexual prisoners on protective custody than in previous years. This may be because these inmates are more likely to request protective custody than heterosexuals. It may also be because they are targeted for sexual relationships more often than those inmates perceived to be heterosexual.

Although some prisons house the mentally ill in restrictive units, few use this practice on a continual basis. Research demonstrating that mental illness is specifically tied to suicide rates and that those inmates with mental illness who are housed in special housing units have higher levels of suicide has encouraged institutions to provide alternative means for dealing with the mentally ill. Such individuals are usually now kept in the general population, if possible, while those suicidal are sometimes kept in the medical infirmary or in specially created suicide watch cells.

Lastly, prisons have reduced the number of terminally ill inmates housed in special housing units. Inmates with acquired immunodeficiency syndrome (AIDS) and asymptomatic human immunodeficiency virus (HIV) are commonly left in the general population until their diseases become so debilitating that they require constant and daily care. At that point, they may be placed in medical units, infirmaries, or hospices rather than protective custody.

HOW LONG ARE PEOPLE IN PROTECTIVE CUSTODY?

Typically, institutions have policies that dictate upper limits of time that anyone may remain in protective custody in order to combat psychological and psychiatric issues that prevail as a result of the segregation. If the length of segregation needs to exceed the time limitation set forth in prison policy (e.g., inmates awaiting transfer to another institution or cases of long-term protection of celebrity inmates), the institution must fully document why the inmate's segregation from the general population violates the retention policy. Usually, an administrator at the institution will also review the documentation and make a decision as to whether it is safe to return the individual to the general population. In addition, the prison conducts periodic reviews of the case and the relevant documentation to determine if protective segregation is still warranted.

In federal prisons, a psychiatric or psychological assessment is provided to people housed in administrative custody for more than 30 days. These assessments are used to determine whether people are adjusting to their surroundings and whether they pose any threats to themselves or others. They are also used to determine whether the threat to the inmate still exists. Once an administrator decides that the reasons for protective custody have ceased to exist, the inmate may be released to the general population. Only individuals in need of long-term protection or cases in which there are exceptional circumstances involving institutional security threats or investigations are exempt from the assessment process.

LIFE IN SEGREGATION

Inmates who are housed in administrative segregation units are generally given the same privileges as the general population so long as the institution has the staff to accommodate them. Inmates in restrictive units are housed in solitary cells, typically with solid steel doors and decreased cell floor space. Cells may also include concrete beds with thin mattresses and steel sinks and toilets. In cases of the psychotic or the suicidal, men and women may be placed in a padded cell, with no toilet, sink, or bedding, that is visible from all sides by institution staff. Inmates usually eat and exercise alone, although they may sometimes associate among others also segregated. They are rarely allowed contact visits and do not have access to the same level of

programs, services, and privileges offered to the general population. Programming liberties vary by institution, security, and staffing needs, but may include participation in educational services; library privileges; access to social services, counseling, and religious services and guidance; recreation; and visiting, telephone, and correspondence rights. Commissary and retention of personal property are also provided when possible. Restrictions on these privileges are generally based on security issues and resources.

CONCLUSION

Few inmates are housed in protective custody, and those who are remain segregated for short periods of time. The goal of all prisons is to keep individuals as independent as possible within a safe community structure. Protective custody is provided only for the extreme cases where other alternatives are not available.

—Jennifer M. Allen

See also Bisexual Prisoners; Celebrities in Prison; Classification; Control Units; Disciplinary Segregation; HIV/AIDS; Homosexual Prisoners; Homosexual Relationships; Lesbian Prisoners; Political Prisoners; Racism; Rape; Security and Control; Snitch; Solitary Confinement; Special Housing Unit

Further Reading

Alarid, L. (2000). Sexual orientation perspectives of incarcerated bisexual and gay men: The county jail protective custody experience. *The Prison Journal, 80*, 80–95.

Bureau of Prisons. (1993). *Security designation and custody classification manual.* Retrieved September 10, 2004, from http://www.bop.gov

Castlebury, G. (2001). High profile inmates: A security concern for Texas prisons. *Corrections Today, 63*, 124–125.

Couturier, L. (2001). Suicide prevention in a large state department of corrections. *Corrections Today, 63*, 90–97.

Nadel, B. (1996). BOP accommodates special needs offenders. *Corrections Today, 58,* 76–79.

Ross, L., & Hawkins, D. (1995). Legal and historical views on racial biases in prison. *Corrections Today, 57,* 192–196.

Zinger, I., Wichman, C., & Andrews, D. A. (2001). The psychological effects of 60 days in administrative segregation. *Canadian Journal of Criminology, 43,* 47–83.

Legal Cases

Brown v. Board of Education, 347 U.S. 483 (1954).

McLelland v. Siegler, 327 F. Supp 829 (D. Neb. 1971), aff'd per curiam, 456 F. 2d 1266 (8th Cir. 1972).

Taylor v. Perini, 413 F. Supp. 189 (N.D. Ohio 1976) (first report of special master), 431 F. Supp. 566, 692 (N.D. Ohio 1977), 477 F. Supp. 1289 (N.D. Ohio 1979) (fifth report to special master).

Thomas v. Pate, 493 F. 21279 (7th Cir. 1974), vacated on the grounds of sub nom., Cannon v. Thomas, 419 U.S. 813 (1974), on remand, 516 F. 2d 889 (1975), cert. Denied, 423 U.S. 877 (1975).

Washington v. Lee, 263 F. Supp. 327 (M.D. Ala. 1966), aff'd sub nom. Lee v. Washington, 390 U.S. 333, 88 S. Ct. 99 L. Ed. 2d 1212 (1968).

PSYCHIATRIC CARE

Psychiatric care for inmates should be available in all penal facilities. It typically involves screening, assessment, and treatment for a mental illness or mental disorder by a mental health expert, usually a psychiatrist or psychologist. Treatment generally falls into three broad categories: emergency care for prisoners experiencing acute crisis or disorientation; specialized care in mental health units or facilities; and a broad range of therapeutic services including medication, therapy, and counseling. Psychiatric treatment is particularly problematic in prisons because of the constant tension between care and custody.

HISTORY

Psychiatric care for prisoners can be traced back to at least the 19th century. As the number of prisoners increased, new systems of categorization and management were introduced to aid in their management. Convicts deemed to be "mad" were seen as disruptive and threatening to the good running of the institution. Attempts were therefore made to separate them out from the general population. "Alienists," or nascent psychiatrists, claimed special expertise in their ability to identify a new category: criminal lunatics or the criminally insane. While this helped to extend the power of psychiatrists into the legal domain, the actual care provided to this population

was quite limited and problematic. Fundamentally, there was a philosophical contradiction between *criminality*, implying responsibility for one's action, and *lunacy*, suggesting a loss of reason and therefore absence of responsibility. This conundrum meant that opinion varied as to whether criminal lunatics should be punished or treated.

Regarded as troublesome by both prison wardens and asylum keepers, "criminal lunatics" were often shunted between prisons and asylums or kept in separate temporary, makeshift, and hazardous quarters within prisons and asylums. Many feared that inmates feigned madness in order to escape the harshness of prison. At the same time, there was concern that brutal prison conditions created madness. Some of these problems appeared to be solved with the creation of purpose-built institutions for the "criminally insane." However, many prisoners considered to be mentally ill were not admitted to these establishments. Furthermore, institutions for the criminally insane were plagued by an overriding concern with security that often undermined treatment attempts. Even when treatment was administered, it was often invasive and potentially harmful. Common therapies for the treatment of madness included blood-letting, leeching, purging, vomiting, and restraint.

THE REHABILITATIVE IDEAL

During the 20th century, psychiatry grew in power and influence. Following World War II, it appeared to offer a way out of the impasse created by mentally disordered offenders by suggesting that *all* prisoners suffered from an illness that caused them to commit crimes. As such, many argued that prisoners should be treated or cared for through different psychiatric and/or psychological interventions rather than be punished. This view, referred to as the "medical model" of crime, became institutionalized through the rehabilitative ideal that was introduced into prison policy and practice during the 1950s.

A wide array of psychiatric interventions were used with the prison populations, including drug therapy, individual and group counseling, therapeutic communities, conditioning, psychosurgery, and electroconvulsive treatment. Experiments with mind-altering drugs, such as LSD, were also conducted inside U.S. and Canadian prisons. Some of these were undertaken for the Central Intelligence Agency with the purpose of developing mind-control technology. Many of these practices were condemned as harmful and ineffective. Critics further argued that the dangers imposed by psychiatric practice were masked by claims that it was scientific and benevolent. These concerns contributed toward the withdrawal of some forms of psychiatric treatment and the larger decline of the rehabilitative ideal in prisons. Skepticism toward psychiatric care within prisons reflected a broader anti-psychiatry movement that likened much of psychiatric care to cruel and unusual punishment. Indeed, according to this view, psychiatric care is an oxymoron.

DEINSTITUTIONALIZATION AND IMPRISONMENT

The anti-psychiatry movement is considered to be partially responsible for the deinstitutionalization of psychiatric facilities that began in the mid-1960s. At this time, large mental hospitals were closed down or scaled back, and inmate populations were quickly reduced. The new availability of antipsychotic medications also contributed to this process. In theory, patients were to be treated through medication and "care in the community." In practice, however, funds and resources for mental health services in the community have been woefully inadequate. Consequently, a large number of people with mental health problems who would have earlier been hospitalized are now living in the community without support and job opportunities. Their vulnerability on the street, along with recent legal changes making it more difficult to divert offenders into noncorrectional treatment programs, have contributed to their incarceration. As such, many argue that prisons, and particularly jails, have become the new mental hospitals.

The closing of mental health facilities is also thought to have contributed significantly toward the rising prison population. For example, a task force led by the American Psychiatric Association

(2000a) found that approximately 20% of all inmates have serious mental disorders and that up to 5% are actively psychotic. Such statistics, however, must be interpreted carefully, since there are numerous problems in defining and measuring mental disorder. For example, the American Psychiatric Association's (2000b) *Diagnostic and Statistical Manual of Mental Disorders* is frequently used to inform psychiatric evaluations within prisons. However, this tool has been criticized on a number of grounds, including its reliability and validity. Furthermore, statistics typically include but do not make explicit those who enter the prison with no mental health problems but who deteriorate during their imprisonment. Finally, prison statistics may mask transcarceration: the movement of individuals back and forth between the mental health and criminal justice systems. Despite these cautions, there is a general consensus that a considerable and increasing number of prisoners suffer from mental health problems and that they are receiving inadequate care. The introduction of telepsychiatry, in which prisoners are assessed and sometimes treated through a videoconference, has recently been introduced as a means of meeting resource demands in a cost-efficient way.

CUSTODY VERSUS CARE

The main purpose of any prison is to punish and limit the freedom and autonomy of those it contains. Security, rather than care, is the major concern. Attempts to provide care to prisoners is therefore always limited and undermined by this fact. Furthermore, interventions, however progressive, are always at risk of becoming coopted by the prison regime as a means of control or regulation rather than care. Psychiatrists and other mental health professionals are thus often caught between a duty of care to patients and a duty to the institution.

The conflictual nature of the role of prison psychiatry creates particular problems for care, including the voluntary nature of psychiatric treatment, informed consent, and confidentiality. A key principle in clinical practice is that persons considering treatment should be informed about the nature of treatment and have the right to refuse such treatments. However, prisoners do not enter correctional facilities voluntarily. Furthermore, depending upon the circumstances and jurisdiction, they may not have the right to refuse assessment and/or treatment. Even in situations where prisoners are entitled to say no, their unwillingness to engage in treatment may be used against them such as during their parole hearing. Thus, the degree to which prisoners can consent to treatment without coercion is a continual concern.

The question of consent is compounded by the fact that correctional mental health staff cannot guarantee to prisoners that their discussions will remain confidential. There are various occasions when a staff member must report a conversation to security and the administration. This is particularly true if the nature of the discussion suggests that the prisoner poses a threat to others, themselves, or the security of the institution. The issue of confidentiality is also a concern during group therapy, where disclosure may make them vulnerable to other inmates.

PSYCHIATRIC CARE OR PSYCHIATRIC ABUSE?

The authority and power afforded psychiatry, disagreements over definitions and criteria for defining mental illness, as well as the priority of security over clinical concerns, create a situation in which psychiatric care within correctional facilities is always open to abuse. The most well-known example of the psychiatric abuse of inmates was the incarceration of political dissidents in the USSR, reported to have been widespread from the 1960s to the 1980s. Here, political dissidents were arrested on criminal charges and subjected to compulsory psychiatric examination. Once it was determined that the prisoners were unfit to stand trial for reasons of insanity, they were removed to a special forensic psychiatric hospital by court order. In this way, the diagnosis of a mental illness was used to bypass normal legal procedures for assessing guilt or innocence, thus allowing the state to detain individuals against their will and enforce treatment. In this context, psychiatric treatment was

used to punish rather than care for inmates. The use of psychiatry for political ends remains a concern within Russia and elsewhere.

Since the terrorist attacks in New York City on September 11, 2001, the issue of political imprisonment within the United States has gained public attention. Concern surrounds not only suspected terrorists held in camps at the American naval base in Guantánamo Bay, Cuba, but also political prisoners confined in various American institutions. Psychiatric care is central to the treatment of these prisoners in at least two different ways. First, there is concern that psychiatric knowledge and technologies may be used to subdue, intimidate, punish, and/or torture inmates. Second is the fear that these same methods create severe mental health problems and that prisoners are left without adequate support in alleviating distress. A previous and relatively well-publicized instance of this was the High Security Unit at the women's federal correctional institution in Lexington, Kentucky, which employed methods of sensory deprivation in its underground prison. While this institution was closed down in August 1988, many of the techniques it employed are now used more widely with political and nonpolitical prisoners. For example, sensory deprivation is central to supermaximum control units, where prisoners are kept under constant surveillance while isolated in their cells 23 or more hours per day. Additionally, lights remain on 24 hours a day, but there is no natural lighting, and human contact is minimized.

GENDER, RACE, AND SEXUALITY

An issue related to psychiatric abuse within prisons is the overprescription of antipsychotic or mood-modifying medication. For example, a survey of U.S. state public and private adult correctional facilities in 2000 reported that approximately 10% of inmates received psychotropic medication (U.S. Department of Justice, 2001). Although this survey did not provide a gender breakdown, other research indicates that women prisoners are more likely to receive psychotropic medication than men. This may reflect the fact that women prisoners are more likely to be diagnosed with and treated for a mental disorder. A similar trend is apparent in the general population. However, the degree to which this represents "real" gender differences or is a product of sexist diagnosis and treatment is a matter of much debate. It is also important to recognize that sexist and sexually abusive practices within prisons may contribute to mental health problems among inmates. Similarly, racism within the prison regime, including psychiatry, may contribute to mental health problems and inadequate psychiatric care. Additionally, mental health practices may pathologize gay, lesbian, bisexual, and transgender prisoners because of their sexuality.

CONCLUSION

Within prisons, psychiatric care is a double-edged sword. While it carries the potential for creating a more humane regime and easing the distress of inmates, the prevailing concern with security leaves psychiatry open to harm. Furthermore, its status as benevolent, curative, and scientific may mask abusive practices and more generally serve to legitimate the use of prisons. Nonetheless, prisoners are themselves very aware of such contradictions and have long been active in both resisting perceived psychiatric tyranny and demanding adequate psychiatric care. Their action has extended to a number of successful legal cases at both ends of the spectrum.

—Kathleen Kendall

See also Group Therapy; Health Care; Individual Therapy; Lexington Control Unit; Medical Experiments; Medical Model; Mental Health; Overprescription of Drugs; Psychological Services; Psychologists; Rehabilitation Theory; Therapeutic Communities; Women's Health

Further Reading

American Psychiatric Association. (2000a). *Psychiatric services in jails and prisons: A task force report of the American Psychiatric Association* (2nd ed.). Washington, DC: American Psychiatric Association.

American Psychiatric Association. (2000b). *Diagnostic and statistical manual of mental disorders* (4th ed.) Washington, DC: American Psychiatric Association.

Kupers, T. (1999). *Prison madness: The mental health crisis behind bars and what we must do about it*. San Francisco: Jossey-Bass.

Reed, J. (2003). Mental health care in prisons. *The British Journal of Psychiatry*, *182,* 287–288.

U.S. Department of Justice. (2001). *Bureau of Justice Statistics special report: Mental health treatment in state prisons*, *2000* (NCJ 188215). Washington, DC: U.S. Department of Justice, Office of Justice Programs.

PSYCHOLOGICAL SERVICES

Psychological services offered in prisons perform a dual function: they are aimed at the rehabilitation of prisoners and at the same time toward prison management. The past three decades have evinced drastic changes in the numbers of psychologists working in prisons and in the kinds of work that they do with prisoners. Currently, most prison psychologists offer a number of services, including assessment, treatment, training, and consultation.

HISTORY

Psychology as a discipline emerged during the 19th century. However, prior to that time, shelter for the mentally disordered was provided through religious institutions and asylums. It was the introduction of psychoanalysis at the end of the 19th century that marked the beginning of "talking cures" for mental disorders. Moving away from strict punishment, prison psychology was introduced in the 20th century and has gone through many transformations, from psychotherapy to behavior modification to present-day, less ambitious attempts at behavior change.

Prison psychologists were introduced in large numbers during the early 1970s. As the prison population in the United States has grown since the 1980s, the approach and role of psychologists and other mental health professionals has had to change dramatically. These days, correctional institutions are employing more psychological professionals than they have in the past, from an estimated 600 masters- and doctorate-level psychologists working in corrections in the early 1980s, to more than 2,000 in U.S. prisons and jails today.

Educational and training requirements for psychologists were less rigorous in the past, while today doctoral level training is the expected norm. Earlier approaches that emphasized individual psychotherapy have now given way to differentiated and highly focused approaches that are based on theoretical and research foundations. In particular, cognitive-behaviorally based programs for sex offenders and violent offenders, which emphasize victim empathy and address cognitive distortions and denial, appear promising.

PRISONER REHABILITATION

Psychologists believe that crime is caused by specific traits in an individual, including personality, impulsivity, and intelligence. Prison psychologists generally pay some attention to environmental factors, including parental supervision and discipline, home environment, and parental criminality. Irrespective of what tradition they have been trained in, whether it was psychoanalytic, behaviorist, or humanist, most psychologists take into account the impact of multiple factors on criminal behavior, and many have an eclectic approach to assessment and treatment.

Aside from working with the general population in state and federal prisons, psychologists may be employed in long-term and short-term mental health units or special needs units in prisons and in other facilities associated with prisons, or work in state hospitals that house mentally disordered offenders. Prisoners who are housed in these specialized units can be suffering from major mental disorders, may be guilty but mentally ill, or less frequently, may be not guilty of a crime by reason of insanity. Those suffering from severe disorders may remain in long-term institutions for many years.

All mental health professionals undertake a variety of tasks in prisons, including assessment, direct treatment, and administration. Most assessments are aimed at determining intellectual ability, personality characteristics, risk assessment, and symptom assessment. Prison psychologists treat offenders for mental illnesses, in addition to administering and interpreting numerous standardized tests for use by the

correctional institutions and parole authorities. The most widely used psychological instrument in corrections is the Minnesota Multiphasic Personality Inventory (MMPI, MMPI-2).

Psychological services offered to prisoners include everything from substance abuse treatment to suicide intervention to behavior modification to social therapy, with a great deal of overlap in the services offered both individually and in groups. Prisoners have a number of problems. As a result, few psychologists specialize in the treatment of any one type of offender or problem. Instead, they must treat a range of issues, including depression, anger problems, psychotic symptoms, anxiety, and adjustment issues. Psychologists working in mental health or special needs units usually merely aim to help prisoners to the degree that they are able to function, and then transfer them back to their host institution.

In addition to direct treatment services, psychologists are involved in a variety of other functions that fall under the purview of treatment. Depending upon the type of prison and the nature of programs offered, they may be involved in prisoner advocacy, volunteer activities, victim–offender reconciliation, or any other clinically related consultation. However, due to limited resources allocated to mental health services, small numbers of psychologists deal with large numbers of prisoners: The average psychologist-to-inmate ratio is 1 to 750.

Finally, those working in correctional psychology spend a great deal of their time on administrative tasks. Administrative work consumes as much as one-third of their work time, and involves dealing with institutional demands, supervision of staff, and report writing. However, in surveys prison psychologists often indicate that they are interested in spending much less time on administration and report a desire to spend more time providing therapy to prisoners, in staff training, and on research.

INSTITUTIONAL DIS/ORDER

The services offered by psychologists and other mental health personnel, while predominantly aimed at inmate rehabilitation, can also serve institutional needs. It has been found that "prisons and jails are bettered managed, more stable and experience less disruption and violence when mental health services effectively reach the inmate population" (Carlson et al., 1999, p. 438). A growing body of research indicates that therapeutic communities or treatment units, which use peer pressure and modeling to reinforce positive and control negative behavior, have beneficial effects on the prison environment, prisoner behavior, and lowered staff absenteeism. Thus, while mental health professionals may be motivated by a desire and commitment to offender rehabilitation, the prison administration also benefits from their services through more orderly institutions.

BARRIERS

Psychologists and other mental health professionals who work in prisons and similar institutions face a variety of obstacles in offering rehabilitative services to prisoners. A primary issue stems from the fact that prisoners are, in effect, involuntary clients. They are in prison against their will and are expected to participate in programs and services directed toward their rehabilitation. However, the prisoners themselves often reject such services for several reasons. First, the targeted problem areas are identified by the institution. Thus, prisoners may feel that such issues do not exist, or if they do, are in fact not problematic to them or are beyond their control to change. For example, while a prison psychologist may identify a problem of impulse control in a prisoner convicted of assault, the prisoner may regard such behavior as normal and necessary for survival.

Second, most meaningful personal change requires that a therapeutic alliance be created between the therapist (psychologist/psychiatrist/psychiatric social worker/nurse) and the client (prisoner). An alliance of this nature demands that trust exist between the therapist and client, which is difficult or nearly impossible to achieve in a setting where the administration expects disclosure of all information pertaining to prisoners. Hence, prisoners cannot be certain that disclosures made within the therapeutic setting of the relationship with the

therapist will remain private. Psychologists and others working in such positions are often faced with the dilemma of deciding who in fact their client is: the institution or the individual?

Finally, the institutional setting itself is not conducive to rehabilitation. The harsh and cold environment of the prison works against the development of helpful, trusting relationships, as suspicion and wariness characterize many of the relations between prisoners and prison staff, psychological professionals included. The deprivations of prison life create situations where survival is at times difficult, thus hindering attempts at changing long-standing problems or beliefs that may have had an impact on criminal behavior.

PRISONER MOTIVATION

Prisoners' resistance to change or rehabilitation may manifest itself in many ways. Mental health professionals are at times forced to earn their credibility among prisoners and may be "tested" over time. While ultimately cooperation in therapeutic and educational programming is part of the institutional goal of rehabilitation, psychologists and other mental health professionals may have cause to question a prisoner's motivation when they do decide to participate. Prisoners may participate in programs for a variety of reasons: out of boredom, in order to be freed from other activities, to gain early release, or out of a desire to change. Given that these motivations are difficult to discern, it is likely that some prisoners demonstrate an outward willingness to engage in the therapeutic process that may not be sincere. Although prisoners may not recognize the therapeutic utility of participation in therapeutic activities, they may nonetheless benefit from their involvement.

MULTIDISCIPLINARY TEAMS

Psychologists and other mental health professionals generally work in multidisciplinary teams in institutions. However, given that team members emanate from many different backgrounds and experiences, there are likely to be competing priorities, which may in turn hinder the aim of rehabilitation. Problems may be further intensified by a need to cooperate among a range of staff from these differing backgrounds, experience, and approaches. In addition, individuals on multidisciplinary teams may have diverse and conflicting opinions regarding the purpose of imprisonment—rehabilitation, education, support, punishment, deterrence, retribution, incapacitation—that will greatly impact their goals and objectives when working with prisoners. At times, security and operational interests may compete with rehabilitation and take precedence, particularly when prisons are overcrowded and when overall security is threatened. Conversely, mental health professionals may have a beneficial effect on the other members of a multidisciplinary team. Given their therapeutic approach to intervention with prisoners, skilled psychologists may likely exert a positive influence on the attitudes of more punishment-oriented staff members.

SPECIAL NEEDS PRISONERS

Prison psychologists have to deal with a large number of prisoners presenting special needs. These may include, but are not limited to, those individuals who suffer from severe mental, emotional, or physical disabilities or those who pose a security threat to themselves and/or other prisoners. Individuals of this type may be suffering from mental disorders or have intellectual handicaps or substance abuse problems. They may also have been convicted of sex and/or violent offences. These prisoners may spend various amounts of time in special needs units within prisons.

America's prisons and jails contain large numbers of persons suffering from mental disorders. In fact, 16% of all inmates (roughly 191,000) in state adult correctional facilities are identified as mentally ill, according to a recent Justice Department report, which also found that 79% of such prisoners were receiving therapy or counseling. Most state correctional facilities offer specific services for prisoners who present with symptoms of mental disorder, including: psychiatric screening and assessments, 24-hour mental health care,

therapy or counseling by trained professionals, psychotropic medications, and access to community mental health services on release. However, given the high prevalence of prisoners suffering from mental disorders, at times it is difficult for institutions to meet their needs, and this group can become disenfranchised and marginalized within the prison setting.

There are few specific psychological services for the intellectually handicapped offender. Such individuals have difficulty in prisons, as their disabilities often go undetected in the general prison population due to the fact that many of them are only mildly mentally retarded. As a result of their limited intellectual abilities, such offenders are often the target of practical jokes and are highly susceptible to prison culture and inmate manipulation. Consequently, they have problems adjusting to rules and regulations and often avoid participating in therapeutic programs due to a desire to hide their deficiencies.

Many prisoners are heavy substance abusers, and heavy substance abusers are disproportionately likely to be engaged in criminal activities. Many state, federal, and county correctional institutions offer substance abuse programs to address these specific needs. Additionally, specialized services are offered in federal and state prisons to address the unique challenges presented by sex offenders and violent offenders, which specifically focus on cognitive-behavioral approaches. Thus, there are a variety of fragmented services that exist in both federal and state institutions specifically aimed at special needs offenders.

RACE AND GENDER

Given the disproportionate representation of African Americans, Hispanics, and other minority groups in the U.S. prison system, it is important that prison psychologists are sensitive to issues of race, class, and oppression. Such factors may compromise the results of standardized tests for intelligence and personality, for example, since these tests have been developed for the majority, and they may not accurately reflect the experiences or education of minorities. Likewise, due to the importance of a shared understanding of culture, background, and experiences in constructing a therapeutic relationship, there is a need for minority psychologists.

The problems of women prisoners are likely to be diverse and complex, reflecting their histories of physical and sexual victimization, pregnancy and gynecological problems, obesity, dental problems, mental health issues, chronic health problems, and drug and alcohol misuse. Incarceration often exacerbates such difficulties, while geographic isolation from family and friends in prisons far from their homes negatively impacts family and social relations. Psychological services offered to women prisoners must take into account the important treatment needs common to female offenders, and where possible, offer gender-specific services that are designed to address these issues. Consequently, it is essential that prison psychologists working with women prisoners be sensitive to issues of gender in their work.

CONCLUSION

Currently, a variety of programs and services exist, offered by psychologists and other mental health professionals working in state, federal, and county institutions, in order to facilitate the rehabilitation of prisoners and ease their reintegration into society upon release. The challenges presented in offering these services in such environments, coupled with prisoner resistance, force prison psychologists to find creative means in adapting therapeutic services to a largely involuntary population. Prison psychological services will continually need to evolve to meet the changing needs of the prison population.

—Kathryn M. Campbell

See also Alcohol Treatment Programs; Alcoholics Anonymous; Drug Treatment Programs; Group Therapy; Individual Therapy; Medical Model; Mental Health; Psychiatric Care; Psychologists; Rehabilitation Theory; Self-Harm; Suicide; Therapeutic Communities; Women's Health Care

Further Reading

Boothby, J. L., & Clements, C. B. (2000). A national survey of correctional psychologists. *Criminal Justice and Behaviour, 27*(6), 716–732.

Bureau of Justice Statistics. (2000). *Mental health treatment in state prisons* (NCJ-188215). Washington, DC: U.S. Department of Justice. Retrieved September 10, 2004, from www.ojp.usdoj.gov/bjs/pub/press/mhts00pr.htm

Carlson, N. A., Hess, K. M., & Orthmann, C. M. (1999). *Corrections in the 21st century: A practical approach.* Belmont, CA: West/Wadsworth.

Conley, C. (1998). The women's prison association: Supporting women offenders and their families. *National Institute of Justice: Program focus* (NJC 172858). Washington, DC: U.S. Department of Justice.

Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice and prospects. Policies, processes and decisions of the criminal justice system. *Criminal Justice, 3,* 109–175.

Dietz, E. F., O'Connell, D. J., and Scarpitti, F. R. (2003). Therapeutic communities and prison management: An examination of the effects of operating an in-prison therapeutic community on levels of institutional disorder. *International Journal of Offender Therapy and Comparative Criminology, 47*(2)*,* 210–223.

Ditton, P. (1999). *Mental health and treatment of inmates and probationers.* Rockville, MD: U.S. Department of Justice, Bureau of Justice Statistics.

Hollin, C. R. (1996). *Working with offenders: Psychological practice in offender rehabilitation.* Chichester, UK: Wiley.

Marquart, J. W., Brewer, V. E., Mullings, J., & Crouch, B. N. (1999). The implications of crime control policy on HIV/AIDS-related risk among women prisoners. *Crime and Delinquency, 45,* 82–96.

Marshall, W. L. (1996). Assessment, treatment and theorizing about sex offenders: Developments during the past twenty years and future directions. *Criminal Justice and Behavior, 23*(1), 162–199.

McDougall, C. (1996). Working in secure institutions. In C. R. Hollin (Ed.), *Working with offenders: Psychological practice in offender rehabilitation* (pp. 94–115). Chichester, UK: Wiley.

Staton, M., Leukefled, C., & Webster, J. M. (2003). Substance use, health and mental health: Problems and service utilization among incarcerated women. *International Journal of Offender Therapy and Comparative Criminology, 47*(2)*,* 224–239.

PSYCHOLOGISTS

Prisons and jails are among the largest employers of psychologists in the United States. Psychologists working in prisons and other correctional institutions are sometimes referred to as "correctional" or "forensic" psychologists. These psychologists are involved in classifying, profiling, assessing, managing, and treating prisoners. They also provide institutional reports and carry out research and evaluation. Some prison psychologists deliver consultative services, such as counseling and personnel interviews, to other staff; others offer advice during hostage negotiations or other crises. Correctional psychologists typically qualify as clinical psychologists first, and then specialize in forensic-related work. Many of them belong to professional organizations and governing bodies such as the American Psychological Association, the American Psychology-Law Society, the American Association for Correctional Psychology, the American Academy of Forensic Psychology, and the American Board of Forensic Psychology.

HISTORY

To understand the role of psychologists within prisons, it is useful to first consider psychology and its historical development more generally. Psychology has its roots in two disciplines—physiology and philosophy, in which the former led to psychologists' interest in the brain and nervous system, while the latter inspired their concern with human thinking, emotion, and behavior. Psychology is said to have emerged as a separate discipline in 1879, when Wilhelm Wundt, who trained in philosophy and medicine, opened the first psychological laboratory in Leipzig, Germany. Here, Wundt set out to investigate the mind through the application of scientific methods using a process termed "introspection." This involved the careful training of researchers who then analyzed their own thinking (sensations, images, and emotional reactions) under laboratory conditions.

Wundt's approach was challenged in the early 20th century. Critics were particularly concerned with the subjective nature of introspection, because its accuracy could not be verified by another person. In 1914, American psychologist John B. Watson argued that introspection should be replaced with "behaviorism." This form of psychology allowed more than one person to observe and measure another's behavior under scientific conditions.

Psychology has since expanded into a number of different branches with varying theoretical and treatment orientations. However, the influence of Wundt and Watson can be seen today in two important psychological approaches: *cognitivism*, which is concerned with mental processes, and *behaviorism*, which focuses upon observable behavior. Each leads to different treatment strategies. The former involves methods such as therapy, which attempt to address cognitions, and the latter uses techniques designed to modify behavior, such as conditioning. Although these two models have generally been regarded as competing and irreconcilable, recent attempts have been made to merge them into a new type of psychology referred to as *cognitive behavioralism.* This approach, which essentially argues that a person's thinking or cognition affects their emotions and behavior, is central to a number of current prison programs. Such programs underpin "what works" initiatives—purportedly evidence-based correctional policy and practices—in the United States, Canada, the United Kingdom, and elsewhere.

PRISON PSYCHOLOGY

Psychologists first became involved in prisons in the field of classification. Using psychometric tools designed to measure individual differences, they sought to manage prisoners more rigorously than before. The data collected from these different measures also informed different kinds of research, such as the prediction of parole success.

In addition to such management strategies, psychologists sought to reform individual offenders. Though initial rehabilitative or treatment efforts consisted mainly of general "guidance" and teaching, psychologists came to offer detailed courses and programs of therapy in many institutions. Psychologists promoted the belief that prisoners could be reformed, and offered various treatments to help them achieve this. The guiding philosophy and practice of rehabilitation adopted by corrections led to the introduction of numerous behavioral and cognitivist strategies into prisons, such as individual counseling, group counseling, therapeutic communities, drug therapy, conditioning, aversion therapy, and token economies. Such methods were strenuously challenged in the 1970s on a number of ethical and methodological grounds. Overall, it was argued that they were harmful and ineffective. The most influential critique was made in 1974 by Robert Martinson, whose examination of numerous studies led to the broad conclusion that "nothing worked" to reduce reoffending. Although the claims associated with Martinson's research have since been criticized on several grounds, especially that its conclusions are overstated, the overall effect of the numerous challenges to rehabilitation was its waning within prisons, both as a philosophy and as a practice, particularly in the United States.

CORRECTIONAL PSYCHOLOGISTS TODAY

Despite a general move away from the goals of rehabilitation, psychologists did not disappear from correctional facilities. On the contrary, they are often the primary mental health care providers, offering both individual and group therapy. Psychologists usually participate in institutional programs like drug rehabilitation and anger management programs, and they continue to be involved in classification, assessments, management, reporting, research, and evaluation. Indeed, a psychologist may be one of the first people prisoners meet during the admissions process as they evaluated for housing, employment, and security. While many inmates complain of difficulties they face in gaining access to psychologists for mental health services, others oppose treatment and therefore are resistant to it. The criticism of limited access to psychologists reflects inadequate resources, along with an apparent increase in mental health problems among inmates, purportedly resulting from the closure of mental hospitals (and consequent diversion of populations into prison), overcrowding, and increasingly punitive regimes. Inmates may refuse treatment because they do not think they have a mental health problem or because they anticipate it will bring them harm. It could also be a manifestation of the role conflict correctional psychologists occupy as both helpers and social controllers.

PSYCHOLOGY AS A METHOD OF GOVERNANCE

Though psychology is usually thought of as a helping discipline, a number of writers have recently suggested that it has been crucial in broader attempts to control or govern the conduct of citizens living within Western liberal democracies. This has been achieved through the construction of methods encouraging people to monitor their own thoughts and behavior so as to fit with established norms. Those who are unable to act in socially acceptable ways are provided with various psychological strategies. People are thus governed in ways that appear compatible with liberal democratic assumptions. However, those who cannot conform or refuse to conform are placed within prisons and other institutions where they are either reformed or contained and punished, depending upon the outcome of psychological assessments measuring their dangerousness and reformability. In this way, psychology legitimates prisons by pathologizing inmates, promising methods of reform, and claiming the ability to assess treatability.

CONCLUSION

Psychologists have long occupied a central role within correctional facilities, albeit not without considerable controversy. The future of forensic psychology will be shaped by changes within both the academic discipline of psychology and the broader political climate.

—Kathleen Kendall

See also Group Therapy; Individual Therapy; Robert Martinson; Medical Model; Mentally Ill Prisoners; Mental Health; Psychiatric Care; Psychological Services; Rehabilitation Theory; Self-Harm; Suicide; Therapeutic Communities

Further Reading

Blackburn, R. (1993). *The psychology of criminal conduct: Theory, research and practice*. Chichester, UK: Wiley.

Correia, K. M. (2001). *Handbook of correctional psychology*. Springfield, IL: Charles Thomas.

Gudjonsson, G. H., & Howard, L. R. C. (1998). *Forensic psychology: A guide to practice*. London & New York: Routledge.

Hess, A. K., & Weiner, I. B. (1999). *The handbook of forensic psychology* (2nd ed.). New York: Wiley.

Hollin, C. (2002). Criminological psychology. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (3rd ed.). Oxford, UK: Oxford University Press.

Rose, N. (1999). *Governing the soul: The shaping of the private self* (2nd ed.). London: Free Association.

Wrightsman, L. S. (2001). *Forensic psychology*. Belmont, CA: Wadsworth.

PUERTO RICAN NATIONALISTS

Between 1980 and 1985, 30 Puerto Rican nationalists were accused of conspiring to overthrow the U.S. government in Puerto Rico using armed force. A few others were arrested and prosecuted in the mid-1990s. According to government officials, the nationalists were supporters of the Armed National Liberation Front (FALN), which they claimed was responsible for staging more than 130 bomb attacks on political and military targets in the United States. Most of these attacks occurred in New York and Chicago between 1974 and 1983 and left six people dead and several wounded. Ten of the 14 men and women arrested between 1980 and 1983 received sentences ranging from 50 to 90 years, an average of 70.8 years for the convicted men and 72.8 years for the convicted women. These prison terms were 19 times longer than the average sentence given out the same year for crimes such as murder and rape.

THE TRIALS

When captured, the Puerto Rican nationalists declared themselves to be combatants in a war to liberate Puerto Rico, and they asked to be treated as prisoners of war. They further argued that the U.S. courts did not have jurisdiction to prosecute them as criminals and petitioned instead for their cases to be handled by an international court. The U.S. government did not recognize either demand.

Of those arrested in the 1980s, none were found guilty of murder, bombing, or hurting a person. Instead, some were charged with illegal possession of weapons and explosives, robbery, and transportation of a stolen vehicle after brief trials in Chicago.

Perhaps because no solid evidence existed linking the accused to specific crimes, most of the Puerto Rican radicals were convicted on sedition charges on the grounds that they did not recognize the authority of the U.S. government. This charge allowed federal prosecutors to treat all defendants as coconspirators, regardless of what specific acts they had committed.

The trials themselves were relatively short. However, before they got to court, some detainees were held in preventive detention for as long as three years without bail. Of those arrested in the 1980s, 13 refused to participate in their trials, arguing that they did not recognize U.S. legal jurisdiction over their cases. As a result, most of the accused neither put up a defense nor appointed a lawyer.

THE PRISONERS

Most of the accused were students, teachers, or involved in some other professional occupation. Several of them were active in Puerto Rican neighborhood projects and cultural affairs in Chicago, Illinois, where the trials took place. All of the prisoners were arrested as young men and women, with most aged in their late twenties or thirties. Many also had young families.

Jose Solis-Jordan, who was found guilty of bombing a U.S. Army recruitment office in 1979 by a federal jury in Chicago, provides a good example of the background and treatment of the other activists. Three FBI agents claimed that Solis, a professor at the University of Puerto Rico and father of five, confessed to carrying out the bombing. However, they did not present a written statement signed by the accused nor a valid audio- or videotape proving that he made such a confession. Instead, Rafael Marrero, a paid FBI informant, provided the main testimony against Solis. Marreo's story was bolstered by a fabricated confession that one of the police officers later admitted writing, and by an alleged English translation of a largely inaudible tape of a conversation in Spanish. Marrero, who was actively involved in an operation against members of the Puerto Rican independence movement, admitted to receiving $119,000 and complete immunity from the FBI. The impartiality of the case was further compromised by the absence of any Latinos on the jury and by the fact that the jury's foreperson was an employee of the Justice Department.

RELEASE

On September 10, 1999, after more than a decade in federal prisons, 11 of the prisoners were granted a presidential pardon by then-President Bill Clinton and released from prisons in Indiana, California, Connecticut, Oklahoma, and Illinois. Among those receiving a presidential pardon were five women (Alejandrina Torres, Dylcia Pagan, Alicia Rodriguez, Carmen Valentin, and Ida Luz Rodriguez) and six men (Alberto Rodriguez, Edwin Cortez, Ricardo Jimenez, Luis Rosa, Elizam Escobar, and Adolfo Matos). Some Puerto Rican nationalists (Antonio Camacho Nigron, Jose Solis-Jordan, Oscar Lopez, Juan Segarra Palmer, and Carlos Alberto Torres) remain behind bars.

According to former Attorney General Janet Reno, "The President reviewed the matter and obviously concluded that the sentences imposed for the crimes committed were out of proportion to sentences for similar offenses for others." White House officials also noted that Clinton acted upon a review led by former White House Chief Counsel Charles F. C. Ruff, and the advice of politicians and human rights advocates, such as South Africa's retired Anglican Archbishop Desmond Tutu and Coretta Scott King, widow of civil rights leader Martin Luther King, Jr. Their release was supported by former President Jimmy Carter, 10 Nobel Peace Prize winners, every Puerto Rican member of Congress, the Puerto Rican Bar Association, and a host of other groups and individuals.

Each of the prisoners who accepted the presidential pardon was required to sign statements in which they agreed to renounce violence, not to possess weapons, not to join any organization advocating violence, to stay away from each other, and to obey all the statutory conditions of parole. The federal government would closely monitor their actions, statements, and contacts. The FBI and the Justice

Department, two agencies that strenuously opposed their release, were given the authority to oversee the prisoners' parole, which includes random drug testing. If these prisoners violate their parole, the charges will be reinstated against them.

CONCLUSION

Though journalistic accounts on Puerto Rican nationalists are numerous, there is little empirical research on Puerto Ricans in prison. As a result, their story is largely unknown. Indeed, this case suggests that the experiences of Puerto Ricans in the criminal justice system need to be analyzed more carefully, to become a more explicit and better-documented part of academic literature and public discussions of U.S. prisons today.

—Martin G. Urbina

See also Enemy Combatants; Federal Prison System; Hispanic/Latino(a) Prisoners; Political Prisoners; Prison Culture; Prisoner of War Camps; USA PATRIOT Act; Young Lords

Further Reading

Delgado, J. M. (unknown). The Puerto Rican prisoners of war. Retrieved October 2, 2003, from http://www.prisonactivit.org/pps+pows/pr-pows.html

Diaz-Cotto, J. (1996). *Gender, ethnicity, and the state: Latina and Latino prison politics*. Albany: State University of New York Press.

Fernandez, R. (1994). *Prisoners of colonialism: The struggle for justice in Puerto Rico*. Monroe, ME: Common Courage.

Q

QUAKERS

Quakers, or Friends, as they are also known, are a religious association and sect of Protestantism. For well over 400 years, American and British Quakers have pioneered major prison reform and opposed the death penalty. As part of their reformist intentions, they helped to create the prison itself, in the form of the penitentiary, to replace earlier, more brutal forms of corporal and capital punishment. Quakers' participation in prison reform calls attention to the connections among spiritual, religious, and cultural practices in punishment. Their activism reminds us that punishment itself is a complex social institution that cannot be understood simply as crime control or labor market regulation.

HISTORY

Following the restoration of the British crown and resurgence of the Anglican Church in 1660, Quakers in England became increasingly subject to religious persecution and imprisonment. For nearly 20 years, Friends made frequent visits to jails and other places of confinement to offer both moral and material support to their incarcerated brethren. These experiences of confinement and state repression led many Quakers to become involved in prison reform.

Quakers helped to transform American punishment practices, outlawing torture and corporal punishment and restricting the use of the death penalty. William Penn's constitution for Philadelphia introduced principles of reform as the primary goal of punishment. Then, in 1787, prominent Quakers created the Philadelphia Society for Alleviating the Miseries of Public Prisons to provide food to local jail inmates and to lobby for large-scale reform and institution building. Later renamed the Pennsylvania Prison Society, the association urged major changes to the existing Walnut Street Jail, where the warden sold liquor to inmates, confined young offenders and female inmates with male convicts, exposing them to sexual exploitation, and failed to provide adequate food and clothing. Building on these efforts, the Prison Society worked in conjunction with other Protestants, architects, social reformers, and legislators to set out their ideas for the creation of the penitentiary. This new institution was meant to provide a new form of punishment, in which solitary confinement and hard labor gradually replaced execution and bodily mutilation in the United States.

At the same time as the emergence of the penitentiary in America, British Quakers, particularly evangelicals, were urging Parliament to restructure punishment in the United Kingdom as well. Elizabeth Fry, a Quaker minister and social reformer, raised the issue of prison reform to the national level with her campaigns to improve women inmates' poor living

conditions. In 1813, Fry exposed the unsanitary and overcrowded conditions of Newgate Prison, a women's prison brimming with poverty, filth, and to Fry, "moral degradation" (in Barbour & Frost, 1988, p. 318). She opened a school inside the prison to teach women and their children to read and sew. Fry also established the Association for the Improvement of Female Prisoners, read the Bible to inmates, delivered sermons, and encouraged Quakers and social reformers to visit inmates. She was instrumental in having female wardens introduced to run separate women's facilities.

THE PENITENTIARY

American Quakers played a key role in the shift away from public execution, corporal punishment, and torture in the late 18th and early 19th centuries. They also developed the Eastern State Penitentiary in Pennsylvania, which quickly became the model for similar institutions in the United States and Europe. In order to reform inmates, the penitentiary isolated them in individual cells. Solitary confinement, Quakers believed, would encourage inmates to meditate upon their sins, recognize their errors, and seek redemption. Quakers combined these monastic elements with the hard labor of earlier workhouses to instill discipline in criminal offenders. They believed that the dual strategy of solitary confinement and hard labor would reform inmates and smooth their eventual reintegration into society.

Despite the widespread support for isolation regimes in the United Kingdom, United States, and Europe, solitary confinement was soon replaced as the dominant model of punishment by the "silent congregate system." Not only was solitary confinement cost prohibitive, requiring the design and construction of special single-cell institutions, it also led to the mental and physical deterioration of inmates. Rather than bringing about spiritual redemption, solitary confinement increased rates of suicide, madness, and even death.

CONCLUSION

Today, Quakers continue prison activism by opposing the death penalty, promoting prison reform, and educating the public about prison conditions. In contrast to their predecessors, contemporary Quakers oppose the use of isolation and solitary confinement. As a result, Quakers in the United States are currently involved in protesting the use of "control units" in supermaximum secure prisons, which they consider to be modern-day forms of torture, subjecting inmates to prolonged isolation, sensory deprivation, physical and mental pain, and violence. In addition to preventing inhumane treatment of inmates, Quakers also campaign to shut down private prisons to prevent states and corporations from profiting from punishment. Opposed to mass incarceration as the response to crime, Quakers work with former prisoners to create community-based alternatives as a way to address both criminality and victimization.

—Vanessa Barker

See also Activism; Auburn System; Cesare Beccaria; Jeremy Bentham; Dorothea Lynde Dix; Eastern State Penitentiary; Elizabeth Fry; History of Prisons; John Howard; Fay Honey Knopp; Newgate Prison; Panopticon; Pennsylvania Prison Society; Pennsylvania System; Philadelphia Society for Alleviating the Miseries of Public Prisons; Benjamin Rush; Solitary Confinement

Further Reading

American Friends Service Committee. (2002). *American Friends Service Committee: Criminal justice program.* Retrieved November 25, 2002, from http://www.afsc.org/

Barbour, H., & Frost, J. W. (1988). *The Quakers*. New York: Greenwood.

Colvin, M. (1997). *Penitentiaries, reformatories, and chain gangs: Social theory and the history of punishment in nineteenth century America*. New York: St. Martin's.

Johnston, N. (with K. Finkel & J. A. Cohen). (1994). *Eastern State Penitentiary: Crucible of good intentions*. Philadelphia: Philadelphia Museum of Art.

McGowen, R. (1995). The well-ordered prison: England, 1780–1865. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 71–99). New York: Oxford University Press.

O'Brian, P. (1995). The prison on the continent: Europe, 1865–1965. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 178–201). New York: Oxford University Press.

R

RACE, CLASS, AND GENDER OF PRISONERS

Race, class, and gender powerfully influence our life chances, shaping where we go to school, work, and reside, whom we marry, and how long we live. They intersect in numerous complex ways, both within the prison and outside. Prisoners are disproportionately likely to be poor, male, and members of minority groups, particularly African American and Latino(a). To that extent, the penal population does not reflect the outside community at all.

U.S. SOCIETY AND THE PENAL POPULATION

In 1997, Erik Olin Wright estimated that 50% to 60% of the U.S. population were working class, since they were employees who neither owned nor controlled capital. Members of the owner class made up about 15% of the population, while capitalists employing 10 or more people represent 1% to 2% of U.S. citizens. The remaining percentages Wright divided among various professional-managerial class fractions.

Of the 281,421,906 persons the U.S. Census Bureau counted in 2000, 75.1% were white, 12.5% were Hispanic or Latino, and 12.3% were black or African American. American Indian and Alaska Native represented about 1%, Asians 3.6%, and Native Hawaiian and other Pacific Islanders represented around 0.1%. In April 2000, women comprised just over half of the U.S. population (U.S. Census Bureau, 2000).

In contrast, most prisoners are either jobless or working poor. Although African Americans comprise just over 12% of the U.S. population, nearly half of those incarcerated in prisons are black. Finally, women make up on average only about 7% of the nation's confined, meaning that about 93% of the prison population are men.

CLASS

Sociologists typically divide capitalist society into four classes: (1) The *capitalist class* owns productive capital, seeks profit in the market, and buys labor power. Such people may run factories or some other kind of industry. (2) The *professional-managerial class* is the most privileged of the employee classes. These individuals, such as CEOs of corporations, do not own significant capital, but they control labor power. In contrast, (3) the *working class* owns no significant capital and sells its labor power for wages. Workers, like factory employees on an assembly line, only marginally control labor power. Finally,

(4) the *industrial reserve* is comprised of workers who cannot sell their labor. This group of people is also sometimes referred to as an "underclass."

The dynamic of capitalism, or capital accumulation, underpins the historical development of the United States. Striving to maximize profit and gain competitive advantage, capitalists use strategies of wage suppression, mechanization and automation, and scientific management to reduce production costs. Increasing output per worker throws more people into the industrial reserve or forces them into low-wage labor markets. The business cycle exacerbates labor market volatility.

Social scientists have long noted the connections between systems of punishment and economic structure. In *Capital*, written during the 1860s, Karl Marx (1867) describes the plight of the industrial reserve. He theorizes that class structure and economic processes are major determinants of crime and punishment. Studies by Georg Rusche and Otto Kirchheimer (1939), Richard Quinney (1980), and Jeffrey Reiman (2004) support Marx's thesis. Punishment under capitalism, these scholars propose, reflects the needs and interests of dominant social classes. Private control of property gives elites the structural capacity to shape the direction of the law and state activities. If popular forces and rapid social change threaten class privilege and system legitimacy, the coercive arm of the state expands and intensifies its activities. Likewise, empirical studies find that the strains of impoverishment and marginalization increase the likelihood that members of the working class will resort to street crime and suffer coercive controls.

During the past 30 years, prisons have been filling with people drawn from the ranks of the poor. Inmates in prisons and jails are mostly illiterate, likely high school dropouts, and are either jobless or working at low-wage jobs at the time of their arrests. We find further evidence of the class character of criminal punishment in the categories of offenses for which the state punishes individuals. About half of those incarcerated in state prisons in the mid-1990s were there for crimes against property or for violating statutes regulating the morality of the working class, for example, the war on drugs. The capitalist state has historically used drug controls to control workers; the most well-known case was the constitutional prohibition against alcohol. Industrialists who desired a sober workforce were out front in campaigning for alcohol prohibition. Elites have likewise pursued prohibitions against heroin, marijuana, and more recently cocaine, with clear class interests behind them.

Who will *not* face prison for socially harmful behavior also reflects the class character of punishment. A number of scholarly papers and books exposes activities by the upper classes amounting to hundreds of millions of dollars in theft and fraud. Moreover, corporate activities result in considerable personal injury and loss of life. Yet, the state administratively segregates affluent offenders and conventional criminals. The most notable contemporary instance of the special treatment corporate offenders enjoy is the Enron bankruptcy debacle. Enron, a natural gas pipeline company, engaged in illegal accounting practices. In the summer of 2003, executives of Citigroup and J. P. Morgan, major bankers of Enron, avoided jail time by settling with the federal government for $300 million. Government lawyers acknowledged that bank executives knew of and participated in Enron's illegal conduct. Such privileges for the well-to-do are reminiscent of practices in medieval Europe, where elites could avoid corporal punishment by paying fines.

RACE

After the Civil War, *de jure* separation of races in formal residential and occupational segmentation and a system of status offenses known as "Jim Crow" replaced racial slavery. Strict labor rules passed by Southern governments, known as "Black Codes," compelled many African Americans to return to the plantations. Although Congress overturned Black Codes in 1866, state-sanctioned race oppression in the forms of convict leasing programs and chain gangs were widespread by the end of Reconstruction in 1877. More than 90% of convict laborers were black. Alongside criminal controls, state legislatures passed comprehensive segregation laws. The Supreme Court officially sanctioned

Jim Crow in 1896 with *Plessy v. Ferguson*. American apartheid would last several decades.

A string of court decisions and civil rights legislation during the 1950s and 1960s dismantled Jim Crow. However, de facto racial organization reproduces racialized statuses and material group disparities. Racial segregation in the post-civil rights period still possesses the essential characteristics of a racial caste system based on hereditary and ascribed statuses with a high degree of endogamy, as marriage within one's own racial group remains the norm. Thus, in the wake of the civil rights struggles, a new articulation of racial caste emerged, one manifest in ostensive race neutrality and repressive criminal justice policies. Although the state and culture of the United States have become less overtly racist in formal law and language, institutional racism remains a major part of American social life.

With the shift in racial policy, the numbers of African Americans in U.S. prisons and jails drastically increased, while the proportion of white men in prison declined. Between World War II and the early 1970s, the proportion of blacks in prison averaged about 30%, up from about 20% in 1928. At year-end 2002, 45% of all male inmates in state and federal penitentiaries were African American. According to statistics published by the Bureau of Justice in 2000, 10.4% of African American males between the ages of 25 and 29 are in prison, compared to 1.2% of comparable white males. Imprisonment on this order of magnitude harms family and political life. Prisons deprive millions of African American families of their fathers, brothers, and sons. Due to disenfranchisement policies in various states, millions of African American men find themselves controlled by laws they played no role in forming.

African Americans are not the only racial group experiencing overrepresentation in America's correctional institutions. Nationally, more than 60% of prisoners are from racial and ethnic minority backgrounds. Statistics published by the Justice Bureau show that 2.4% of Hispanic males between the ages of 25 and 29 are in prison. At year-end 2002, Latinos, mostly male, comprised 18.1% of prisoners under state and federal jurisdiction. Discriminatory patterns appear differently depending on jurisdiction and region. Because of the history of relations between Native Americans and the federal government, American Indians are overrepresented in federal prison statistics. For example, some 60% of juveniles in federal custody are American Indian. In Alaska, where 16% of the state population is Native American, one-third of state prisoners are American Indian (Harrison & Beck, 2003).

GENDER

The turn toward mass incarceration has not bypassed women. Although men are 15 times more likely than women to be imprisoned in federal or state correctional facilities, the rate at which women are being admitted to U.S. prisons has nearly doubled since 1980. By 1997, seven times more women were incarcerated at state and federal facilities than in 1980. At year-end 2002, nearly 1 million women were under some form of correctional supervision. Around one-tenth of those persons were in prison. Women now constitute 6.8% of all prison inmates. The three largest jurisdictions—Texas, California, and the federal system—incarcerate a third of this number. During 2002, the number of female prisoners rose 4.9%, more than double that of men (2.4%) (Harrison & Beck, 2003).

Incarceration of women is often particularly harmful to families. Imprisoned women are mothers to about 1.5 million minor children. Seven in 10 women under correctional supervision have minor children. Poor and minority women are more likely to be punished than middle-class white women. For example, nearly two-thirds of women on parole are white, while nearly two-thirds of those confined in jails and prisons belong to a racial or ethnic minority. Nearly one-third of women admitted to prisons are on public assistance at the time of arrest, and only 4 in 10 women in state prison report full-time employment. Well over one-third have incomes of less than $600 a month.

The typical profile of a female prisoner in America is a single mother, young, impoverished, and poorly educated, with at best minimal work experience and job skills. Physical and sexual abuses mark her past, and she abuses drugs and alcohol. If not incarcerated

Gender, Race, and the War on Drugs

A twenty-one year old African American woman was sentenced to 15 years and 8 months for a nonviolent, mitigating role in a drug conspiracy with her live-in boyfriend. The young woman worked two jobs and attended school full time. Fifteen minutes after arriving home from a long sixteen-and-a-half-hour shift at the community hospital, she was thrown to the floor, staring into the deep barrels of guns pointed at her head by the police and ATF squad. All she could do was wonder, baffled and bewildered, as she lay there in astonishment. During the trial that followed, there was no evidence that she conspired to be involved with the illegal sales of drugs. However, the prosecution made it seem like the woman, living in a low-budget apartment with Rent-a-Center furniture, was living the life of a kingpin and worked only to support her boyfriend's drug sales. In reality, her only "conspiracy" was arriving home 15 minutes before the raid of the police and the ATF squad.

How could this happen? When Congress passed these drug laws, did they think of the innocent people that would be involved? According to statistics, more than 85% of people arrested for conspiracy are given sentences ranging from 10 years to life without the possibility of parole. How is it possible that kingpins are serving less time than people who are considered minor participants? What can be done to change these laws? Yes, there are organizations trying to change the course of the war on drugs, but no one seems to care about the women and men already locked up for simply knowing a person.

Arrested and convicted, I sit here to tell this story. All of this happened to me seven years ago. I didn't kill anyone, kidnap anyone, blow up the World Trade Center, or conspire to make terrorist threats or attacks. My only crime was being in a romantic relationship. It is so unfair what has happened to me—each night my boyfriend would come home as if he were on his last dollar, making sure that the evidence of his sins was not seen by me. I now sit here in a federal prison camp directly across the street from John Walker Lindh, an American who aided the Taliban in Afghanistan, who received only four years and four months more time than I did. Other people are coming and going with two months to a year for a similar "crime" to mine, and I can't help but feel envious and jealous knowing that they will be home soon with their families while I am sitting here. I have tried every appeal, I have tried to write to the judge and the prosecution, and I have tried for a clemency, but there has been no hope for me. I am now 29 years old. When I should be home married and having children, I have missed a great big chunk out of my life. I sit here between three slabs of cement and wonder when my day will come.

Stacey Rena Candler
Federal Prison Camp Victorville, Adelanto, California

for prostitution, petty theft, or simple possession, she is likely a prisoner because of her involvement with a man arrested for drug dealing. In exchange for a reduced sentence, his testimony against her led to her conviction and incarceration.

MAINSTREAM EXPLANATIONS

Assuming that rising crime rates account for all or most of the increases in prison population, mainstream social scientists have tried to explain why crime rates rose for the general population during the period of prison expansion. The researchers have given special attention to the situation African Americans face. Researchers cite Federal Bureau of Investigation (FBI) statistics to support an argument that the growth in the number of African American prisoners is the result of increasing rates of crime that disproportionately involve blacks. *Uniform Crime Report* (UCR) data show a slow but steady climb in rates of street crime throughout the 1950s and 1960s, followed by a steep and unstable increase during the 1970s. By 1980, the crime rate was double its 1970 level. The UCR also shows blacks committing proportionately more street crime given their representation in the population than other ethnic groups. According to the FBI, blacks consistently accounted for nearly 50% of violent crime arrests and for more than 30% of property crime arrests during the 1980s, a period of rapid prison growth. Victimization data compiled by the U.S. Justice Department support the UCR finding, although the disproportionality is much less.

Observers marshal these figures to support two major explanations. In one account, rooted in a New Liberal orientation, residential segregation, industrial segmentation, and large-scale domestic trends such as white flight concentrate blacks

trends such as white flight concentrate blacks in criminogenic inner-city environments. Living in these conditions leads to overrepresentation in crime for two reasons. First, blacks (and Latinos) tend to dominate various forms of street crime and the sex and drug trades. Second, ordinary policing is concentrated in impoverished minority neighborhoods where crime rates are higher. The other explanation, issuing from conservative quarters, implicates cultural traditions in the creation of criminogenic environments. Attributed characteristics of black culture, for example, include negative attitudes toward learning and achieving, lack of self-reliance, poor labor force attachment, an inability to delay gratification, promiscuity, and violent tendencies. Conservatives point to the black family structure as the main culprit. Female-headed households are overrepresented among black families. According to conservatives, liberal welfare policies during the 1950s to 1970s fostered a culture of dependency. These developments combined with liberal permissiveness in criminal justice policy to drive up crime rates among blacks.

There is reason to doubt the assumption that underpins both arguments—the belief that *crime causes punishment*. First, since the UCR is the product of police departments, it more likely reflects police behavior rather than actual crime patterns. Growth in UCR statistics during the 1970s and 1980s reflects a combination of policing practices and better reporting and superior computer record keeping by law enforcement. Data from the National Crime Victimization Survey (NCVS) indicates that crime remained stable or declined during this period. Since the NCVS is a scientifically conducted survey and the UCR is not, there is good reason to accept its findings over those of the UCR. Second, leaving aside drug offenses, levels for the three crimes for which people are most often incarcerated—namely, murder, robbery, and burglary—remained relatively stable between the mid-1970s and mid-1990s. Third, the relationship between demographic trends and incarceration is contradictory. After 1990, incarceration rates should have declined, since the proportion of those of prime incarceration age declined as a proportion of the population. Yet, incarceration skyrocketed.

What then explains the dramatic rise in the prison population? First, the state has criminalized more behaviors, especially drug offenses. The state has expanded criminal categories, especially those that encompass the behaviors of minorities, which creates more criminals and increases the likelihood of more nonwhite prisoners. For example, in 1986 Congress passed the Anti-Drug Abuse Act of 1986, establishing severe mandatory sentences for crack cocaine possession. The bill made sentences for crack cocaine possession 100 times greater than those for powdered cocaine. This was with the knowledge that the only real difference between crack and powder cocaine was the race of the people using them: African Americans are more likely to use crack cocaine. Before mandatory minimums for crack offenses, the average federal sentence for blacks was 11% higher than for whites. Four years after the changes in drug sentencing laws, the average federal sentence was 49% higher for blacks. By 1997, African Americans were accounting for 84% of the defendants convicted of crack cocaine offenses. Second, there has been a trend in the likelihood of imposing sanctions on defendants and lengthening prison terms.

THE RACIAL ECONOMY OF MASS INCARCERATION

During political wrangling over civil rights in the 1950s and 1960s, the domestic economy, affected by the government's response to the Great Depression, World War II, the Cold War, and globalization, underwent dramatic restructuring. As domestic changes in industry and the expanding state sector created opportunities for educated and skilled whites, industrial reorganization transformed labor markets, racializing the industrial reserve. By the 1960s, the proportion of unskilled labor in the workforce had declined to historic levels. Since blacks were concentrated in the labor-intensive industrial sectors dependent upon unskilled labor, the effects were for them devastating. At the

end of the Great Depression, black unemployment was only a little greater than white unemployment. By the 1960s, black unemployment had risen to more than twice that of whites. Growth in mechanization and automation was occurring side by side with capital migration from inner cities to the suburbs and from the North to the South. Federal, state, and local authorities facilitated disinvestments by rewarding businesses that relocated firms out of the central cities with tax breaks, subsidized loans, and assistance in organization and infrastructure. The resulting "Rust Belt" contained at its core an impoverished peripheral zone with high rates of joblessness and job instability.

As a consequence of these forces—the changing needs of capital, growing structural unemployment, domestic macroeconomic reorganization, ghettoization, and white flight from the cities—already impoverished and marginalized black communities became even more desperate and isolated. Whites in their suburban dwellings, cut off from the plight of the city, turned against social programs that benefited urban areas. This emerging national profile offset the gains blacks made on political and legal fronts during the civil rights struggles. Political elites and the corporate media depicted black discontent and urban distress as a problem of law and order. Governments expanded the criminal justice system at all levels and charged law enforcement with the task of cleaning up the crisis of political legitimacy. A series of severe economic crises in the 1970s and 1980s fueled the drive for mass incarceration. Class, caste, and crisis intersected to fill an expanding penal capacity with millions of human beings of color. To be sure, politicians did not plan much of this. Present circumstances, largely driven by impersonal forces, emerged over a period of decades. Nonetheless, elites devised and implemented criminal justice policy with knowledge of racially disparate outcomes (Tonry, 1995). Moreover, racial politics motivated many policymakers.

CONCLUSION

In the United States, where more than 2 million individuals are incarcerated, certain minority groups and persons living in poverty are at much greater risk of being counted among those in prisons and jails. If the U.S. criminal justice system is a barometer of inequities in the United States, and much research indicates that it is, then this nation's inequities are great indeed. The toll of incarceration on the individual, as well as on the family and the community, is incalculable.

Recent trends in incarceration do not bode well for the future. If the United States had continued to imprison individuals at the rate it did in the period 1980–1993, critics pointed out, nearly two-thirds of black men (about 4.5 million) and one-fourth of Latinos (about 2.4 million) between the ages of 18 and 34 would be incarcerated by the year 2020. Though in recent years the rate of incarceration has slowed considerably, there are signs that imprisonment is again picking up its pace, and further growth in prison populations will at any rate worsen the situation of those groups upon whom the burden of incarceration falls most heavily. Moreover, while officials of local depressed markets believe prisons promise economic growth, the weight of massive custodial structures on society, especially in light of the fiscal crises confronting many states, may eventually become too great to sustain.

The vast majority of those entering prison today will one day return to society. Given the negative effects of incarceration on persons and communities—prisonization, stigma, constrained education and job opportunities, restricted political participation, family disruption, and lost time—this manner of dealing with lawbreakers is both practically and ethically problematic. Since people who enter prison are among the most deprived of U.S. citizens, incarceration further hobbles those whom society has already disadvantaged. Even if the criminal justice system could achieve equity in terms of race and class, the United States must still face the long-term negative consequences, the growing fiscal burden, and the moral impropriety of mass incarceration.

—Andrew Austin

See also African American Prisoners; Bureau of Justice Statistics; Drug Offenders; Federal Prison System;

Hispanic/Latino(a) Prisoners; History of Prisons; Increase in Prison Population; Jails; Juvenile Detention Centers; Legitimacy; Parole; Prisonization; Racism; Three-Strikes Legislation; War on Drugs; Women Prisoners

Further Reading

Barlow, D. E., Barlow, M. H., & Chiricos, T. G. (1993). Long economic cycles and the criminal justice system in the U.S. *Crime, Law, and Social Change*, *19*(2), 143–169.

Bureau of Justice Statistics. (1999). *Women offenders* (NCJ175688). Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2000). *Correctional populations in the United States, 1997* (NCJ177613). Washington, DC: U.S. Department of Justice.

Chiricos, T. G., & Delone, M. A.. (1992). Labor surplus and punishment: A review and assessment of theory and evidence. *Social Problems, 39*(4), 421–446.

Christianson, S. (1998). *With liberty for some: 500 years of imprisonment in America*. Boston: Northeastern University Press.

Federal Bureau of Investigation. (n.d.). *Uniform Crime Report*. Retrieved from http://www.fbi.gov/ucr.htm

Harrison, P., & Beck, A. (2003). *Prisoners in 2002* (NCJ 200248). Washington, DC: U.S. Bureau of Justice.

Lynch, M. J., Groves, W. B., & Lizotte, A. (1994). The rate of surplus value and crime: A theoretical and empirical examination of Marxian economic theory and criminology. *Crime, Law, and Social Change, 21,* 15–48.

Marable, M. (2000). *How capitalism underdeveloped black America*. Boston: South End.

Marx, K. ([1867] 1990). *Capital*, Vol. I. Trans. Ben Fowkes. New York: Penguin.

National Crime Victimization Survey. (n.d.). Retrieved September 14, 2004, from http://www.ojp.usdoj.gov/bjs/cvict.htm.

Quinney, R. (1980). *Class, state, and crime* (2nd ed.). New York: Longman.

Reiman, J. (2004). *The rich get rich and the poor get prison* (7th ed.). Boston: Allyn & Bacon.

Rusche, G., & Kirchheimer, O. (1939). *Punishment and social structure*. New York: Columbia University Press.

Shelden, R. G. (2001). *Controlling the dangerous classes: A critical introduction to the history of criminal justice*. Boston: Allyn & Bacon.

Sutherland, E. (1939). *Principles of criminology.* Philadelphia: Lippincott.

Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America*. New York: Oxford University Press.

U.S. Census Bureau. (2000). *Census 2000 redistricting*. Washington, DC: U.S. Census Bureau. Retrieved from http://www.census.gov/

U.S. Census Bureau. (2002). *Intercensal estimates of the United States population by sex, 1990–2000: Selected months*. Washington, DC: U.S. Census Bureau.

Wright, E. O. (1997). *Class counts: Comparative studies in class analysis.* Cambridge, UK: Cambridge University Press.

Legal Case

Plessy v. Ferguson, 163 U.S. 537 (1896).

RACIAL CONFLICT AMONG PRISONERS

Racial conflict among prisoners is an enduring feature of the U.S. prison system, although the form and substance of race relations vary according to historical period, region, facility type, and inmate characteristics. Additionally, race relations differ according to gender. Women's prisons have historically experienced less racial violence and fewer overt racial conflicts than have facilities housing men. Nonetheless, race is a major organizing principle of the relationships and social networks within both men's and women's prisons. Scholars have concluded that racial conflict is neither the "natural" outcome of persons of different races and ethnicities living together, nor is it an intrinsic feature of the inmate social order. Instead, racial conflict among prisoners results from the confluence of external social, political, and economic events and the unique interpersonal and organizational dynamics that characterize prison life.

HISTORY

The South

Historical studies suggest that penal policy in the South emerged in response to changes in the political, economic, and social status of African Americans. In turn, prison policies (both formal and informal) shaped relationships among inmates and contributed to a system of racial divisions and alliances that endures today. For example, the end of the Civil War ushered in a new penal regime in most Southern states known as the "convict lease

Race Relations

Race relations in federal prison nowadays are pretty tame. It is not like the 1960s or '70s when skin color defined who you were. It is still like that to a point, but it is much more lax and depends on what prison you are in, but in most of the federal joints I've been in race relations are pretty good.

There is still self-imposed segregation. Usually black people sit with other black people, white with white, and Hispanic with Hispanic, but you will see it a lot more often these days that there will be a black and white in a cell together or a black and Hispanic. And with the triple bunks you might see one of each in a cell. The chow hall is still pretty segregated with a white side and a black side, even though it is unofficial of course, but it is not unheard of for a white to go on the black side or vice versa.

I've heard of race war horror stories, but in the 10 years of my incarceration I have never seen or experienced one. Most of the violence I have seen is perpetrated by people of the same race or gang-related stuff. A lot of dudes are closet racists, but nothing is really out in the open. Like you might hear a white guy talk about a black inmate to another white guy and call him a nigger to the white guy, but the white dude will never say it to the black guy's face. And you do hear black dudes talking about crackers in general, but hardly ever will a black man call a white man cracker to his face unless it is in jest.

With so may people in prison today and the majority of them first-time nonviolent offenders, race relations are pretty good. The intensity of the race wars of the past are rarely seen. It might also stem from the more professional attitude of the guards and the constant presence of informers. The feds are infested with rats, it seems. And rats are colorblind.

Seth Ferranti
FCI Fairton, Fairton, New Jersey

system." Scholars point to this system as one of the first to formally legitimate differential treatment on the basis of race. It also set the stage for racial conflict and violence among inmates. Under the convict lease system, former slaves found guilty of violating the Black Codes (a restrictive set of laws that applied only to African Americans) were sentenced to a form of penal servitude. Instead of serving time in a penitentiary like inmates in most Northern jurisdictions, convicts in the South became forced laborers on public works projects or were hired out to private employers, in some cases serving their sentences on the same plantations they had previously worked as slaves. In Southern states, where 85% to 95% of the convict population was black, convict leasing preserved the labor arrangements and racial caste system of slavery.

Formally, the convict lease system established racially segregated housing and work assignments. While black inmates were subjected to hard labor and harsh conditions, white convicts were typically assigned clerical and supervisory work. Informally, the system generated alliances between white inmates and prison staff, and fueled resentment among African Americans. Over time, the informal alliance that existed between white inmates and the all-white prison staff was formalized and expanded. Guards were outnumbered by their charges working in the fields, and uprisings were not uncommon given the harsh conditions and guards' frequent use of torture and brutality. To broaden their base of control, prison administrators in Mississippi, Louisiana, Texas, and Arkansas expanded the power and privileges of white inmate supervisors, known as "trustees" or "shooters." The trustees were provided with separate housing and given various privileges, including access to liquor and narcotics. In addition, trustees carried loaded shotguns and were encouraged to use force to control black prisoners. In exchange for these privileges, prison staff demanded loyalty from the trustees. As it evolved, this formal alliance between prison staff and white inmates became known as the "trustee" or "building tender" system. It was a style of penal control that not only pitted the interests of white inmates against those of black inmates, but one that fostered racial hatred and empowered white inmates to use violence against black inmates.

The building tender system endured in Southern prisons through the first half of the 20th century, and prisoners continued to be segregated according to skin color. In some prisons, entire cellblocks

were racially homogenous. In most, white and black inmates lived in integrated cellblocks but were assigned to separate cells. When in 1970 the entire Arkansas prison system came under judicial scrutiny for inhumane and brutal conditions, prison administrators suggested that inmate-on-inmate violence had emerged in reaction to integration attempts. In reality, racial conflict and violence among inmates predated integration efforts. In Arkansas in particular, white inmates used torture, extortion, and murder to maintain control over a predominantly black inmate population. Subsequently, the real origins of racial conflict and violence in Southern prisons can be traced directly to the racial hierarchies and violent control policies of the convict leasing and building tender systems.

The North and West

Although prisons in Northern states from the early 1900s through the 1950s did not follow the trustee model, segregation and racial discrimination were the norm. White inmates received better work assignments and were assigned to live with other whites. During recreation and meal times, white and black inmates spent their time in racially exclusive groups. As in the South, select groups of white inmates were empowered within this system by the administration and were used to keep black inmates "in their place." Correctional officers ignored and at times participated in verbal and physical assaults launched by white inmates against African Americans and Latinos. At other times, they granted white inmates various favors in exchange for their efforts to maintain order.

During the 1960s, as the number of African Americans and Latinos behind bars grew, the dominance of white inmates was repeatedly challenged. Bitter and at times violent disputes ensued over racial harassment, territory, and control of contraband markets. In California's Soledad Prison, the inmate social order splintered into several racial/ethnic factions. Close friendship groups known as "tips" tended to be intraracial and were based on friendships and associations from inmates' pre-prison lives. Larger groups or "cliques" served to network various tips based on shared subcultural orientations and interests. Cliques were often interracial in nature and served to mediate racial disputes among different tips within the network. Although white inmates retained various sets of privileges within prison, they did not dominate other inmates the way they once had. In several instances across the country, the tip-clique system proved so successful in resolving racial conflicts that prisoners engaged in multiracial "unity strikes" that emphasized their common interests as prisoners.

By the early 1970s, the relative stability of the tip-clique system of inmate social organization gave way to mounting hostilities and racial antagonisms. Scholars contend that the erosion of this system was the result of several factors. Internally, the inmate population was changing. Younger inmates increased in number and rejected the norms associated with the convict code and the tip-clique system. In addition, white inmates were no longer a numerical majority in most prisons. The increasing numbers of black and Latino prisoners put white inmates on the defensive and led many into white supremacist organizations. Externally, the success of the prisoner rights movement and judicial intervention contributed to a power vacuum within the prison. Guards accustomed to running the prison with the help of inmate informants and enforcers were angered by the militancy of black, Latino, and Native American inmates and were unsure how to proceed in light of court rulings that ended the old system of control. Many withdrew, and others assisted white inmates in forcibly challenging the gains of African Americans, Latinos, and Native American inmates. Notably, much of the racial violence that emerged during this period was retaliatory in nature. In 1971, for example, correctional officers at Indiana Reformatory wounded and killed 48 African American inmates who had staged a peaceful sit-in protesting brutality, racism, and alliances between white inmates and correctional officers. The 1971 riot at Attica Correctional Facility in New York emerged following repeated attempts by African American and Puerto Rican

prisoners to peacefully protest harsh and degrading conditions, brutality, violence, and racism.

After Attica, racial conflict and violence increased in prisons across the country. Informal patterns of racial segregation were hardened, and the tip-clique system ended. In response to the chaos that followed in the wake of a changed social order and fragmented control policies, inmates joined gangs to ensure their own protection and to acquire illicit goods and services. The rise of racially identified gangs like the Aryan Nation, Mexican Mafia, and Black Guerilla Family ushered in a new era of race relations—one that was characterized by unprecedented levels of violence, rivalry, and hatred.

RACE RELATIONS IN MEN'S PRISONS TODAY

The predatory and violent character of gang activity during the 1980s and 1990s changed the way most male prisoners do time. Inmates do "gang time," which demands intense loyalty to one's own group, a tolerance for and participation in taking advantage of weaker or unaffiliated inmates, a willingness to use violence—even murderous violence—to uphold the honor of both the individual and the gang. In many institutions, gang membership has become a prerequisite for survival. And, since most prison gangs are racially exclusive, racial identity and gang affiliation are conflated in prison culture. Racial disputes can quickly become gang disputes, and gang disputes are frequently racialized.

The current era in men's prisons is marked by a renewed emphasis on security, surveillance, and isolation. Maximum-security and supermax facilities have restricted inmates' access to one another and to correctional staff—many inmates in these facilities are on 23-hour lockdown in single cells. Meals and recreation time are spent alone. This has reduced gang violence, although racial hostilities and conflicts among inmates persist. A recent study of white, black, and Latino men incarcerated in Texas found that the majority of those surveyed regard race relations as a significant problem in the prison system.

RACE RELATIONS IN WOMEN'S PRISONS

Very little has been written about race relations in women's prisons. This may be due, in part, to the lack of overt racial conflict and incidence of violence in women's prisons. It is also the byproduct of scholarly neglect of women's experiences in prison more generally. Studies of pseudofamilies existing in women's prisons during the 1950s and 1960s suggest that romantic and fictive kin relationships were primarily, though not exclusively, intraracial. A study of the Bedford Hills Women's Correctional Facility during the 1970s reported that inmates socialized in the yard, cafeteria, and housing units in racially exclusive groups. Although interracial friendships and sexual relations were frequent, racial tensions were severe and persistent enough to inhibit the formation of multiethnic, multiracial coalition groups. Verbal and physical altercations were frequent between Latina and African American inmates—so much so that Latinas began to subdivide along color lines and were further fragmented by nationality, class, and language. A 1983 survey of women inmates in Minnesota found that while black and Native American inmates regarded the prison environment as racially discriminatory and unsafe, they nonetheless had friendships that crossed racial/ethnic boundaries. Finally, a recent ethnography of women's experiences in a Delaware prison found that friendships are based primarily on pre-prison affiliations and alliances (McCorkle, 2003). These friendship groups reflect the racial composition of inmates' neighborhoods. In most cases, groups are not racially exclusive but have a preponderance of either white or African American inmates. Sexual relationships and romantic friendships, on the other hand, are frequently interracial. Despite these preliminary studies, it remains unclear what factors contribute to racial conflict in women's facilities or why women's facilities seem to have fewer racial problems than men's facilities.

CONCLUSION

Contrary to popular media accounts, racial conflict among inmates is not a new phenomenon. Rather,

its legacy has endured throughout the history of the American prison. To be sure, the nature of race relations and the structure of racial conflict have undergone remarkable changes. In the past, race relations among inmates were organized vertically. That is, prison staff created a social order that pitted the interests of inmates against one another and facilitated racial hatred and violence as a primary means to maintain control and preserve a racialized social order. Today, the vertical dimension of race relations exists in a much weaker form. The formal alliance between white officers and inmates was ended by the courts, and the alliance that remains is no longer able to dominate prison life the way it once had. Despite positive changes in the way prisons are run, racial conflict and violence remain. Such conflict has contributed to the rise of racially identified gangs and the emergence of supermax facilities. Both of these developments are unfortunate, since they impede opportunities for inmate reform and rehabilitation. In order to improve the situation, research is needed to better understand the inmate social order and the factors that aggravate or ameliorate racial division, tension, and conflict.

—Jill McCorkel

See also African American Prisoners; Convict Lease System; Gangs; Hispanic/Latino(a) Prisoners; Native American Prisoners; Prison Culture; Racism; Trustee; Violence; Women's Prisons

Further Reading

Carroll, L. (1974). *Hacks, blacks, and cons: Race relations in a maximum-security prison.* Prospect Heights, IL: Waveland.

Diaz-Cotto, J. (1996). *Gender, ethnicity, and the state: Latina and Latino prison politics.* Albany: State University of New York Press.

Greer, K. (2000). The changing nature of interpersonal relationships in a women's prison. *The Prison Journal, 80,* 442–468.

Hemmens, C., & Marquart, J. (1999). The impact of inmate characteristics on perceptions of race relations in prison. *International Journal of Offender Therapy and Comparative Criminology, 43,* 230–247.

Henderson, M., Cullen, F., Carroll, L.,& Feinberg, W. (2000). Race, rights, and order in prison. *The Prison Journal, 80,* 295–308.

Irwin, J. (1980). *Prisons in turmoil*. Boston: Little, Brown.

Kruttschnitt, C. (1983). Race relations and the female inmate. *Crime and Delinquency, 29,* 577–590.

Marquart, J., & Crouch, B. (1985). Judicial reform and prisoner control. *Law and Society Review*, *19,* 557–586.

McCorkle, J. (2003). Embodied surveillance and the gendering of punishment. *Journal of Contemporary Ethnography*, *32*(1), 41–76.

Meachum, L. (2000). Prisons: Breeding grounds for hate? *Corrections Today, 62,* 130–132.

Ross, L., & Hawkins, D. (1995). Legal and historical views on racial biases in prison. *Corrections Today, 57,* 192–196.

Sellin, T. (1976). *Slavery and the penal system*. New York: Elsevier.

Silberman, M. (1995). *A world of violence*. Belmont, CA: Wadsworth.

Wright, E. O. (1973). *The politics of punishment*. New York: Harper & Row.

RACISM

Throughout U.S. history, people of color have been arrested, charged, convicted, and incarcerated at far higher rates than the general population. Racial disparities in the use of imprisonment as a means of social control took root in the North in response to the abolition of slavery and in the South in response to emancipation. Racism in prisons manifested itself not only in disproportionate rates of incarceration of people of color, but also in racial stratification within the prison world. Until the 1960s, nonwhites were barred from employment in many prison systems, and white inmates were treated as belonging to a superior caste inside prisons.

At the beginning of the 21st century, race continues to play a key role in prisons, where two-thirds of all inmates are people of color, yet two-thirds of their keepers are white. Inmate social structure is to a considerable extent defined by race, especially in men's prisons, where raced-based groups vie for power. Prisons, in turn, play an important role in racial dynamics in the nation as a whole. They provide fertile grounds for the inculcation and eventual exportation of racist ideologies among both inmates and employees. Furthermore, by locating hundreds of new prisons in rural areas, the prison boom of the late 20th century has helped bring about the depopulation of young black men from urban areas and a concomitant revitalization of white rural

economies. This forced migration, combined with disenfranchisement of inmates, creates an advantage for rural areas at the expense of urban areas in allocation of federal funds and electoral power.

PRISONS AND ABOLITION IN THE NORTH

Overrepresentation of people of color, especially women of color, has been a defining feature of U.S. prisons at least since the birth of the modern penitentiary in the late 18th century. In 1790, Walnut Street Jail was transformed from Philadelphia's city jail into what is generally considered to be the first state prison. Ten years earlier, the Pennsylvania legislature had passed *An Act for the Gradual Abolition of Slavery*, the first such enactment in the nation. Even though Philadelphia was home to a vibrant free black community, the largest at that time in the country, many white Philadelphians continued to view their fellow citizens of African descent as inferiors.

Blacks constituted less than 3% of the population in Pennsylvania, and never more than 6% of the population in Philadelphia throughout the 45 years that Walnut Street served as a state prison. Yet, as abolition progressed in the state, their proportion of the prison population rose steadily from 15% to nearly 50% (reaching 70% among female inmates) by the time Walnut Street was closed in 1835. (See Figures 1 and 2.)

Eastern State Penitentiary, a successor to Walnut Street Jail, was perhaps the most important of all early prisons in the United States. One observer at the time reported that the first inmate admitted to the prison was a "light skinned Negro . . . born of a degraded and depressed race" (quoted in Mauer, 1999, p. 3). Not only was the first male inmate admitted to the prison black, but so were all four of the first women. During the 19th century, the inmate population at Eastern State Penitentiary ranged between 20% and 50% black. The keepers, meanwhile, remained entirely white. Throughout the North, prisons and abolition advanced in step during the early years of the republic.

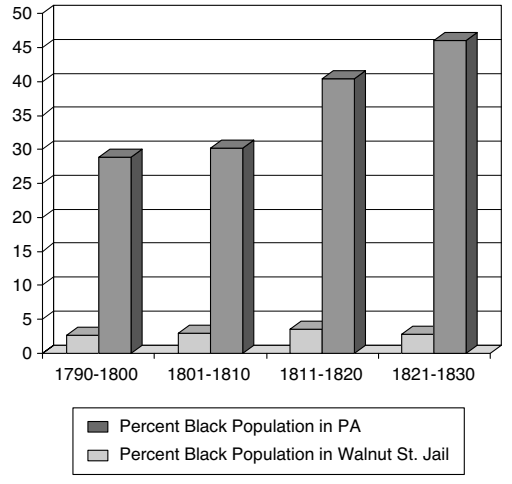

Figure 1 *Percentage of blacks in Pennsylvania and in Walnut Street Jail, 1790–1830*

Source: Adapted from Patrick-Stamp (1989).

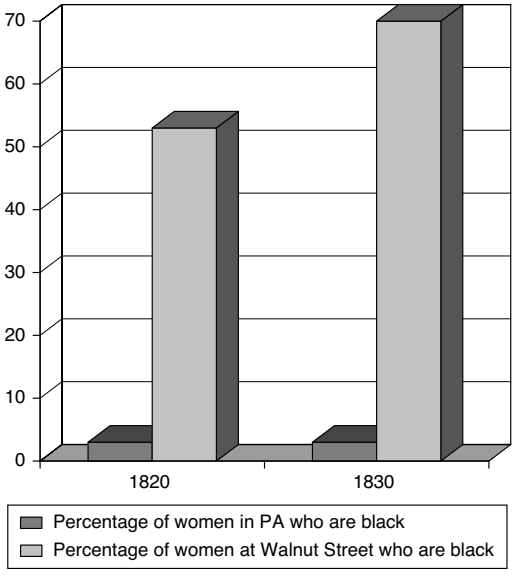

Figure 2 *Percentage of black women out of all women in Pennsylvania and at Walnut Street Jail, 1820, 1830*

Source: Adapted from Patrick-Stamp (1989).

PRISONS AND EMANCIPATION IN THE SOUTH

In the South, prisons barely existed at all prior to the Civil War. Florida, South Carolina, and North

Carolina had none. Other Southern states built prisons on a much more modest scale than the North. Georgia, for example, had only 43 prisoners in 1850, all of them white; whereas Massachusetts, with a comparable population, had 1,236 prisoners. The slave master, not the prison warden, was the primary instrument of social control in the South.

After the war and emancipation, Southern states enacted "Black Codes" that made specific crimes applicable only to blacks. Almost overnight, Southern inmates changed from nearly all-white to nearly all-black as prisons became key institutions in the reimposition of white control. By 1899, for example, the prison population in Georgia had soared from 43 to 2,201 state inmates, of whom 1,953 were black and only 248 were white.

CONVICT LEASE AND PLANTATION PRISONS

In the decades after the Civil War, Southern states developed a new system of racial and social control that combined prisons and slavery. Convict lease was a system in which thousands of men, women and children, almost all of them black, were convicted of crimes (often petty or contrived) and then leased to white entrepreneurs who put them to work in plantations, mines, roads, and in other dangerous and debilitating occupations for which free white employees were considered unsuited.

The profits from convict leasing were phenomenal. Unlike slaves, convicts represented no capital investment. As one satisfied employer put it,

> Before the war we owned the Negroes. If a man had a good nigger, he could afford to take care of him; if he was sick get a doctor. . . . But these convicts, we don't own 'em. One dies, get another. (Cable, quoted in Oshinsky, 1996, p. 55)

The annual mortality rates for convicts—males and females, adults and children—were shockingly high. In the late 1800s, Mississippi averaged 14% inmate mortality per year. In 1870, Alabama reported that 40% of all its convicts died. The average life span of an inmate in Texas was seven years. For those sentenced to work on the North Carolina Railroad, it was one or two years. Forced labor in the hellish turpentine camps of North Florida was worse than a death sentence. Bank presidents and cattle barons, cotton planters and politicians, men like Nathan Bedford Forest, first Grand Wizard of the Ku Klux Klan, made fortunes off the lease of inmates, nearly all of whom were former slaves or descendents of slaves.

When even the Southern establishment could no longer endure the excesses of convict lease, the plantation prison was born. This type of prison differed little from the slave plantation except that, as with convict lease, the life of the prisoner, unlike that of the slave, represented no capital expenditure and thus was worthless. Harsh conditions for black prisoners on some of the great plantation prisons in the 20th century, places such as Parchman and Angola, have been immortalized in film and song.

SEGREGATED PRISONS IN THE NORTH

Meanwhile, in the North, people of color continued to be incarcerated in disproportionate numbers, in prisons that were formally segregated, with guards and administrators who were almost all white, under conditions that were openly racist. Most Northern prisons remained segregated in law and in practice until well into the 1960s. At the time of New York's Attica uprising in 1971, for example, black and white inmates were still required to drink from separate buckets, go to separate barbers, and play on separate ball teams, all under the control of an entirely white officer corps. Indeed, most prison systems, North and South, barred people of color from prison employment until the mid- or late 1960s. In 1969, when nearly half of all inmates in the United States were people of color, more than 95% of officers in adult prisons were white.

POST-CIVIL RIGHTS ERA

The incarceration rate in the United States, which had remained fairly stable for the first seven

decades of the 20th century, abruptly and rapidly increased in the post-civil rights era. Fueled by widely disparate treatment of drug users based on race, incarceration rates for black and Hispanic Americans soared. By 1995, non-Hispanic black adults were nine times more likely to be in prison than non-Hispanic white adults, while Hispanic adults were four times more likely to be in prison than non-Hispanic whites. By the end of the century, 13.1% of all black men in their late twenties and 4.1% of Hispanic men were in prison or jail, compared to only 1.7% of white men of the same age. The U.S. Department of Justice estimated that an astonishing 1 of every 4 black males and 1 of every 6 Hispanic males would go to prison in their lifetimes compared to only 1 in 23 white males. In some inner-city areas, half of all young black males were behind bars or on probation or parole, profoundly influencing the economic and social structures of their home communities.

In order to house more than a million new inmates, state and federal governments rushed to build hundreds of new prisons across the nation. The prison boom came at time of faltering rural economies in the United States. Attracted by the prospect of thousands of secure government jobs, with health benefits and retirement (a rarity in agricultural areas), rural communities lobbied aggressively for each new prison. As a result, many new prisons were built in areas where the potential workforce was virtually all white at the same time that the number of nonwhite inmates was reaching historic highs nationally.

RACE RELATIONS WITHIN PRISONS

Race has always played a central role in the social organization of the prison community, structuring relations among inmates and between inmates and officers. De jure racial segregation among inmates has been replaced in many prisons by de facto segregation imposed by race-based gangs. White supremacist inmate groups like the Aryan Brotherhood, and their counterparts among black and Hispanic inmates, often wield enormous influence within the prison world. Such groups offer protection for inmates willing to swear allegiance to racist and violent gang codes. Racist groups outside of prisons, in turn, have come to view prisons as fertile recruiting grounds for new members.

In addition to racial polarization among inmates, rural prisons in many states have experienced problems with white supremacist activity among employees. Prisons in which inmates are mostly urban men of color while the officer corps and surrounding communities are almost entirely white and rural appear to be especially susceptible to the development of racial stereotyping and antagonism on the part of employees and inmates.

The cumulative impact on race relations nationally of immersing millions of inmates and employees in the racially polarized prison world has not been systematically studied, although it may become of increasing interest as hundreds of thousands of inmates incarcerated during the prison boom are released back into society.

PRISONS AND THE DISTRIBUTION OF ELECTORAL POWER

A more subtle impact of the prison boom has been a shift of electoral power from urban black and Hispanic communities to rural white communities. Inmates in 48 states are not permitted to vote, yet for purposes of legislative districting, they are counted as residents of the prisons in which they are incarcerated. As hundreds of thousands of inmates of color were forcibly transplanted from urban communities to rural prisons in the latter part of the 20th century, surrounding communities saw their official population figures rise, while the number of eligible voters remained static or declined. In Florence, Arizona, for example, 13,600 of the town's 17,000 official residents are incarcerated and cannot vote. Nonvoting inmates constitute substantial proportions of many rural legislative districts, such as Connecticut's 59th General Assembly district, where 13% of the population is behind bars. The practice of counting large numbers of disenfranchised people of color as residents (albeit involuntary) of rural white communities where they

are incarcerated, thus augmenting the political representation of those communities, recalls the earlier practice in the United States of counting three-fifths of all slaves toward the electoral base of their white masters.

Prisons also inflate census figures for the number of people of color living in rural communities, and deflate average adult incomes in those communities. Both sets of figures help redirect federal and state money from the home communities of inmates, which are disproportionately black and urban, to prison host communities, which are disproportionately white and rural.

CONCLUSION

Three great eras in civil rights in the United States—abolition in the North, emancipation in the South, and the civil rights movement of the 1960s—have all been followed by dramatic expansions in the use of prisons. In each case, prisons have undermined the advances made in the political, social, and economic status of people of color, especially African Americans.

In 1970, fewer than 100,000 nonwhites were in prison in the United States. The civil rights movement had secured unprecedented protection under the nation's laws for all Americans, including universal voting rights for all citizens with only one exception: those convicted of a crime. Thirty years later, prison has become a rite of passage for people of color in America, especially black men. Mass incarceration has been accompanied by significant loss of voting and other civil rights and economic devastation for urban communities that export large numbers of inmates. As millions of people are cycled through the racially polarized world of prisons, racial antagonisms in the nation may be effected for years to come.

—Kelsey Kauffman

See also African American Prisoners; Angola Penitentiary; Aryan Brotherhood; Aryan Nations; Correctional Officers; Eastern State Penitentiary; Felon Disenfranchisement; Hispanic/Latino(a) Prisoners; History of Correctional Officers; George Jackson; Nation of Islam; Native American Prisoners; Parchman Farm; Race, Class, and Gender of Prisoners; Racial Conflict Among Prisoners; Walnut Street Jail

Further Reading

Lichtenstein, A. (1996). *Twice the work of free labor: The political economy of convict labor in the New South*. New York: Verso.

Mauer, M. (1999). *Race to incarcerate.* New York: New Press.

Mauer, M., & Chesney-Lind, M. (2002). *Invisible punishment: The collateral consequences of mass imprisonment.* New York: New Press.

Oshinsky, D. M. (1996). *"Worse than slavery": Parchman Farm and the ordeal of Jim Crow justice.* New York: Free Press.

Patrick-Stamp, L. (1989). *Ideology and punishment: The crime of being black (Pennsylvania, 1639–1804).* Doctoral dissertation, University of California, Santa Cruz.

Patrick-Stamp, L. (1995). Numbers that are not new: African Americans in the country's first prison, 1790–1835. *The Pennsylvania Magazine of History and Biography, CXIS,* (1–2), 95–128.

Stinebrickner-Kauffman, T. (2004). Counting matters: Prison inmates, population bases, and "one person, one vote." *Virginia Journal of Social Policy and the Law, 11,* 229–240.

RAFTER, NICOLE HAHN (1939–)

Nicole Hahn Rafter, a professor of law, policy, and society at Northeastern University, is known most widely for her early work on the history of women's prisons. She has also written about gender roles in criminal justice, eugenics and criminality, the history of criminology, crime in the cinema, and criminal justice knowledge.

BIOGRAPHICAL DETAILS

Rafter did her undergraduate work at Oberlin College and at Swarthmore College, where she earned a bachelor's degree in 1962; a year later, she obtained a master's degree in teaching at Harvard University. In the mid-1970s, she enrolled in the School of Criminal Justice at the State University of New York, Albany, where, in 1978, she received her doctorate. Her dissertation on the defective delinquency movement in New York State (Rafter, 1978)

marked her entry into two general areas of research—women's prisons and eugenics—that would dominate her professional research and public service contributions throughout her career.

PARTIAL JUSTICE

Rafter's research on women's imprisonment documents the pre-reformatory developments of the early 1800s and extends through the 1980s. Rafter's major study, *Partial Justice*, published in 1985, chronicles the historical development of prisons for women in three states—New York, Ohio, and Tennessee—until 1935. In this book Rafter analyzes the role of gender and ethnicity in shaping women's treatment, neither of which had been addressed in prior studies of the history of prisons. In an appendix, she describes the expansion of women's prisons in all regions of the country between 1935 and 1980, while in a second edition of the book, published in 1990, she enlarges her coverage to include developments in the use of women's prisons through the 1980s.

According to Rafter, when separate women's prisons were originally built, they were meant to serve as alternative institutions. Over the years, however, they have come to represent a failure to find adequate alternatives to institutionalization.

Rafter described three stages of women's prison development. In the first stage, from 1790 to 1870, women were often incarcerated under conditions that resembled those of male prisoners. In the second period, between 1870 and 1935, women reformers developed new models of reformatory care for female offenders. As a result, institutions designed specially for women were built in Indiana, Massachusetts, and New York in the late 1800s. Between 1870 and 1935, 20 new women's reformatories were built in 18 states: In the Northeast, reformatories were built in Massachusetts (1877), New York (1887, 1893, 1901), New Jersey (1913), Maine (1916), Connecticut (1918), and Pennsylvania (1920). In the North Central region, reformatories started in Indiana (1873), Ohio (1916), Iowa (1918), Kansas (1918), Minnesota (1920), Nebraska (1920), Wisconsin (1921), and Illinois (1930). In the South, reformatories opened in Arkansas (1920), North Carolina (1929), and Virginia (1932), and in the West in California (1933). While these prisons seemed to focus on the women in custody, patterns of unequal and inferior treatment arose. This period also marked the end of the reformatory movement.

In the third stage, from 1935 to 1980, women's prisons were formally integrated into the larger systems of prisons across the country. New prison buildings for women were constructed in 20 states throughout the Midwest (Missouri and Michigan), the South (Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Oklahoma, South Carolina, Tennessee, Texas, and West Virginia), and the West (Arizona, Colorado, Nevada, New Mexico, Oregon, Washington, and Wyoming).

CONCLUSION

In December 1999, in a keynote address at the National Symposium on Women Offenders in Washington, Rafter argued that there should be fewer prisons for women in the future. Those that exist should be small and house mainly violent women. Property and public order offenses should no longer result in confinement, and more use should be made of alternatives to incarceration, such as community- or intensive-treatment programs. She also stated that female offenders should be offered rehabilitative services, since many public expenses could be saved through closing women's prisons and diverting or decarcerating drug-involved women. Optimistically, she concluded her talk by predicting that "we will be rehabilitating again, picking up where the first prison reformers started about 1820, and hopefully doing the job better this time around" (Rafter, 2000, p. 78).

—Russ Immarigeon

See also Alderson, Federal Prison Camp; Bedford Hills Correctional Facility; Meda Chesney-Lind; Cottage System; David Garland; History of Women's Prisons; Race, Class, and Gender of Prisoners; Slavery; Women Prisoners; Women's Prisons

Further Reading

Rafter, N. Hahn. (1978). *The defective delinquency movement: A history of the born criminal in New York State,*

1850–1966. Doctoral dissertation, State University of New York at Albany.

Rafter, N. Hahn. (1983). Prisons for women, 1790–1980. In M. Tonry & N. Morris (Eds.), *Crime and justice: An annual review* (Vol. 5, pp. 129–181). Chicago: University of Chicago Press.

Rafter, N. Hahn. (1985). *Partial justice: Women in state prisons, 1800–1935* (1st ed.). Boston: Northeastern University Press

Rafter, N. Hahn. (1990). *Partial justice: Women, prisons, and social control* (2nd ed., rev.). New Brunswick, NJ: Transaction.

Rafter, N. Hahn. (2000). Women's prison reform: Past, present, and future. *Women, Girls and Criminal Justice, 1*(5), 67–68, 78.

Rafter, N. Hahn, & Stanley, D. (1999). *Prisons in America: A reference handbook.* Santa Barbara, CA: ABC-CLIO.

RAGEN, JOSEPH E.

For 25 years (1936–1961), Joseph E. Ragen was warden of the Illinois State Penitentiary at Joliet. The penitentiary was a complex of two maximum-security prisons, Joliet and Stateville, and a 2,200-acre prison farm. These facilities were designed to house approximately 3,500 prisoners, but the population frequently exceeded 5,000. In the 25 years Ragen served as warden, there were no reported or acknowledged escapes from Stateville, no riots or major disturbances at any of the prisons, and few deaths.

While prison riots swept across the United States in the 1950s, Ragen's complex remained calm and its factories continued to produce millions of dollars per year in food and manufactured goods. The orderliness and productivity of his administration had an international reputation; Ragen was a frequent host to European corrections officials. He was also an autocratic ruler whose policies and practices drew criticism at the time of his administration and now, in our more democratic era, would not be tolerated.

BIOGRAPHY

Ragen was born in 1895 in rural Southern Illinois, and it is doubtful he ever finished high school. He was the son of a county sheriff and served in the Navy during World War I. After the war he returned home to work for his father as a deputy sheriff. In 1926, Ragen was elected sheriff. Four years later, he was elected county treasurer. In 1933, he was appointed as warden of the Southern Illinois Penitentiary at Menard.

Ragen held the Menard position for only three years (1933–1936), but during this time he earned a reputation as an effective administrator. He was also appointed as the Superintendent of Prisons for the State of Illinois. This position required him to conduct regular inspections of all the state prisons, and it allowed him to become familiar with the Joliet-Stateville complex. In 1936, after a series of escapes and disturbances at the complex, the governor forced the resignation of the warden and appointed Ragen to replace him.

AUTONOMY

Ragen had what modern wardens would consider an astonishing degree of autonomy in running the Joliet-Stateville complex. He hired and fired at will and made all the rules. No one (including newspaper reporters he considered unfriendly to his regime) entered the complex without his approval, inmates were forbidden to form clubs or associations, all of the inmates' mail was carefully censored, and for many years inmates were forbidden to write or send writs to the courts. This type of control was possible largely because there was no strong, central prison authority in the state, no unions, and the federal courts at the time had little interest in prison conditions.

By carefully cultivating political relationships and providing lavish meals at his Stateville warden's residence, Ragen also ensured that legislators would not exercise their political or oversight authority. He had a similar relationship with all six governors under whom he served; there would be no interference in any of his management or personnel decisions. At the time the Illinois civil service had an elaborate patronage system, in which correctional officers obtained and kept their jobs through political connections. The one time a governor tried to exercise his authority, Ragen and his fiercely loyal key staff resigned. Within six months

there were serious problems at the prison. Under pressure from the press and legislators, the governor conceded and Ragen returned.

During most of Ragen's tenure, prison officers had remarkably low salaries and worked six days a week. Turnover rates were high, but Ragen maintained an active recruiting campaign focused mainly on the hiring of uneducated, rural, Southern Illinois white men. As the percentage of urban, African American prisoners rose, tensions between officers and inmates grew. By the time Ragen retired, a volatile situation had developed, as a result of strained race relations, that subsequent wardens had problems managing.

ORDER

Ragen was a strict disciplinarian with what some might consider an obsessive preoccupation with cleanliness and order. After a tour of Joliet and Stateville, one of his favorite reporters (Gladys Erickson) wrote, "Neatness and order around the twin prisons seems to have gone beyond the natural, to have become a fetish" (1957, p. 235). Foreign visitors marveled at the punctuality and precision of large inmate movements. Among award-winning, formal gardens, thousands of inmates marched in tight formation. They did so on a schedule that some claimed was so precise one could set a watch by it.

Ragen believed that the safety and security of any prison depended on discipline, cleanliness, and order. He personally inspected all aspects of the prison by regularly touring the 64 acres inside the Stateville walls, the Joliet prison, and the prison farm. Ragen walked miles every day; there were few details that escaped his attention.

Inmate disciplinary action in the Ragen era was not limited to the relatively short stays in segregation that characterize prisons today, yet nor did he have the luxury of being able to send unruly inmates off to a supermax (i.e., total lockdown) prison. Instead, he could place individuals on disciplinary segregation for years at a time. There are also allegations that Ragen allowed officers to beat inmates who in any way threatened discipline or order.

PRODUCTIVITY

One of Ragen's cardinal rules was that all inmates must work. In the early days of his administration, they did so by cleaning up the three prisons, planting flower and vegetable gardens, and hauling coal. However, there was still not enough work to keep all inmates employed. This may have been an important reason why Ragen became a pioneer in establishing large correctional industries. By the mid-1950s, the cannery Ragen built had an annual production rate of more than 300,000 gallons of fruit and vegetables. Other productive industries he established included a textile mill, furniture factory, sheet metal plant, and clothing factory.

CONCLUSION

Ragen was an autocratic prison warden who earned an international reputation for running clean, orderly, and productive prisons. He ruled with an iron hand in an era that did not provide staff or inmates legal protection. Many other wardens at the time had almost as much autonomy, but they did not accomplish as much, nor did they leave such a remarkable legacy. Modern prison wardens are, and should be, constrained by laws that protect staff and inmates, but there are still some lessons they could learn by studying the history of Ragen's administration. Inmate idleness ought to be recognized and dealt with as a threat to institutional safety and order. Likewise, by walking around and having a good grasp on the minor details of prison life, management may do a better job. And finally, the difficulties later wardens had in establishing order at Stateville-Joliet indicates the importance of attention and respect for populist efforts to build humane, democratic penal institutions.

—Agnes Baro

See also Correctional Officers; John DiIulio, Jr.; Governance; Hard Labor; Labor; Managerialism; Panopticon; Racial Conflict Among Prisoners; Stateville

Further Reading

Erickson, G. A. (1957). *Warden Ragen of Joliet*. New York: Dutton.

Jacobs, J. B. (1977). *Stateville: The penitentiary in mass society*. Chicago: University of Chicago Press.
Ragen, J. E., & Finston, C. (1962). *Inside the world's toughest prison*. Springfield, IL: Charles C. Thomas.

RAPE

Many criminologists argue that prison rape and sexual coercion are "central defining characteristics of the prison experience" (Hensley, 2001, p. 62), although the exact number of sexual assaults of inmates in prison is unknown. In men's prisons, assaults tend to be perpetrated by prisoners against one another as part of establishing "inter-male dominance hierarchies" (Sabo, Kupers, & London, 2001, p. 11). In women's prisons, most sexual assaults occur when (male) staff abuse female inmates. In male and female institutions, rape is underreported and denied for many of the same reasons as it is outside of prison: guilt, shame, and fear of retaliation. It may also be underreported if it was thought to be deserved or to be, in fact, consensual sex.

Prisoner subculture dictates that aggressive penetrative activity is *not* homosexual, while receptive-penetrated activity is considered as such. While in prison, "the guys are not as concerned about whom you are in bed with so much as who is in charge, that is, who is doing the [expletive], the penetrating, who is the Man, who is 'normal'" (Tucker, 1981). The phrase "homosexual rape" is thus misleading, since the overwhelming majority of prisoner rape victims and perpetrators are heterosexual and resume heterosexual behavior when they are released from incarceration.

STATISTICS AND LIMITATIONS

It is difficult to estimate the number of prison rapes for many reasons. First, the Federal Bureau of Investigations' *Uniform Crime Report* does not include crimes committed in a correctional context. It also defines rape as necessarily involving a female victim. About half the states do not collect statistics on prison rape, and the remaining numbers involve substantial undercounts even of violent rape because staff do not record occurrences adequately. Estimates based on a compilation of previously published surveys suggest some 80,000 unwanted sexual acts take place behind bars in the United States every day, with a total of 364,000 prisoners raped every year. This includes approximately 196,000 adult males raped in prisons, 123,000 adult males raped in jails, 40,000 boys raped in juvenile and adult facilities, and 5,000 women raped in prisons (Donaldson, 1995; Stop Prison Rape, 2001a). Other research concludes the number of men raped behind bars is 20% to 30%, with a high number of repeat victimizations (at the extreme involving 50–100 incidents per victim) and a significant number (up to 80%) of incidents involving multiple perpetrators or groups.

Most statistics include only forcible rape and exclude or undercount sexual coercion. Although such conduct is frequently seen as consensual, "survival-driven" sexual activity is based on the calculation that it is better to submit to one person's sexual demands in exchange for protection than to be vulnerable to rape from varied perpetrators. In women's prisons, sex between prisoners and guards is typically viewed as consensual even though structural power differences between keeper and captive create an inherently coercive setting.

GETTING "TURNED OUT" AND "HOOKING UP"

Frequently, young men entering a correctional setting will be tested to see whether they are capable of maintaining their "manhood" and thus avoid being penetrated and turned into a "woman." Getting "turned out"—or coerced into sexual activity—is an extremely degrading and humiliating experience that causes physical injuries and psychological problems. It may also result in HIV transmission. Many men never tell anyone about their abuse, preferring to suffer in silence than expose their pain.

One strategy some men use to avoid sexual victimization is to "hook up" with another inmate. In exchange for sexual favors, "Punks" will often pair off with a "Man" or predatory "Wolf" for protection from gang rapes or repeated threats of rape.

An individual may enter into such a relationship to end harassment, to maintain addictions to nicotine or drugs, to secure materials such as soap or food, or to pay for services from jailhouse lawyers. If a Punk is hooked up with a Man, then his chances of being attacked are greatly reduced. Inmates who tire of fighting may hook up with a stronger inmate and exchange sex for protection. The resulting relationships do not reflect consensual homosexuality as much as survival-driven behavior, resulting in a situation where the Punk may be "loaned" out or even traded for contraband items, to pay debts, or as favors to friends. The Punk is often sexually enslaved and sometimes forced into prostitution.

Men who wish to avoid being turned out or who desire to undo its effect must often use violence. Sometimes, they must even take on the characteristics of the perpetrator themselves. One Texas inmate explained,

> It's fixed where if you're raped, the only way you [can stop the abuse is if] you rape someone else. Yes I know that's fully screwed, but that's how your head is twisted. After it's over you may be disgusted with yourself, but you realize you're not powerless and that you can deliver as well as receive pain. Then it's up to you to decide whether you enjoy it or not. (Human Rights Watch, 2001)

PUNKS AND QUEENS

When an inmate is assaulted he is usually labeled as a Punk, who is understood to be weak and unmasculine. Punks tend to be younger, smaller, and less experienced in personal combat or confinement situations than the average prisoner; they also tend to have been arrested for nonviolent or victimless offenses, to be middle class and belong to ethnic groups that are in the minority in the institution.

From a sociological perspective, rape functions as a violent rite of passage to convert "men" into Punks, to create hierarchies of power and control, to meet part of the demand for sexual partners, and to establish claims to masculinity. The number of Punks tends to rise with the security level of the institution:

> In a minimum-security prison, rape is uncommon because few "men" want to assume the risks involved and the separation from females tends to be short or release imminent; in a maximum-security prison rape is far more prevalent because the prisoners are more violent to begin with, are more willing to take the risks involved, and feel a more intense need for sexual partners. (Donaldson, 1993)

Gresham Sykes (1958) noted that one of the pains of imprisonment was a deprivation of heterosexual contact. In this situation, men have to define "manhood" without women and do so by emphasizing the worst aspects of the male gender role—aggression, domination, emotional coldness. The victims are symbolically transformed into women and even take on the "womanly" functions of the relationship. Punks will often do household chores that mimic those of the traditional female such as laundry, making the bunk, making coffee, or cleaning the cell. The Punks are often forced into roles that range from nurturing wife to that of overworked "whore."

Unlike the Punks who are forced into "womanly" roles, the Queens are effeminate homosexuals whose sexual behavior behind bars is not markedly different from their patterns "on the street." Sexually they are strictly receptive (penetrated) and are generally as feminine in appearance and dress as the prison administration allows. Most prisons and jails house Queens in protective custody or segregation to help protect them from sexual assaults. Their separation from the general population is also viewed as a means of preventing consensual sex between willing partners, since most institutions have specific rules prohibiting sexual contact between inmates. Some believe that the removal of the Queens from the general population increases the frequency of rape among the remaining population. The Queens also suffer sexual assault, but can potentially use their sexual powers and feminine "charms" to play stronger inmates off one another to find the least exploitative relationship among the limited available options.

EFFECTS OF RAPE

Long after their bodies have healed, rape victims remain traumatized, shamed, and stigmatized. The psychological effects of prison rape can last a lifetime and often lead to substance abuse, domestic

violence, antisocial behavior, and much worse. When a man is raped he will most often feel vulnerable, powerless, and angry. Like other rape victims, men will feel shame, humiliation, self-worthlessness, or self-contempt. They may blame themselves for what happened. Men may also believe that others are questioning their sexual identity. In the aftermath of a rape, the male victim may endure nightmares and sleep disturbances and be unable to concentrate. A male rape survivor may also subscribe to the unfounded belief that his sexual orientation has been compromised or even transformed by this involuntary experience, which can serve as a catalyst for suicidal behavior. Indeed, sexual assault is a leading cause of suicide in confinement where suicide is the leading cause of death. Suicidal impulses are so common among men who have recently experienced their first or second rape that any such victim should be presumed suicidal until a mental health professional determines that this is not the case.

Prison rape can potentially turn nonviolent offenders into individuals with a high propensity for violence:

> The suppressed rage resurfaces and may be accompanied by violent behavior, obsession with vengeance or with the rape experience itself, belligerence towards all holders of power (including institutional staff), disturbing sexual fantasies, phobias, substance abuse . . . and aggressive assertion of masculinity, including the commission of rape on others. (Donaldson, 2001, pp. 7–8)

One inmate commented, "When I came out of prison, I remember thinking that others knew I had been raped just by looking at me. My behavior changed to such cold heartedness that I resented anyone who found reason to smile, to laugh, and to be happy" (Human Rights Watch, 2001). Some victims perpetuate the vicious cycle by becoming rapists themselves in a misguided attempt to "regain their manhood" in the same manner in which they believe it was "lost."

Other important effects include the possibility that rape will result in a sexually transmitted disease or AIDS. The prison infection rate of HIV is six times higher than the national average, so sexual contact carries a much higher risk of AIDS. Even if the prisoner does not contract AIDS, "the fact that any rape may be a death sentence plays up the major psychological terror involved in rape" (Lehrer, 2001, p. 1).

WOMEN'S PRISONS

Most of the sexual assault and abuse of female prisoners is sadly at the hands of officers, who have been hired to maintain a safe and rule-abiding environment. Abuse takes the form not only of direct assault but also manipulation and coercion into sexual activities based on promises of goods or services, or the threat of losing privileges, not seeing their children, unfavorable work assignments, or a transfer to a higher-security facility. Related concerns include male guards fondling female inmates during frisks and pat-downs, as well as observing them in the shower and while using the bathroom—all of which are especially acute problems given the high number of female inmates who have experienced previous sexual abuse.

While some sexual contact may appear to be consensual, even initiated by the inmates, it takes place in the context of power difference between guard and inmate. Indeed, Sykes (1958) notes that a pain of imprisonment is a deprivation of autonomy, which reduces the inmate to a dependent, childlike status. Thus, Amnesty International (1999) notes, "Sexual relations between staff and inmates are inherently abusive of the inmates and can never be truly consensual, even if initiated by inmates, simply because of the considerable difference in power between the parties."

JUVENILE FACILITIES

"Stop Prisoner Rape" claims that the rate of sexual abuse of inmates in juvenile facilities is higher than in adult facilities, with much of the abuse at the hands of the staff. It is in these facilities, or "gladiator schools," where the impressionable young boys come to view rape and sexual assault as the "way of life behind bars." This is often where young boys learn to prove their "manhood" or have it "taken"

from them. It can be said that the problem of rape in correctional settings begins here.

CONCLUSION

The general public has a "radical lack of concern" for prison conditions (Sabo et al., 2001, p. 135), including rape. Indeed, typically prison rape is the subject of jokes about picking up soap in the shower or titillating movies about the pent-up sexuality of female captives. At least some prison guards and administrators ignore inmate rape, while one sample of Texas correctional officers found 46% who believed that some inmates deserved to be raped (Hensley, 2001, p. 58). In some extreme cases, rape can become a "management tool" to punish prisoners who step out of line, break a potentially strong inmate leader, coerce prisoners or crime suspects, create snitches, silence dissidents, and divide inmates "into perpetrators and victims, thus diminishing the likelihood of united resistance" (Sabo et al., 2001, p. 12). For example, some officers in Corcoran State Prison in California notoriously used as an informant the "Booty Bandit," an inmate who was a psychopath and a serial rapist. He was the guards' resident enforcer, who told corrections investigators that any time supervisors needed an inmate to be "checked," they could call on him. Depending on his mood, he said, he would either rape or beat them. He got extra food and tennis shoes in return.

At a time when the prevailing rhetoric is "tough on crime," many people do not see a problem with sexual violence or anything else that makes prison a worse place to be; they feel that rape is either deserved or helps to create less comfortable prisons to which criminals will not want to return. However, rape is a violation of human rights (Human Rights Watch, 1996, 2001). In prison it occurs disproportionately to people who have committed the least serious crimes. The feelings of rage and inadequacy experienced by rape victims is likely to outweigh the modest rehabilitative potential of prison and may even return people to the free world who are more likely to engage in violence.

—Paul Leighton and Jennifer Roy

See also Deprivations; Stephen Donaldson; Sex—Consensual; Sexual Relations With Staff; Stop Prisoner Rape; Violence; Women's Prisons

Further Reading

Amnesty International. (1999). "Not part of my sentence": Violations of the Human Rights of Women in Custody. Retrieved from http://www.web.amnesty.org/ai.nsf/index/AMR510011999

Donaldson, S. (1993). *A million jockers, punks, and queens: Sex among American male prisoners and its implications for concepts of sexual orientation*. Retrieved from http://www.spr.org/docs/prison-sex-lecture.html

Donaldson, S. (1995). *Rape of incarcerated Americans: A preliminary statistical look*. Retrieved from http://www.spr.org/docs/stats.html

Donaldson, S. (2001). *Rape trauma syndrome in male prisoners*. Retrieved from http://www.igc.apc.org/spr/docs/rts.html

Hensley, C. (Ed.). (2001). *Prison sex.* Boulder, CO: Lynne Reinner.

Human Rights Watch. (1996). *All too familiar: Sexual abuse of women in U.S. state prisons.* Retrieved from http://www.hrw.org/summaries/s.us96d.html

Human Rights Watch. (1998). *Nowhere to hide: Retaliation against women in Michigan state prisons.* Retrieved from http://www.hrw.org/reports98/women/

Human Rights Watch. (2001). *No escape: Male rape in U.S. prisons.* Retrieved from http://www.hrw.org/reports/2001/prison/

Lehrer, E. (2001). Hell behind bars: The crime that dare not speak its name. *National Review,* February 2.

Lewin, T. (2001). Little sympathy or remedy for inmates who are raped." *New York Times,* April 15, p. A1.

Sabo, D., Kupers, T., & London, W. (Eds.). (2001). *Prison masculinities*. Philadelphia: Temple University Press.

Stop Prisoner Rape Inc. (2001a). *Documents*. Retrieved from http://www.spr.org/sections/about.html

Stop Prisoner Rape Inc. (2001b). *What is "Stop Prisoner Rape"?* Retrieved from http://www.spr.org/docs/whatis. html

Sykes, G. (1958). *Society of captives*. Princeton: Princeton University Press.

Tucker, D. (1981). *A punk's song: View from the inside*. Retrieved from http://www.spr.org/

RECIDIVISM

Recidivism refers to the return of an offender to criminal behavior following conviction, diversion, or punishment. The reasons that people reoffend vary. The degree to which any particular factor may

cause someone to commit another crime is unclear, but the following list comprises seven general theories about why offenders return to criminal practices.

WHAT CAUSES RECIDIVISM?

1. Incorrigibility

Proponents of this view suggest that offenders are beyond reform, and as such, most sanctions, particularly less onerous ones, will not deter them from future offending. Many politicians subscribe to this philosophy and campaign on justice platforms that are aimed to "get tough on crime." They argue that offenders make a rational choice to commit crimes and will reoffend if they are not punished severely enough.

2. Failure of the Sanction

Others believe that individuals will commit further crimes if their original punishment was inappropriate and did not act as a deterrent. Sentences may be too lenient and fail to make people recognize their wrongdoing. They may also be too harsh, which can cause offenders to disassociate from societal norms and react criminally. Some sanctions may not be an appropriate match for the type of offense or offender, such as a long term of imprisonment for a first-time, minor offender instead of an alternative measure.

3. Failure of Support in Reintegration

Offenders, particularly those who have served lengthy sentences in prison, may have difficulty reacclimating themselves upon release. With technological advances, shifts in public policy or ideals, political changes, and so on, the outside world may be significantly different from the one they previously knew. If offenders cannot adjust to the new norms of an ever-changing society, they may engage in illegal practices in an attempt to satisfy their needs. Recidivism then, is provoked not by the offender nor by the sentence imposed, but rather by the difficulties an individual has reintegrating into society, and the ineffectiveness of support mechanisms that are available to him or her.

4. Failure of Programs

A program, whether in a prison or as part of parole or probation, will only be effective if offenders participate in it fully. Without a commitment to the goals of the program, people may reoffend. For example, if an individual convicted of drinking and driving is sentenced to a 12-step program as a condition of parole, this program can only aid in reducing recidivism if he or she is a willing participant. Similarly, if a program is not effective in meeting the needs of offenders, then it may not prevent reoffending. Using the same example, if the same 12-step program is poorly run or is understaffed and underfunded, it may cause recidivism.

5. Peer Pressure and Other Social Provocations

Even if offenders are given appropriate sanctions, are willing to change their behavior, and are active in a sound rehabilitative program, they may still return to criminal activity due to outside social influences such as peer pressure. For example, even if a young offender is placed in a drug rehabilitation program and wants to remain drug free, he or she may still reengage in drug use if pressured to by friends. In this case recidivism is directly related to social stimulus outside the control of the criminal justice system.

6. Economic Stress

A traditional goal of North American culture is to obtain economic wealth and stability. Proponents of this perspective would suggest that people will use illegitimate means to attain goals when they are denied legitimate ways of achieving them. If offenders are unable to support themselves upon release, or if they feel pressured by their low socioeconomic status, they may reengage in illegal behavior. As such, recidivism occurs, not as a consequence of a failed program rehabilitation program or because an individual does not recognize his or her wrongdoing, but because of the offender's failure to meet economic goals within a broader capitalist system.

7. Mental Health

Finally, some believe that the mental health of an offender can be one of the most important predictors of recidivism. The mentally ill may not respond to any punishment, including imprisonment, rehabilitative programs, or any other measure taken in response to their crime. As such, their tendency to reoffend may continue until their mental health problems are addressed.

MEASURING RECIDIVISM

Perhaps the most controversial issue related to recidivism is the difficulty of measuring its existence. The estimates of recidivism rates vary considerably. In the United States and Canada, for example, recidivism has been estimated at anywhere from 40% to 80%. What accounts for these different rates?

One factor is the form of measurement used. In modern studies, three techniques are regularly employed. First, criminologists examine rearrest figures. This strategy allows relatively easy access for the collection of information (through detailed police and Federal Bureau of Investigation records). The data also often include previous offender records of arrest and conviction, and an arrest often results in conviction and imposition of a new sentence. However, while this measurement does have advantages, some suggest that it is not a true measure of recidivism. People who are arrested are not necessarily convicted or even indicted. Accordingly, inconsistencies may arise, especially with small-scale studies. These inconsistencies may account for disproportionate or inaccurate recidivism figures.

A second approach taken by scholars is to examine reconviction rates. This measure has the advantage of being a direct measurement of recidivism whereby a formal determination of guilt is made by a court. Moreover, state and federal data are readily available for researchers to study, and reconviction often results in an offender making a guilty plea, thereby reaffirming a pattern of recidivism. However, this measure also has its limitations. In order for a finding of guilt to occur in a trial, a specific burden of proof must be reached. While this legal requirement is an important safeguard of due process and justice, it sometimes results in inaccurate recidivism rates. In other words, an absence of a finding of guilt does not necessarily mean that an arrested individual did not commit a crime. The burden of proof simply may not have been met. Accordingly, recidivism based on reconviction may not accurately represent the actual rate of reoffending.

A final measure of recidivism is that of resentence to prison. This piece of data relies on state and federal corrections to provide data on incarcerated offenders. Recidivism, in this method, is based on how many people who are currently incarcerated have previously been convicted of other crimes. This measurement has the distinct advantage of being extremely detailed, with data available on the arrest, the conviction, the length of sentence, the previous sentence, as well as an assessment of the effectiveness of previous sanctions on recidivism. However, this measure also only reveals recidivism in cases where there is a period of incarceration. Because many convictions result in alternatives to incarceration, this method will also underestimate the reoffending rates.

TRENDS

Despite the widely divergent recidivism figures that different studies have provided, some trends have almost uniformly been concluded:

- In the majority of cases, recidivism occurs within the first year of release, and nearly all recidivism occurs within three years of release or completion of sentence.

- Property offenses are the most common recidivism offenses. More than three-quarters of property offenders have previously been convicted of a property crime. Drug offenses, breaking and entering, and common assault are also frequently recurrent.

- Violent criminals are least likely to recidivate. Fewer than half of people convicted of homicide, sexual assault, and rape are convicted of another crime after their release from prison.

- Age is an important factor in reoffending rates. The earlier an offender is punished, the more

likely he or she is to recidivate. As a result, young offenders are also the most frequent recidivists.

- Men are more likely to reoffend than women in nearly every criminal category of offense, even when initial male-dominated offending patterns are taken into account.
- While recidivism for the same offense is common for certain types of crime (e.g., prostitution), recidivism can often occur with a different type of offense.
- The number of times an individual has been arrested is a good predictor of whether or not he or she will reoffend. Those with only one arrest are less than half as likely to recidivate as those who have been arrested on more then 10 occasions.
- Roughly one-third of recidivists have been previously sentenced to a term of imprisonment.
- People who reoffend are more likely to receive stiffer penalties, especially in cases where they committed the same offense. Recidivists are three times more likely to receive a sentence of imprisonment than first-time offenders.
- There is little variation in rates of recidivism among different states or provinces.
- Recidivists are often sentenced to longer terms of probation than first-time offenders.
- Due to a number of factors, including education level and socioeconomic status, African Americans and Latino/as are more likely to recidivate than whites in nearly every category of crime.

POLITICS OF RECIDIVISM

Recidivism rates are often used by politicians and academics alike to justify criminal justice policy and practices of punishment. Politicians and judges who follow the "Get tough on crime" doctrine routinely point to high rates of reoffending as a reason to increase sanctions placed on first-time offenders and recidivists alike. By using this philosophy, increasingly tougher sanctions and policies have been imposed, such as the "Three-Strikes" policy introduced first in California.

Conversely, many academics see high rates of recidivism not as a reason to impose stiffer sanctions but rather as a failure of the current system to deal accurately and effectively with offenders and reduce crime. Accordingly, they use recidivism rates to demonstrate that alternatives to imprisonment are necessary to deter crime, instead of the increase that some politicians espouse.

Finally, prison, parole, and probation officials are also concerned about reoffending rates. In particular, they suggest that recidivism demonstrates the lack of funding and other support mechanisms necessary for any of their programs or institutions to be effective. They reason that with better economic support, recidivism rates would significantly decrease.

CONCLUSION

Recidivism as a theoretical construct is a fairly simple idea: Some people will reoffend after they have been convicted, treated, and/or punished for a crime. Numerous quantitative studies have documented the extent of reoffending throughout the country, while various theoretical perspectives have demonstrated that it is a vital component to understanding criminal justice. However, determining why people reoffend and measuring how often they do so proves to be much more difficult. Further, the politicizing of the causes and implications of recidivism has led to even more confusion on how to reduce or eliminate this problem. Until these issues are rectified or somehow resolved, high rates of recidivism will continue.

—Mihael Ami Cole

See also Alcohol Treatment Programs; Crime, Shame, and Reintegration; Deterrence Theory; Drug Treatment Programs; Just-Deserts Theory; Parole; Politicians; Prerelease Programs; Rehabilitation Theory; Three-Strikes Legislation; Truth in Sentencing

Further Reading

Andrews, D. A., Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P., & Cullen, F. T. (1990). Does correctional treatment work? A clinically-relevant and psychologically-informed meta-analysis. *Criminology*, *28*(3), 369–404.

Gottfredson, D. M. (1999). *Effects of judges' sentencing decisions on criminal careers* (NCJ–178889). Washington, DC: U.S. Department of Justice, National Institute of Justice.

Langan, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994* (Special Report, NCJ–193427). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Maltz, M. (1984). *Recidivism*. Orlando, FL: Academic.

Thomas, M., Hurley, H., & Grimes, C. (2002). *Pilot analysis of recidivism among convicted youth and young adults—1999/00*. Juristat, Canadian Centre for Justice Statistics, 22, 9. Retrieved from http://www.statcan.ca/english/studies/85-002/juhome.htm

RECREATION PROGRAMS

Many prisons and jails in the United States provide some kind of recreational activities, including a range of sports like basketball, football, soccer as well as pastimes like fresh-air exercise, games, social activities, and television viewing. Recreational programming is meant to provide inmates with physical, mental, and emotional outlets to enhance their well-being.

Prison recreation programs offer numerous benefits to inmates and correctional staff alike. Many people believe that they reduce the likelihood of riots and rule infractions. They also occupy inmates, giving them much needed mental, physical, and emotional release and reducing the boredom of daily life in prison. Sport can reduce tension and stress while promoting good health and well-being. It is thought to prevent major diseases like cancer, cardiovascular diseases, and diabetes. Finally, recreational activities like masonry, carpentry, shop, and other technical skills may help inmates find employment once they return to the community. Some prisons provide inmates with a certificate of completion that can be used on the outside for proof of experience in that area.

HISTORY

Early penitentiaries did not offer leisure activities, since it was believed that prisoners could only be reformed through constant labor and religious reflection. By the mid-19th century, however, inmates in many institutions were allowed to assemble after chapel service or to be released into the yard for free time for about one hour of fresh-air exercise. In 1876, Elmira Reformatory in New York became the first institution to offer a variety of recreational and leisure programs, including organized sports, social clubs, drama and arts, and many others. While most inmates elsewhere were limited to using the yard, library, and auditorium, Elmira provided a blueprint for what could be possible.

It was not until the 1960s that leisure activities became part of mainstream prison life. Even then, the American Correctional Association took an additional decade to revise its standards to include recreation programs as part of the therapeutic and rehabilitative ideal. These days, most recreational activity is offered through the prison's education department.

BENEFITS

For their supporters, prison recreation programs provide constructive ways for inmates to use their spare time while also endowing them with skills that may help prevent them from reoffending. When inmates are completely idle, like anyone else, they will become bored. They may also feel frustrated or aggressive, and become violent toward themselves or others. A number of activities like football, softball, and basketball are specifically designed to help reduce the stresses of incarceration by providing physical stimulation. Other, courses, like art, writing, and music, provide more creative outlets.

Recreation promotes mental and emotional stimulation as well as teaching skills through the prison's law library, painting, arts and crafts, music, or technical activities like masonry, carpentry, horticulture and barbering, creative writing, and educational classes. Some prisons have music bands that perform for the prisoners or provide opportunities for incarcerated artists to sell their artwork. They also offer "hobby clubs," which can consist of activities such as yoga, aerobics, cycling, or swimming, or games like checkers and chess to encourage both physical and mental stimulation. Recreation increases discipline and creativity, increases self-esteem, and improves positive socialization skills, which all help reduce reoffending.

CONTROVERSY

Some critics argue that prisoners should not be allowed to have access to recreational activities because they are in prison to be punished. In response to a perception that recreation is "soft" on offenders, the federal system and some states have either banned weightlifting in prisons or will no longer replace equipment once it falls apart. Other prison systems do not allow free weights, but still have machines where the weights are not removable. Several states, such as South Carolina, Arizona, Mississippi, Wisconsin, and Georgia, have "no frills" prison bills that ban weightlifting. Such legislation also cuts out or limits other activities like cable television, computers, legal research materials, and many other amenities that inmates use for recreation.

Sport and Leisure Programs

Whether initiated by the department of corrections as a formal program, or by concerned and dedicated prisoners who volunteer their time to develop informal activities, sport and leisure programs serve as a release for prison tensions as well as an incentive for better behavior. Programs allow prisoners to exert pent-up emotions and energy in nonviolent and productive social interaction, work as a team, or develop and improve themselves and strive for excellence (what John Irwin has called "gleaning," or making the most of "doing time"). This is conducive to maintaining rules and regulations, and reduces behaviors that might make prisoners dangerous to themselves and others.

Sport and leisure programs sometimes create incentives for participation as well as developing skills. Prisoners develop pride in winning in sporting events, or in improving themselves in writing, acting, public speaking, or even winning a game of Bingo. Programs also awaken skills or encourage prisoners to renew their interest in developing previous skills. This allows for a smoother transition back into society.

Although most correctional systems, such as Illinois, recognize the importance of sport and leisure programs, they are nonetheless continuously cutting them back because of budget crunches. This robs the prisoners of incentive programs that aid them through their incarceration as well as ease their transition back to society.

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GENDER

Women's correctional facilities usually offer a slightly different range of recreational programs than men's prisons. Many countries, including Canada, develop women's prison programs differently from those for men. Aerobics, yoga, cooking contests, sewing, crochet, hair dressing opportunities, theatre, arts, and music are all common. Women are not as frequently offered weightlifting or carpentry courses. While women's programs and recreation stress cognitive skills, men's programs tend to be more therapeutic in nature.

CURRENT PRACTICES

It is difficult to generalize about recreation programs in the United States because of the enormous diversity in state policy. Alaska, for example, has a strong tradition of recreational activities. Depending on their security level, inmates in Alaska are allowed to have computers, compact disc players, videocassette recorders, coffeepots, hot plates, and other electrical appliances in the cell. They also receive instruction in bodybuilding, karate, and judo to prevent violence. In contrast, Louisiana prohibits equipment or programs like karate, judo, martial arts, free weights, and weight machines.

California has for many years run a vibrant "Arts-in-Corrections" program in the state prison system. Currently, however, due to expenses, this program is in the process of being phased out. Coordinated through the prisons' education departments, the program has introduced practicing artists, writers, poets, and musicians to the penal population. Resident artists are based in correctional facilities for varying amounts of time, during which they run courses, work with inmates to put on plays, or do individual tutoring. New York, Massachusetts, and Texas all offer some version of an arts program that is based on the California model.

CONCLUSION

Recreation programs have come far from their origins in fresh-air exercise to include a range of activities from competitive sports, to art, craft, and music, and also yoga and meditation. These days recreation is a vital aspect in almost all prisons. Advocates for prison recreation argue that recreation is used as a therapeutic tool, and it may reduce recidivism. The benefits and skills that inmates obtain from exercise, such as time management, wellness, stress relief, and anger management, will assist them in the community as well.

—Wanda T. Hunter

See also Art Programs; Creative Writing Programs; Drama Programs; Education; Labor; Prison Culture; Rehabilitation Theory

Further Reading

Alaska Laws Concerning Weightlifting in Prison. (n.d.). Retrieved October 18, 2002, from http://www.strength-tech.com/correct/laws/states/alaska/alaska.htm

Booth, M. A. (1981). *Recreation and leisure time activities in the correctional setting: A selected bibliography*. Washington, DC: U.S. Dept. of Justice, National Institute of Justice.

Federal Laws Concerning Weightlifting in Prison. (n.d.). Retrieved October 18, 2002, from http://www.strength-tech.com/correct/laws/federal/federal.htm

Hormachea, M., & Hormachea, C. (1977). Recreation and the youthful and adult offenders. In T. Stein (Ed.), *Recreation for special populations* (2nd ed.). Boston: Holbrook.

Seiter, R. P. (2002). *Correctional administration: Integrating theory and practice*. Upper Saddle River, NJ: Prentice Hall.

Trounstine, J. (1999). *Changing lives through literature.* Notre Dame, IN: University of Notre Dame Press.

Trounstine, J. (2001). *Shakespeare behind bars: The power of drama in a women's prison.* New York: St. Martin's.

Wright, P. (1998). Prison weight-lifting is a nonsense issue. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), *The celling of America: An inside look at the U.S. prison industry*. Monroe, ME: Common Courage.

REHABILITATION ACT OF 1973

Called the "equal rights amendment for the disabled," the 1973 Rehabilitation Act was enacted to ensure equal treatment of the physically disabled (§101, 29 U.S.C. 721). Similar in wording to the Equal Rights Amendment, the Rehabilitation Act extended protection under the Fourteenth Amendment to the physically disabled. As a result, physically disabled inmates can file suits charging violations of the Eighth and Fourteenth amendments if a correctional agency does not provide facilities and programs to the physically impaired that are available to the general inmate population. Constitutional questions of equal rights are raised.

REHABILITATION ACT 1973

In 1988, Congress passed the Civil Rights Restoration Act of 1987 (Public Law 100-259, 3/22/88). The Restoration Act subjects most state prisons to the mandate of Section 504 of the Rehabilitation Act of 1973. The Restoration Act was passed to overrule the Supreme Court's decision in *Grove City College v. Bell* (1984), which held that only the specific program within an institution that received federal funds, not the entire institution, was required to comply with the antidiscrimination mandate of Section 504. Prior to the passage of the Restoration Act, if a state or county department of corrections received federal funds but did not specifically utilize those funds for the particular correctional institution at issue, that correctional facility was not required to comply with Section 504. Following the passage of the Restoration Act, however, this "program specificity" exemption created in *Grove City College v. Bell* (1984) is no longer applicable. Under the Restoration Act, the fact that specific prisons or prison programs are not the actual recipients of federal financial assistance received by the applicable department of corrections should be irrelevant for purposes of determining whether prison officials are subject to the mandate of Section 504.

The 1968 Architectural Barriers Act and the Architectural and Transportation Barriers Compliance Board established minimum guidelines and requirements for standards for accessibility and usability of federal and federally funded buildings and facilities by physically disabled persons. These

guidelines and requirements are issued pursuant to the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (the 1978 Act), amending the Rehabilitation Act of 1973. These guidelines when followed allow consistent and adequate treatment of physically disabled inmates in state correctional systems.

SECTION 502

Section 502 of the Rehabilitation Act of 1973 created the Architectural and Transportation Barriers Compliance Board (ATBCB) to enforce the Architectural Barriers Act of 1968. The ATBCB's primary goal is to ensure compliance with standards prescribed under the 1968 Architectural Barriers Act and to ensure that public conveyances, including rolling stock, are usable by handicapped persons. Its other functions are to:

- Propose alternative solutions to barriers facing handicapped persons in housing, transportation, communications, education, recreation, and attitudes
- Determine what federal, state, and local governments and other public or nonprofit agencies and groups are doing to eliminate barriers
- Recommend to the president and Congress legislative and administrative ways to eliminate barriers
- Establish minimum guidelines and requirements for standards prescribed under the Architectural Barriers Act
- Prepare for adequate transportation and housing for handicapped persons, including proposals to cooperate with other agencies, organizations, and individuals working toward such goals (Access America)

Federal buildings or federally funded facilities covered by the act must at least meet the federal minimum standards for access. For example, there must be audible and visual warning signals to aid blind and deaf people. There must be at least one primary entrance that is ramped or level, wide restroom doorways, and elevators must be accessible for wheelchair users. Section 502 of the act requires certain buildings and facilities designed, constructed, altered, or leased with federal funds after accessibility standards are issued (generally September 1969) to be accessible to and usable by physically handicapped persons.

Not all federally funded buildings and facilities are covered by the Architectural Barriers Act. The act covers most post-1968 buildings and transit stations designed, constructed, altered, or leased by the federal government and most of those involving federal loans or grants.

SECTION 504

As part of the Rehabilitation Act of 1973, Congress enacted Section 504, which provides that:

> No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 504 is the first civil rights law protecting the rights of handicapped persons and reflects a commitment to end discrimination on the basis of handicap.

The Section 504 regulation prohibits discrimination against *qualified handicapped persons*, thereby ensuring them of an equal opportunity to participate in and benefit from programs and activities receiving federal financial assistance. Section 504 protects only *qualified* handicapped persons from discrimination on the basis of handicap.

The definition of "handicapped individual" for purposes of Section 504 is "Any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment."

The definition of "qualified handicapped person" is stated in terms of:

- Employment
- Preschool, elementary, secondary, and adult education services

- Postsecondary education services, and
- Health and social services

Section 504 of the same 1973 act prohibits discrimination on the basis of physical or mental handicap in most federally assisted programs or activities. Each federal department and agency providing financial aid must prohibit discrimination in its programs. The Department of Justice coordinates 504 compliance. Section 504 requires that direct or indirect recipients of federal funds make their programs accessible to handicapped persons. The regulation requires only that programs conducted by the organization be accessible.

Because Section 504 only prohibits discrimination against handicapped persons by recipients of federal financial assistance, some prisons may fall outside the scope of the act. Whether a state or county correction facility will be viewed as a recipient of federal financial assistance needs to be determined. State and local governments regularly receive federal grants, entitlement funds, and other federal assistance to be utilized within and among their correctional departments and facilities.

The regulations by the U.S. Department of Justice pursuant to Section 504 define the term "federal financial assistance" as including:

> Any grant, cooperative agreement, loan, contract (other than a direct Federal procurement contract or a contract of insurance or guaranty), subgrant, contract under a grant or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:
>
> 1. Funds;
> 2. Services of Federal personnel;
> 3. Real and personal property or any interest in or use of such property, including:
>   i. Transfers or leases of such property for less than fair market value or for reduced consideration; and
>   ii. Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.
> 4. Any other thing of value by way of grant, loan, contract or cooperative agreement. (28 C.F.R. 42.540(f) (1987))

In such cases, state or local prison facilities receiving such assistance should usually qualify as recipients of federal financial assistance within the meaning of Section 504.

DIFFERENCES BETWEEN SECTIONS 502 AND 504

The key difference between Sections 502 and 504 is that Section 502 applies only to buildings and facilities—physical structures or environments—created or altered since 1969, while Section 504 applies to federally funded programs. Program accessibility can be assured through a variety of means other than structural change. Structural change is required if it is the only way to attain access to a program. Meeting state, institutional, or federal licensure requirements does not assure compliance with Section 504 or obviate the responsibility to comply with the regulations of Section 504.

CONCLUSION

The 1968 Architectural Barriers Act and the Architectural and Transportation Barriers Compliance Board established minimum guidelines and requirements for standards for accessibility and usability of federal and federally funded buildings and facilities by physically disabled persons. These guidelines are relevant to correctional systems that deal with physically disabled inmates. These guidelines and requirements were issued pursuant to the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (the 1978 Act), amending the Rehabilitation Act of 1973. These guidelines, when followed, allow consistent and adequate treatment of physically disabled inmates in state correctional systems.

—Lydia M. Long

See also American Civil Liberties Union; Disabled Prisoners; Eighth Amendment; Fourteenth Amendment; Health Care

Further Reading

Architectural Barriers Act of August 12, 1968 as Amended through 1978. 36 CFR Part 1192.

Civil Rights Restoration Act of 1978. Public Law 100-259; 102 Stat. 28.

Kraus, L. E., & Stoddard, S. (1989). *Chartbook on disability in the United States.* Washington, DC: U.S. National Institute on Disability and Rehabilitation Research.

Rehabilitation Act of 1973 as Amended through 1978, Sections 502, 506, and 507.

The Rehabilitation Act of 1973 Briefing Guide, Section 504 Regulation Briefing Guide. (1979). Washington, DC: Department of HEW, Office for Civil Rights.

Tucker, B. P. (1988). Deaf prison inmates: Time to be heard. *Loyola of Los Angeles Law Review, 22*(1), 1–71.

Veneziano, L., Veneziano, C., & Tribolet, C. (1987). The special needs of prisons inmates with handicaps: An assessment. *Journal of Offender Counseling, Services and Rehabilitation, 12*(1), 61–73.

Legal Case

Grove City College v. Bell 465 U.S. 555 (1984)

REHABILITATION THEORY

Rehabilitation has long been a contentious topic in the fields of both criminology and penology. The term "rehabilitation" itself simply means the process of helping a person to readapt to society or to restore someone to a former position or rank. However, this concept has taken on many different meanings over the years and waxed and waned in popularity as a principle of sentencing or justification for punishment. The means used to achieve reform in prisons have also varied over time, beginning with silence, isolation, labor, and punishment, then moving onto medically based interventions including drugs and psychosurgery. More recently, educational, vocational, and psychologically based programs, as well as specialized services for specific problems, have typically been put forward as means to reform prisoners during their sentence.

HISTORY

Ideas of rehabilitation through punishment were first embodied in the penitentiaries, built during the Jacksonian era of the late 19th century. Reformers hoped that felons would be "kept in solitude, reflecting penitently on their sins in order that they might cleanse and transform themselves" (Irwin, 1980, p. 2). Initially, under the Pennsylvania system, it was believed that solitary confinement, accompanied by silent contemplation and Bible study, was a means to redemption. This approach was later transformed in the Auburn system into one of discipline and labor, also performed in silence. Through hard work and a strict disciplinary regime, prisoners were meant to meditate over why they chose a criminal path in order to amend their ways. Disciplinary infractions were met with corporal punishments. At this time, prisoners were responsible for their own rehabilitation, since the causes of crime were thought to result from individuals' inability to lead orderly and God-fearing lives.

In the latter part of the 19th century, the penitentiary gave way to the reformatory, which attempted to rehabilitate offenders through educational and vocational training, in conjunction with quasi-military regimes. Reformatories introduced a system of classification of prisoners that allowed for their individualized treatment. Prisoners progressed through graded stages contingent on their conduct and performance in programs. They could even work toward early release. Reformatories, although developed around the concept of rehabilitation, continued to advocate physical punishment for nonconformity and later regressed to more punitive regimens consistent with the reemergence of retribution at that time.

MEDICAL MODEL

The medical model of intervention as a form of rehabilitation emerged at the turn of the century in response to the perceived ineffectiveness of early means of reform that used labor and physical punishments to change people's behavior. New "scientific" disciplines like psychiatry, psychology, and criminology proposed that the causes of crime and deviance could be linked to biological, physiological, or psychological defects of the individual. Criminals were viewed as products of

socioeconomic or psychological forces beyond their control. In turn, crime was seen to be a "sickness," and the object of corrections then was to "cure" the offender. The emergent Federal Bureau of Prisons in the 1930s endorsed the medical model in its approach to rehabilitation, thus legitimizing its use in corrections. It was during that time that the classification of prisoners became more refined, and the medical model provided what was then considered a "state of the art" clinical orientation to the diagnosis and treatment of offenders (Welch, 1996, p. 75).

The medical model led to the introduction of therapeutic personnel, such as psychiatrists, psychologists, and clinical social workers, into prison settings. While this model initially appeared to be more humane than previous penal practices, this was not always the case. Instead, extraordinarily invasive and even illegal procedures took place in many correctional institutions, including psychosurgery, electroconvulsive therapy, and surgical and chemical castration, all in the name of rehabilitation. Other forms of treatment included various "talk" therapies such as psychotherapy and psychoanalysis. Given that the nature of many of these interventions was open-ended, prisoners could be imprisoned indefinitely if it was determined that they had not been "rehabilitated."

The medical model ultimately fell out of favor due to the convergence of a series of events. The inhumane nature of many of these practices, accompanied by an increasing concern with prisoners' rights and a dearth of evidence on the effectiveness of interventions, led many experts to critique the rehabilitative ideal. At the same time, in response to an increase in crime across the country, opponents argued that the medical model was too soft and ineffective. For many, the death knell of the rehabilitative ideal finally came about from the publication of an article by Robert Martinson in 1974. In what turned out to be a politically important essay that had a swift and discernible effect on policy, Martinson concluded that "with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism" (1974, p. 25). As the title of his article suggested, he appeared to be arguing that "nothing works."

Even though Martinson himself later retracted his earlier conclusions regarding rehabilitation programs, and his original essay was found to have serious methodological flaws, the academic community and both the political left and right embraced his message at that time. His message was attractive to liberals since it could be used to argue against the use of imprisonment and to abolish indeterminate sentencing. For conservatives, rehabilitation programs were thought to "coddle" criminals, since they allowed for early release. For them, Martinson's argument permitted the introduction of harsher regimes of punishment. Finally, an emerging social science also played a large role in vilifying rehabilitation, since researchers found that prisoners who "participated in a wide range of rehabilitation programs were rearrested at the same rate as those who did not" (Irwin & Austin, 1997, p. 64).

POST-MARTINSON ERA

Penal policy in the United States, following Martinson, no longer sought to rehabilitate prisoners. Thus, the U.S. Supreme Court, in *Misretta v. U.S.* in 1989, upheld federal sentencing guidelines that removed the goal of rehabilitation from serious consideration when sentencing offenders. Future sentencing practices would only have to consider the crime, with little concern for factors such as amenability to treatment or social and familial history. However, in spite of this political climate, some people continue to believe in the importance and possibility of rehabilitation in incarceration policy and practice. For example, the language of the mission statement of the Federal Bureau of Prisons reflects a strong emphasis on societal protection and safe and humane confinement, while still promoting "work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens" (Federal Bureau of Prisons, 2002). Although not couched in medical or rehabilitative terminology, the federal prison system continues to offer a variety of programs directed toward this end, including work, occupational and vocational training, parenting classes, recreation and wellness activities, and substance abuse treatment.

Current efforts in some states also indicate that the tide may be turning once again toward rehabilitation as renewed efforts are being seen through revamped educational and vocational training. This type of programming differs greatly from that seen in earlier periods and is now much more closely linked to training for specific types of employment, as evidenced by existing programs in Oregon, Pennsylvania, Ohio, and Washington State. For example, the Oregon State Correctional Institution in Salem teaches advanced computer training, through which prisoners build customized computers for state agencies. A central notion behind this form of rehabilitation is that prisoners will be equipped with skills upon release that will allow them to earn competitive salaries and avoid criminal activity in the future. Officials declare that these efforts have had a positive impact on recidivism, as the percentage of admissions who were returning parolees in 2000 was 25%, down from 47% in 1995. Nonetheless, the critiques of such programs echo earlier ones, with some expressing concern that such efforts are wasting money and that such training may infringe on the labor market.

Recent research has also indicated that some rehabilitative efforts do in fact have some effect on recidivism. A series of meta-analyses of the outcomes of correctional rehabilitation programs on recidivism has revealed that those that achieve the greatest reductions use "cognitive behavioral treatments, target known predictors of crime for change, and intervene mainly with high-risk offenders" (Cullen & Gendreau, 2000, p. 110). However, it must be noted that using recidivism as a means of assessing the effectiveness of rehabilitative programs may be somewhat misleading. Rates of reoffending tell very little about the efficacy of rehabilitation programs, per se, as they could well ignore improvements that may have occurred in other areas, because much crime remains undetected, and because reoffending behavior may have little to do with areas targeted by initial programming efforts.

INCENTIVES

Prisoners are, in essence, involuntary clients of intervention efforts. They have not freely chosen to participate in rehabilitation programs, and they are unlikely to do so without the benefit of incentives that the prison administration offers them in exchange for participation. These include such considerations as early parole, better living conditions, and increased inmate pay. While prisoners have the right to refuse to participate in intervention programs, the idea of early release is so appealing that many cooperate simply as a means to an end. For the prison administration, the implicit coercion involved in this process is outweighed by the fact that the prisoner attains a benefit in exchange for cooperation. However, this thinking ignores the fact that rehabilitation cannot take place by force, and in the long run, "sham" cooperation will not result in any lasting change.

CRITICAL PERSPECTIVE

Abolitionist literature notes that prisons at best do nothing to reform offenders and at worst play a central role in reproducing crime. From a radical point of view, rehabilitation is seen as an attempt by those in power to impose a repressive system of social control over vulnerable individuals. Such a critical perspective rejects the positivistic view of crime that focuses on individuals while ignoring greater social conditions of disadvantage. What is challenged is the notion that the offending behavior stems from a defect in the personality of the prisoner, who is considered amenable to change or rehabilitation within the prison environment.

Correctional institutions strip inmates of all of their familiar social and cultural supports around which their personal identity had previously been centered. Any program of rehabilitation within prison must first overcome these devastating processes. Some, like David Rothman (1973), reject the possibility of rehabilitation outright, due in part to the relative powerlessness of the prisoner to give or withhold consent to such efforts and because of the incongruous nature of the environment within which it is offered.

WOMEN AND MINORITIES

Historically, the special needs of women and minority groups in prisons have been largely ignored. For

women, rehabilitative programming, in the form of educational and vocational opportunities, has rarely taken into account gender differences and in most cases paralleled that of men's programming. While women are offered similar educational opportunities as men, many of the vocational programs for women prisoners offer training in areas such as cosmetology and hairdressing, reflecting gender-role stereotypes. Given the relatively small numbers of women's prisons, women are frequently sent far from their homes and families, which can increase the strain of imprisonment. While each state is different in terms of population and services, the smaller numbers of women prisoners result in fewer overall rehabilitative services being offered to them.

Generally, no specific rehabilitation programs are geared toward Hispanic (or Latino/a), African American, and American Indian prisoners. However, formal and informal support groups based on ethnicity often develop, are largely composed of volunteers, and serve to provide a strong means of support for prisoners who may feel culturally and spiritually isolated.

In Canada, the federal correctional service has attempted to meet the needs of Native Canadian Indians or Aboriginal offenders, who are largely overrepresented in their federal institutions. As part of correctional programming, Aboriginal offenders are offered a variety of spiritual and healing initiatives while incarcerated. For example, this includes access to spiritual Elders who offer ritual ceremonies such as smudging and sweat lodges inside the institution. Nonetheless, critics of these efforts indicate that the prison administration offers them only sporadically, makes little separation between distinct tribal customs, and does not accord them the same respect as other religious practices.

CONCLUSION

The concept and practice of rehabilitation continues to evolve and change in correctional institutions. While the state and the public have a vested interest in prisoners leaving prison as no more of a social burden than when they went in, if rehabilitative efforts are to have any real impact, they must take into account the lessons of the past. These include considerations of individual needs, sensitivity to race, gender, and culture, and an awareness of the many limitations the prison environment imposes in offering opportunities for change.

—Kathryn M. Campbell

See also Auburn System; Deterrence Theory; Incapacitation Theory; Just-Deserts Theory; Medical Model; Pennsylvania System; Prerelease Programs; Prisoner Reentry; Psychological Services; Recidivism; Women's Prisons

Further Reading

Butterfield, F. (2001). Inmate rehabilitation returns as prison goal. *New York Times Online,* May 20. Retrieved from http://www.nytimes.com

Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice and prospects. *Policies, Processes and Decisions of the Criminal Justice System. Criminal Justice, 3,* 109–175.

Federal Bureau of Prisons. (2004). *Federal Bureau of Prisons: Mission and vision.* Retrieved September 14, 2004, from http://www.bop.gov

Gendreau, P., & Ross, R. (1987). Revivification of rehabilitation: Evidence from the 1980s. *Justice Quarterly, 4*(3), 349–407.

Irwin, J. (1980). *Prisons in turmoil*. Boston: Little, Brown.

Irwin, J., & Austin, J. (1997). *It's about time: America's imprisonment binge* (2nd ed.). Belmont, CA: Wadsworth.

Martinson, R. (1974). What works? Questions and answers about prison reform. *Public Interest, 35*, 22–54.

Martinson, R. (1979). New findings, new views: A note of caution regarding sentencing reform. *Hofstra Law Review,* 243–258.

McGuire, J., & Priestly, P. (1992). Some things do work: Psychological interventions with offenders and the effectiveness debate. In F. Losel, D. Bender, & T. Bleisner (Eds.), *Psychology and law: International perspectives.* Berlin: Walther de Gruyter.

Rothman, D. (1973). Decarcerating prisoners and patients. *Civil Liberties Review, 1,* 8–30.

Welch, M. (1996). *Corrections: A critical approach.* New York: McGraw-Hill.

Legal Case

Misretta v. U.S. No. 87-7028. (1989). 488 US 361.

RELIGION IN PRISON

Religious people and institutions have greatly influenced the treatment of offenders in correctional

institutions. Churches were among the first institutions to provide asylum for accused criminals. The establishment of prisons and penitentiaries followed religious tenets that encouraged offenders to do penance for their crimes and to reject a criminal lifestyle while being isolated from others. Correctional chaplains were among the earliest paid noncustodial staff and were the first to provide education and counseling for inmates. Currently, many inmates practice their religion on an individual basis or within the structure of an organized religious program. Religious programs are commonplace in jails and prisons, and research indicates that one in three inmates participates in some religious program during his or her incarceration.

LEGAL ISSUES

The First Amendment of the U.S. Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Because of this amendment, state and federal correctional institutions must provide inmates with certain legal rights concerning the practice of religion. Among these rights are the opportunity to assemble for religious services, attend different denominational services, receive visits from ministers, correspond with religious leaders, observe dietary laws, pursue name changes, and obtain, wear, and use religious paraphernalia. None of these rights, however, may supersede the security considerations of the institution.

Many of the leading court cases that provide current guidelines for the practice of religion in American prisons were decided during the 1960s and 1970s. Until then, legal issues related to religious inmates were rarely brought before the courts. Among the most important cases during this period were *Fulwood v. Clemmer* (1962), *Cooper v. Pate* (1964), and *Cruz v. Beto* (1972). In the *Fulwood* (1962) case, the U.S. District Court for the District of Columbia ruled that correctional officials must recognize the Muslim faith as a legitimate religion and not restrict those inmates who wish to hold services. In *Cooper v. Pate* (1964), the courts recognized that prison officials must make every effort to treat members of all religious groups equally, unless they can demonstrate reasonableness to do otherwise. In *Cruz v. Beto*, which at the time was the first case about religion in prison to reach the Supreme Court, it was determined that Buddhist prisoners were entitled to practice their faith in comparable ways to those in the major Western religious denominations.

Not all court cases related to religion have been decided in favor of inmates. In 1977, for example, a federal court ruled in *Theriault v. Carlson* that the First Amendment does not protect so-called religions that are obvious shams, that tend to mock established institutions, and whose members lack religious sincerity. This case was one of the first to find against inmates' religious rights.

Courts have a difficult task when they are asked to decide between the legitimate interests of inmates and the correctional facility. As a result, the courts now rely on a "balancing test" that helps them decide how conflicting issues should be weighed. The U.S. Supreme Court came up with this test in 1987 in the case *Turner v. Safley*. It consists of four questions:

1. Is there a valid connection between the regulation restricting a religious practice and a legitimate correctional interest?
2. Are inmates allowed other ways of exercising their right?
3. How much will allowing the inmates to exercise their right affect others in the correctional facility?
4. Are there available alternatives that accommodate both interests?

The Supreme Court ruled in *Turner v. Safley* that future cases involving inmates and their constitutional rights should use the balancing test, and that correctional facility rules that limit inmates' constitutional rights are generally acceptable if they are reasonably related to legitimate correctional interests. This Supreme Court ruling was affirmed later in 1987 in another important religion case, *O'Lone v. Estate of Shabazz* (1987), when it was determined that depriving an inmate of attending a religious

Religion and Rehabilitation

There is a common, but grossly mistaken, public perception that prisoners "find religion" to manipulate parole boards. In general, this is simply false. Religion is essential to the growth and development of prisoners. Religion is also a fundamental means to eradicating criminal behavior and rehabilitating prisoners. Religion provides stability and structure to people who come from broken homes. People who did not get the opportunity to group up in structured environments often discover a foundation on which to build a better life.

Not only does religion offer a positive structure for living, but it also teaches self-discipline, which is a prerequisite to success. Self-discipline is also necessary if one is to overcome adversity upon release.

Whether by choice or through ignorance, some correctional systems fail to capitalize on the beneficial attributes of religion and the favorable results it generates. Further, some correctional systems and individual prisons refuse to officially recognize particular religious affiliations that they judge "unconventional."

Unfortunately, religious tolerance isn't always a reality in prison. Administrators profess to provide avenues that foster spiritual growth and development, but these avenues often tend to be limited to Christianity and/or Islam. However, the First Amendment protects the rights—even of prisoners—to worship the god or goddess of choice, and failure to recognize the power of all forms of spirituality to improve prisoners' lives is short-sighted and counterproductive. Institutional religious intolerance creates an oppressive atmosphere that is not conducive to the overall development of the convict. When the spiritual and the secular are not in harmony, chaos is inevitable. Unfortunately, chaos dominates in prisons, and that may be one reason why religion and its benefits are not emphasized in the pursuit of rehabilitation.

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service for "legitimate penological interests" was not in violation of the First Amendment.

The *Turner* test stood until 1993, when Congress drafted a law called the Religious Freedom and Restoration Act (RFRA) to restore certain religious freedoms to all Americans. The act was passed and signed into law in November 1993. Under RFRA, restrictions on religious freedoms in prisons and jails would be upheld only if the government could show that the restrictions served a "compelling government interest." Further, RFRA required that the religious restriction in question must be the "least restrictive means of furthering that interest." However, in 1997, in the case *City of Boerne v. Flores,* the U.S. Supreme Court ruled that RFRA was unconstitutional because it did not maintain the separation of powers necessary in the federal government. With this ruling, most correctional authorities returned to the guidelines outlined in the *Turner* test.

After the decision in the *City of Boerne v. Flores* case, the U.S. Congress enacted the Religious Land Use and Institutionalized Persons Act (RLUIPA) to protect religious practices. The RLUIPA, like RFRA, prohibits state and local governments from placing a "substantial burden" on inmates, including pretrial detainees, in the exercise of their religion unless the restriction furthers a compelling governmental interest and is the least restrictive means of achieving the government's correctional objective. Unlike RFRA, however, the use of RLUIPA for noncorrectional matters is limited to programs that receive federal funding and if the religious burden affects various forms of commerce.

CHAPLAINCY, RELIGIOUS GROUPS, AND PRACTICES

Most of the direct influence of religion in corrections has been accomplished through the work of correctional chaplains. The term "chaplain" is believed to be derived from the Latin term *capella*, meaning "cloak." In the fourth century, the modern meaning developed from a story told about a soldier named Martin, who shared his cloak with a beggar. That night Martin dreamed Christ came to him in a dream, and he soon resigned from the army to serve as a "soldier of God." Martin of Tours was later canonized by the Catholic Church, and his cloak became a religious relic and was enshrined in a *chapel.* The word *chaplain* came to mean the

"keeper of the cloak" and now calls for those who are religiously motivated to care for those in need. Chaplaincy work was probably created informally during the early years of the Christian Church but became formalized in the late 1400s when the religious Order of Misericordia was founded to provide assistance and consolation to those condemned to death. In 1733, the British Parliament authorized magistrates to appoint chaplains to all prisons.

Early prison chaplains in the United States held positions of relative importance, since they were part of a penal system created by religious groups. They were responsible for visiting inmates, providing services and sermons, and also served as teachers, librarians, and record keepers. Because of the limited budgets of correctional institutions, the early chaplains were often called upon to be the sole educator in many American prisons. The "schooling" often consisted of the chaplain standing in a dark corridor with a lantern hanging from the cell bars, extolling the virtues of repentance.

Chaplains are not always welcome in correctional facilities. Many prison administrators, especially during the development of the reformatory, considered them only a hindrance to running a prison. To some they became unnecessary when teachers, psychologists, and other professionals took their place in the correctional work group. To many, the chaplains were naïve and easily manipulated by the inmates, sometimes prone to bickering among themselves, and with little ability to bring any real change in inmates. During the 1920s and 1930s, the Clinical Pastoral Education Movement emerged and changed prison chaplaincy for the better. The movement started to apply the principles, resources, and methods of organized religion to the correctional setting. This resulted in the development of competent professional chaplains who were able to meld with the rehabilitation ideas that surfaced from the 1930s through the 1960s.

The chaplain of today is typically an educated and multiskilled individual who is generally accepted by those who live and work in correctional facilities. Chaplains serve a variety of functions. Their main purpose is to administer religious programs and provide pastoral care to inmates and institutional staff. In the past, this meant that the common duties were to provide religious services, counsel troubled inmates, and advise inmates of "bad news" from home or from correctional authorities. More recently, their role of has been expanded to include coordination of physical facilities, organizing volunteers, facilitating religious furlough visits, contracting for outside religious services, and training correctional administrators and staff about the basic tenets, rituals, and artifacts of nontraditional faith groups. In the case when an individual or small group of inmates wish to practice a religion that is not familiar to a current chaplain, a contract chaplain, outside volunteer, or spiritual advisor who specializes in that faith perspective may be brought into the institution to minister to inmates. Chaplains, contract chaplains, volunteers, and spiritual advisors are also referred to as "faith representatives."

RELIGIOUS VOLUNTEERS

Religious volunteers also have a long history in corrections that can be traced back to the beginning of prisons. In the past 200 years, many religious groups have entered correctional facilities to provide religious services to inmates. One of the most famous advocates for volunteers in corrections was Maud Ballington Booth, the daughter-in-law of William Booth, who founded the Salvation Army. Today, volunteers are vital to religious programs, and without them inmate participation would surely be limited. Faith representatives are able to minister to the large number of inmates within a variety of faith traditions.

RELIGIOUS GROUPS, PROGRAMS, AND PRACTICES

The specific religious groups vary from prison to prison and state to state. Nearly all state and federal correctional institutions provide support for at least some of the four traditional faith groups—Catholic, Protestant, Muslim, and Jewish. As the United States has become more diverse, however, there are a number of nontraditional faith groups that have surfaced in correctional facilities. These include variations of the four traditional groups, in addition to Hindus, Mormons, Native Americans, Buddhists, Rastafarians, Hispanic religions (Curanderismo,

Santería, Espiritismo), Jehovah's Witnesses, and Christian Scientists. Two of the newest faith groups to enter correctional facilities are Wicca and Satanism.

The religious programs and practices of faith groups differ according to the beliefs of the group, inmate interest, amount of time and space available in the prison, competence of the religious staff, and the support of the correctional authorities. It is not uncommon for a large prison to have numerous religious services on a daily basis. In contrast, jails may limit religious practice to a single service for all denominations called a "multifaith service." Institutions, particularly those of high security, may also use "cell-by-cell" ministry, whereby the chaplains from different denominations visit inmates individually as requested. In many facilities, inmates choose to practice their faith in a more private manner and do not attend any formal services. In this case, the inmates may even develop their own "personal religion" that consists of a combination of traditional and nontraditional faith perspectives.

RELIGION AS A "CON GAME"

It is very difficult to determine why prisoners become involved with religion when incarcerated, since religious belief and practice is a very individual matter and may be exacerbated by the psychological complexities of living in prison. One common belief about why inmates practice religion while in prison is that many inmates "find religion" for manipulative purposes, as a "con game." It is thought that inmates hope prison administrators and parole authorities will view their religious practice as an attempt to become moral, prosocial, and law-abiding citizens and then reward them with earlier parole. For decades the correctional literature and popular media have cultivated this somewhat cynical belief of religion in prison. Correctional officers often support this "religion for early parole" viewpoint. They base their impressions on personal experience of witnessing inmates who have professed to be religious, but who have then acted to the contrary or who have returned to the institution for another crime.

Research has indicated that in addition to using religion for parole release, inmates may practice religion while in prison for a variety of other self-interested reasons. They may try to influence the chaplain or warden to improve their living conditions (e.g., special food, transfer to another prison wing or institution), to meet up with and exchange contraband from other inmates at religious functions, to meet volunteers, and to gain protection from other inmates. The last reason is particularly troubling for correctional officials, because it is known that many inmates believe that they need to be part of a group that can provide physical protection from other inmates. Inmates who practice religion for this reason assume that some religious groups provide the protection necessary to avoid such difficulties.

Some feel that fellow inmates participate in religious programs for a "psychological crutch." These skeptics believe that religion serves to placate individual inmates who were "weak" or need assistance in dealing with the difficulties of prison life. They claim the practice of religion may enhance self-esteem and good feelings, but only because those involved could not find these things without this "crutch."

RELIGION AS A MEANS OF REFORM

However, not all inmates, correctional officers, and staff think negatively of the intentions of religious inmates. Because serious religious involvement promotes self-introspection and concern for others, many believe that inmates can acquire a number of positive aspects from the practice of religion in prison. These characteristics include psychological peace of mind, hope for the future, positive self-concept, and improvements in self-control and intellectual abilities. Inmates also can use religion to help change their behavior. Following the principles and discipline that is required in the serious practice of religion can teach inmates self-control. Having self-control helps inmates avoid confrontations with other inmates and staff, and it helps them comply with prison rules and regulations.

In recent years there has been an increased interest on the topic of religion in corrections and in finding out whether the practice of religion in corrections has had any positive impact on inmates. Some research evidence is present that supports the view that the practice of religion helps to control inmate behavior during incarceration. Other studies have found that inmates who are very active in religious programs are less likely to be rearrested after release from prison, and that their likelihood of success can be enhanced by postrelease religious involvement. The recent interest in the topic is encouraging, and hopefully will allow more definitive dialogue about the impact of religion in corrections. But at this juncture, religious practice appears only to change some inmates in some cases. Thus, to determine the sincerity of religious practice and its long-term impact is a daunting task.

Religion and Coping

To many inmates, the initial process of incarceration is an overwhelming and unbearable process that leaves them searching for the slightest glimpse of light at the end of the tunnel. Without hope or faith in someone or something, it is easy to find oneself walking down a cold and ghostly path that leads to a place of no understanding. At this point one yearns for the indescribable hope that religion provides and turns to religion as a great source of inner peace, support, and hope.

A solid support system is sought by everyone in society, but this need is amplified tenfold for the incarcerated. Scripture yields some very strong and assuring words to a person who, over time, has found that their support system has dwindled down to those that truly love and care. Comforting words are invaluable to someone that is, for example, going through a divorce and is forced to watch helplessly as their family falls apart. These unbearable feelings propel many to God in search of comfort and understanding.

Critics are quick to label an inmate's religious practices as sanctimonious. There is some truth in that classification—some people do come to the Christian religion to search for a miracle in the form of a time cut or a faithful partner, and as time passes by and these miracles fail to happen, these people feel betrayed and blame the very thing their faith resides in. However, many people will endure all the anguish, grief, and pain in order to experience the joy, love, and laughter which religion can bring. What better place to be touched by God and seek eternal forgiveness than in prison?

It takes a strong will and determination to endure within these walls, but I give unending thanks to the divine intervention that gives strength to the struggling human being.

Americo Rodriguez
Cleveland Correctional Institution, North Carolina

CONCLUSION

With the growth of the American correctional system, and the continuing ethnic and cultural diversification of society, the face of religion in prison may soon change. As correctional facilities become crowded and correctional budgets grow, one of the areas that often suffers from economic cutbacks is programs designed to rehabilitate inmates. In this event, even more pressure is placed on chaplains and religious programs to provide added mental health assistance to inmates. For example, as counseling programs are trimmed, support for those with various forms of mental illness or those with HIV/AIDS may fall in the hands of faith representatives. Also, as prisons become more crowded and job requirements become more complex, correctional officers and other staff will surely turn to religious

Photo 1 *Religious service in Vance unit, Texas*

leaders and volunteers to help them deal with the psychological stress of working in prisons. The call for more secure prisons, as manifested in the development of the supermaximum prisons where inmates are isolated from other inmates and staff up to 23 hours a day, will mean the reduction of group religious practices. This will result in the need for more cell-to-cell ministry and may also cause an increase in individual forms of "spirituality" and religious practice.

With the increased need for sensitivity toward diversity, faith representatives will also be asked to develop and implement programs aimed at reducing racial conflict and improving multiculturalism. This issue is significant to faith representatives who will need to be well versed in a variety of faiths and cultural perspectives. Finally, as the prison population grows, more inmates are also eventually released back into society. Thus, programs aimed at the successful reintegration of inmates back into the community will need the assistance of religious personnel to find employment and promote positive family relationships. Whatever the changes in corrections and larger society, it is likely that because of the historical and legal foundation of religion in corrections that it will continue to be an active part of prison life and programming.

—Harry S. Dammer

See also Chaplains; Contract Ministers; Deprivation; History of Religion in Prison; Importation; Islam in Prison; Judaism in Prison; Native American Spirituality; Prison Culture; Santería; Satanism; Volunteers

Further Reading

Beckford, J., & Gilliat, S. (1998). *Religion in prison: Equal rites in a multi-faith society*. Cambridge, UK: Cambridge University Press.

Dammer, H. R. (1992). *Piety in prison: An ethnography of religion in the correctional environment.* Ann Arbor, MI: Doctoral Dissertation Abstracts.

Hoyles, J. (1955). *Religion in prison*. Canterbury, UK: Epworth.

Johnson, B., Larson, R., David, B., & Pitts, T. C. (1997). Religious programs, institutional adjustment, and recidivism among former inmates in prison fellowship program. *Justice Quarterly, 14,* 145–166.

Keuther, F. C. (1951). Religion and the chaplain. In P. W. Tappan (Ed.), *Contemporary correction* (pp. 254–265). New York: McGraw Hill.

Murphy, G. L. (1956). *The social role of the prison chaplain*. Doctoral dissertation, University of Pittsburgh.

O'Connor, T. P., Ryan, P., & Parikh, C. (1997). *The impact of religious programs on inmate infractions at Lieber Prison in South Carolina*. Report prepared for the South Carolina Department of Corrections.

Shaw, R. D. (1995). *Chaplains to the imprisoned: Sharing life with the incarcerated*. New York: Haworth Press.

Skotnicki, A. (2000). *Religion and the development of the American penal system.* Lanham, MD: University Press of America.

Sundt, J. L. (1997). *Bringing light to dark places: An occupational study of prison chaplains*. Doctoral dissertation, University of Cincinnati.

RELOCATION CENTERS

Relocation centers, also known as *internment camps,* were permanent detention centers established to incarcerate U.S. citizens and permanent resident aliens of Japanese ancestry from California, the western halves of Washington and Oregon, and southern Arizona during World War II. President Franklin D. Roosevelt authorized this practice on February 19, 1942, subsequent to the bombing of Pearl Harbor by Japan on December 7, 1941. He did so by granting authority over the entire western region of the United States to the military in Executive Order 9066, creating Military Area #1. More than 100,000 Japanese Americans, both citizens and legal residents, were sent to one of 15 assembly centers to then be transported to one of 10 relocation centers. The relocation centers were occupied from May 1942 until March 1946.

Initially, plans for evacuation of suspected persons had included people from all three Axis nations, Germany, Italy and Japan. However, those plans changed when it was realized that incarcerating people like the mother of baseball hero Joe Dimaggio would be unacceptable to the American people. In 1942, there were 58,000 Italian and 22,000 German resident aliens in the Pacific states

and untold numbers of second- and third-generation citizens of German and Italian descent.

In 1988, the Congress of the United States, pursuant to the directives of the Civil Liberties Act of 1988, acknowledged that all who were interned in the relocation centers had had their civil rights violated. They also apologized to the Japanese American community on behalf of the people of the United States. The act established a fund to educate the public to prevent the recurrence of any similar event and made restitution to those who were interned.

HISTORY

The internment of the Japanese flowed from a history of discrimination that had much of its basis in economic and cultural differences. Many Japanese arrived in the United States in the 1890s to work for the railway and mining industries. Like the Chinese before them, they encountered extensive anti-Asian sentiment. For example, in 1913, California enacted legislation that limited land leases by both Chinese and Japanese to three years and prohibited ownership of land by Japanese resident aliens. That same year, the U.S. Supreme Court ruled in *Takao Ozawa v. United States* that Japanese were "aliens ineligible to citizenship." Japanese-born parents were also prevented from serving as guardians for their minor children's (who were citizens) ownership of land.

California nativists, a political group who worked to limit immigration, established a Japanese Exclusion League and enlisted support in the eastern United States. In March 1924, a three-man delegation went to Washington to lobby for anti-Japanese legislation. Its leader, Valentine S. McClatchy, testified before the Senate Committee on Immigration, and rationalized the anti-Japanese position seconded by Senator Phelan and Attorney General of California, Ulysses S. Webb, as follows:

> The Japanese are less assimilable and more dangerous as residents in this country than any other of the peoples ineligible under our laws. . . . With great pride of race, they have no idea of assimilating in the sense of amalgamation. . . . They have greater energy, greater determination, and greater ambition than the other yellow and brown races ineligible to citizenship, and with the same low standards of living, hours of labor, use of woman and child labor, they naturally make more dangerous competitors in an economic way. . . .

In response to such pressure, Congress passed the Immigration Act of 1924, establishing quotas for immigrants from most nations and barring Japanese as well as Chinese. Though the immigration disallowed new male immigrants, men who were citizens or legal residents could bring Japanese brides to the United States. As Japanese men brought brides to the United States and then began having families, the Japanese communities grew, particularly in agricultural areas outside urban centers. By 1940, 90% of the truck farms, small family farms that provided most of the fruits and vegetables for the region, around Los Angeles were owned or leased by Japanese. They raised most of the commercial flowers and did most of the landscape gardening in southern California. Japanese Americans also maintained a sizable fishing colony at Terminal Island in San Pedro Harbor, California. Their economic success continued to fuel the anti-Japanese sentiments within California.

WHO WAS INTERNED IN 1942?

Of the Americans interned during WWII, about one third were *Issei*, the Japanese term for "first generation," who were born in Japan, immigrated between the 1890s and 1920s, and were legal residents in 1941. Such people were ineligible for citizenship because of immigration laws. All others were citizens, second-generation Japanese Americans (*Nisei)*, or third generation (*Sansei),* who were children during World War II. Almost 6,000 babies were born in the relocation centers to imprisoned parents. In addition, a few hundred non-Japanese Americans chose to accompany relatives to the camps.

Photo 2 *Guards standing watch at a relocation center for Japanese Americans, c. 1942*

WORLD WAR II DETENTION PLAN

In the beginning of WWII, the government authorities explored a voluntary relocation plan wherein the *Issei* (legal resident aliens) and *Nisei* (citizens) would move outside the restricted military zone established by Executive Order 9066, the entire west coast area. However, this voluntary resettlement was not welcomed by Americans living in the interior, who felt it would be unsatisfactory and possibly incomplete. They believed that if the Japanese were so dangerous they need to be moved from their homes, then they were too dangerous to live in the heartland of the United States.

The government then developed a mandatory mass evacuation plan to be carried out by the U.S. Army. According to this arrangement, Japanese Americans were to be transported to their assigned relocation centers after first evacuating to assembly centers. When evacuees entered a relocation center from the assembly centers, they left the Army jurisdiction created by Executive Order 9066 and came into the custody of the War Relocation Authority (WRA), established by President Roosevelt on March 18, 1942, by Executive Order 9102. This order directed the WRA to formulate and execute a program to provide shelter, subsistence, clothing, medical attention, educational and recreational facilities, as well as private and public opportunities for the internees.

WHEN WERE PEOPLE INTERNED?

Compulsory mass evacuation began on March 30, 1942, less than four months after Pearl Harbor was attacked. Most of those interned gathered first in assembly centers, to which Japanese Americans voluntarily reported. This process was not easy for them. Quick sale of assets could not always be accomplished at a fair price, and since many of the men had already been incarcerated, many households were comprised only of women and children. Also, the bank accounts of all Japanese were frozen, so there was no money for traveling. Even so, fewer than 10% of the internees were taken from their homes.

Sixteen assembly centers were established, 13 in California, one in Washington (Payslip), one in Oregon (Portland), and one in Arizona (Mayer). Two of the centers in California were converted race tracks, one was a rodeo arena, and nine were fairgrounds. The movement from their homes to the assembly centers was extremely swift. In contrast, the transfer to the relocation centers was often a six-month process. The assembly centers operation was extended to over seven months, and two assembly centers were converted to relocation centers.

One hundred seventy-five groups of 500 persons, who were allowed to bring only what they could carry with them, were moved aboard 171 special trains. By early May, the first evacuees began to arrive at relocation centers from the assembly centers. By June 5, when movement of evacuees from their homes in Military Area #1 into assembly centers was completed, the transfer to relocation centers was well underway. By June 30, 1942, more than 27,000 people were living at three relocation centers. Three months later, all 10 relocation centers except Jerome, Arkansas, had opened, and 90,000 people had been transferred. By November 1, transfers had been completed, and at the end of the year, the centers had the highest population they would ever have, 106,770 persons.

WHAT THE CAMPS WERE LIKE

All of the camps were located in remote areas with extreme weather conditions, both in winter and summer. The 10 relocation centers were located at

the following sites: Amache (Granda), Colorado; Gila River, Arizona; Heart Mountain, Wyoming; Jerome, Arkansas; Manana, California; Minidoka Idaho; Poston (Colorado River), Arizona; Rowrer, Arizona; Topaz (Central Utah), Utah; and Tule Lake, California.

The camps were designed in block arrangements that contained 14 barracks, one mess hall, one recreation hall, laundry, and men's and women's lavatories. Other structures included warehouses, car and equipment repair buildings, school, canteen, library, hospital, post office, and a religious services site. Space was allocated in the 20- by 100-foot barracks based on the number of people in a household. Often, several families resided in the same barracks. The buildings were wood and tar paper construction. Openings between the boards resulting from shrinkage of the green lumber were closed by the residents with pieces of cardboard in efforts to keep out the weather, insects, and dust.

Interned Japanese formed work groups that manufactured camouflage nets and ship models used for training for Navy personnel. The internees also cultivated vegetables and fruit for both camp and commercial consumption. They were paid for their work while confined, but the pay was significantly lower than the Geneva Convention specified. During this time, two landmark legal cases were brought against the United States concerning the internment: *Hirabayashi v. United States* (1943), and *Korematsu v. United States* (1944). The defendants argued that their Fifth Amendment rights had been violated by the U.S. government because of their ancestry. In both cases, the Supreme Court ruled in favor of the U.S. government.

CONCLUSION

The majority of evacuees remained in the relocation centers until after December 1944, when the mass exclusion orders were revoked. The last of the centers at Tule Lake was closed in March 1946. No evidence of wrongdoing nor any legal process was required to intern these Japanese Americans. Prior to the order of evacuation, there were no instances of suspected espionage on the west coast. The official records documenting espionage during the entire period of World War II reflected that 10 people were tried and convicted of espionage, none of them Japanese. On a sign posted outside the Mindora Relocation Camp in Mindora, Idaho, the sentiments of the Japanese prisoners who lived there are etched in a sign: "Victims of war time hysteria, these people, two-thirds of whom were United States citizens, lived a bleak and humiliating life in tar paper barracks behind barbed wire and under armed guard."

On September 12, 2001, Japanese American Citizen League (JACL) National President Floyd Mori, recalling the experiences of Japanese Americans, stated:

> We urge citizens not to release their anger on innocent American citizens simply because of their ethnic origin, in this case, Americans of Arab ancestry. While we deplore yesterday's acts, we must also protect the rights of citizens. Let us not make the same mistakes as a nation that were made in the hysteria of WWII following the attack at Pearl Harbor.

Nonetheless, as George W. Bush's administration's continues forcibly to register and detain men and teenagers from specified Middle Eastern and North African countries, it seems that Mori's words are not being heeded. Though the detainees' lawyers have challenged the government to produce any evidence of criminal behavior or a link to international terrorist groups among their clients, there has been no response to date.

—Kate Anderson

See also Enemy Combatants; Foreigners; Immigrants/Undocumented Aliens; INS Detention Facilities; Prisoner of War Camps; USA PATRIOT Act 2001

Further Reading

Axford, R. W. (1982). *Too long been silent: Japanese Americans speak out.* Lincoln, NE: Media Publishing & Marketing.

Daniels, R. (1993*). Prisoners without trial: Japanese Americans in World War II.* New York: Hill & Wang.

Daniels, R., Taylor, S., & Kitano, H. (Ed.). (1986). *Japanese Americans, from relocation to redress*. Salt Lake City: University of Utah Press.

Girdner, A., & Loftis, A. (1969). *The great betrayal: The evacuation of the Japanese-Americans during World War II*. London: Macmillan.

Levine, E. (1995). *Fence away from freedom*. New York: Putnam:.

Robinson, G. (2001). *By order of the president: FDR and the internment of the Japanese Americans.* Cambridge, MA: Harvard University Press.

Spicer, E., Hansen, A., Luomala, K., & Opler, M. (1969). *Impounded people: Japanese-Americans in the relocation centers.* Tucson; University of Arizona Press.

Thomas, D. S., & Nishimoto, R. S. (1946). *The spoilage*. Berkeley & Los Angeles: University of California Press.

Weglyn, M. (1976). *Years of infamy*. New York: Morrow Quill Paperbacks.

Yang Murray, A. (Ed.). (2000). *What did the internment of Japanese Americans mean?* Boston & New York: Bedford/St. Martin's.

Yu, J. (2003, January). *Japanese internment camps*. Retrieved from http://www.Geocities.com/Athens

RESISTANCE

Prisoner *resistance* refers to the tactics, strategies, and practices prisoners employ to contest the conditions and/or implications of incarceration. Premised on a Foucaultian belief that power is not a possession but rather a relational and negotiated dynamic, resistance studies analyze how prisoners, in spite of being confined, oppressed, and denied choices, nonetheless assert agency as they struggle to further their interests. Examination of prisoner resistance reveals a wide range of innovative tactics that can be classified along the axis of individual/collective, passive/violent, and everyday/exceptional.

COLLECTIVE RESISTANCE

The most well-known strategy of collective resistance is the riot. Though often triggered by a relatively minor incident, disturbances such as the infamous 1980 New Mexico State Penitentiary riot, in which 33 prisoners perished, often erupt into violence. In some extreme cases, prisoners attempt to assume control of the institution to publicize conditions and negotiate concessions. Although riots certainly draw public attention to prison conditions, this tactic may reinforce rather than undermine the institution's dominance. Prison disturbances rarely result in substantive changes to prison conditions and are frequently counterproductive, leading to sanctions and justifying enhanced regulatory measures to prevent future uprising. They also reinforce the belief that prisoners are violent, dangerous individuals who require a punitive carceral environment devoid of even basic privileges.

Less dramatic, although perhaps more effective, are the many peaceful forms of collective resistance. Foremost among these is the use of litigation by prisoners to acquire their constitutional or civil rights. Although the American judiciary's willingness to intervene has decreased substantially since the Ragen era and has been further undermined by the 1996 Prison Litigation Reform Act, prisoners continue to employ both state and federal constitutional guarantees, including the protection against cruel and unusual punishment (U.S. Constitution, Eighth Amendment) and the right to due process (U.S. Constitution, Fourteenth Amendment). Challenges to racial, gender, and religious discrimination have also used the provision guaranteeing equal protection under the law (U.S. Constitution, Fourteenth Amendment) and civil rights legislation. Alternately, prisoners can appeal to national or international organizations such as Amnesty International or the United Nations to mobilize support against penal excess. For example, Human Rights Watch has drawn international attention to the widespread sexual assault of women prisoners by male guards in U.S. state prisons.

Collective resistance to prison conditions can also take the form of peaceful political action. These may be well-organized symbolic demonstrations such as the annual "Prison Justice Day" (August 10), when, in a day of fasting, work stoppage, and commemorative services, prisoners in many parts of the United States and Canada remember those who have died in prison and make a stand for prisoner rights. Alternatively, collective resistance may take the form of spontaneous prisoner movements in response to the implementation of a new policy or practice. For example, Mary Bosworth (1999) recounts how women prisoners in

one British prison, after unsuccessfully attempting to challenge the introduction of new, extremely coarse toilet paper through theft and protest, were able to successfully draw on their gender identity and needs as women to pressure the institution to reverse its decision.

Finally, collective resistance includes the work of prison authors who assume narrative authority and speak to the experiential reality of imprisonment. Employing a range of genres, including in-house magazines, the penal press, academic magazines like *The Journal of Prisoners on Prison*, and autobiographical or analytic accounts of prison life, such as Victor Hassine's (1996) book, *Life Without Parole: Living in Prison Today,* these authors challenge the hegemonic official discourse of prisons and raise public consciousness through their writings.

INDIVIDUAL RESISTANCE

Not all resistance is collective. Prisoners also operate in their own, personal interests as they employ tactics to assert their agency and contest the conditions of their incarceration. These tactics may include exceptional dramatic acts such as assaults on staff, suicide, and (particularly in the case of women) starvation and self-injury. Sometimes resistance is literally scripted onto a prisoner's body. Not only is the act of acquiring tattoos an open challenge to prison directives, but the extensive tattoos that decorate many prisoners' bodies speak to countercultural allegiance. Some, such as "guilty until proven innocent" articulate and assert an antiestablishment discourse.

While exceptional acts can be powerful statements, the power relations characteristic of prison and the vulnerability of prisoners may render subtle everyday acts of resistance such as education, withdrawal, passive nonengagement in rehabilitative programs, illicit sexual relations, substance use, the fostering of subversive worldview and prisoner culture more viable, prudent strategies for retaining autonomy and asserting agency. For many prisoners, identity politics become the basis for, and tactic of, these everyday acts, such as demanding special meals in keeping with their religious beliefs.

CONCLUSION

It is important to remember the limits of resistance. Care must be exercised not to impose meaning and political significance by defining all acts by disempowered prisoners as resistance without attending to questions of intent, meaning, and subjectivity (Bosworth & Carrabine, 2001). Moreover, we must appreciate that while prisoners' capacity to resist is necessarily shaped by their imprisonment, the strategies employed are in turn conditioned by their access to resources including cultural capital, social status, legal advice, economic resources, position within prison hierarchies, as well as their individual characteristics including their gender, race, nationality, and institutional location. For instance, prisoner associations founded on religious or ethnic affiliation, such as Native brotherhoods, Native sisterhoods, and the Black Muslims, provide individuals with emotional support, the basis for identity politics, and emerge as a common voice to further the rights of Aboriginal and Muslim prisoners.

—Chris Bruckert

See also Eighth Amendment; Michel Foucault; Fourteenth Amendment; Prison Literature; Prison Litigation Reform Act 1996; Prisoner Litigation; Riots; Violence; Women in Prison

Further Reading

Bosworth, M. (1999). *Engendering resistance: Agency and power in women's prisons*. Aldershot, UK: Ashgate.

Bosworth, M., & Carrabine, E. (2001). Reassessing resistance: Race, gender and sexuality in prison. *Punishment and Society, 3*(4), 501–515.

Gaucher, R. (Ed.). (2003). *Writing as resistance: The Journal of Prisoners on Prison Anthology (1988–2002).* Toronto: Scholars Press.

Hassine, V. (1996, 1999). *Life without parole: Living in prison today.* Los Angeles: Roxbury.

McDonough, J. (2001). *Indelible impressions: Tattoos and tattooing in the context of incarceration.* Master's thesis (unpublished), University of Ottawa.

RESTORATIVE JUSTICE

Restorative justice provides an alternative framework to the adversarial-retributive justice model for

dealing with offenders. In restorative justice models, victim needs are central, offenders are held accountable, and the government is a secondary player in the process of restoring victims, offenders, and communities to a state of wholeness. Emerging in its contemporary form in the 1970s, restorative justice gained widespread recognition in the 1980s, and by the 1990s became part of mainstream correctional policy and practice in the United States and countries around the world. Today, restorative justice has converged with the notion of community justice to become an alternative way of thinking about and responding to crime.

Proponents of restorative justice argue that community members should play a crucial role in dealing with the aftermath of crime, enhancing public safety, and furthering the goals of social and criminal justice. Strategies that have become central restorative justice paradigms include victim–offender mediation and reconciliation, family group conferencing, peacemaking and sentencing circles, and surrogate encounter programs. A challenge for the future is to determine how restorative programs, policies, and practices can meaningfully function within the retributive framework of U.S. corrections and better meet the needs of victims, offenders, and citizens.

HISTORY

The term "restorative justice" was coined by Albert Eglash in a 1977 article, "Beyond Restitution: Creative Restitution," in which he identified three types of justice: retributive, distributive, and restorative. Ideas of restorative justice gained widespread recognition in the 1980s, and by the 1990s had been integrated into some mainstream correctional policy and practice in the United States, Canada, New Zealand, Australia, Great Britain, and other countries around the world.

Support for restorative justice arose from multiple forces, including public dissatisfaction with the criminal justice system, the victims' rights movement, feminist critiques of patriarchal justice, peacemaking, and critical criminology, and the shift toward community justice endeavors such as community policing and community corrections. Rising crime rates, a fairly widespread belief that the correctional system was ineffective in reducing recidivism, and public discourse and activism by victim's rights organizations laid the groundwork for acceptance of a new model of justice.

DEFINITION OF RESTORATIVE JUSTICE

Unlike the adversarial-retributive model upon which the U.S. criminal justice system is based, proponents of restorative justice view crime as harm that must be repaired through a holistic process involving victims, offenders, and citizens. In this endeavor, the government is charged with preserving order while the community is responsible for restoring peace. Restorative justice aims to address the natural antagonism among the rights, needs, and interests of offender and victims through programs, policies, and practices that work to restore victims, offenders, and communities harmed by crime.

Central features of the restorative justice model include the definition of crime as a harm; focus on problem solving, resolution through dialogue, negotiation, restitution, and reparation; community involvement and social action; recognition of victim rights and offender accountability; holistic understanding of the offender; reintegration rather than stigmatization, possibilities for repentance and forgiveness; and direct involvement of participants. The following table summarizes primary differences between the retributive and restorative models:

Retributive	*Restorative*
Crime = legal violation	Crime = harm
Wrongs create guilt	Wrongs create obligations
Debt abstract/punitive	Debt concrete/reparative
Blame/retribution central	Problem solving central
Victims needs ignored	Victims needs central
Offender stigmatized	Offender reintegrated
State monopoly on response to wrongdoing	Victim, offender, citizen roles recognized
Battle/adversarial model normative	Dialogue/reconciliation normative

Related concepts and terms sometimes used synonymously with restorative justice include "community justice," "relational justice," "indigenous justice," "balanced justice," "responsible justice," "transformative justice," and "real justice." The notions of restorative and community justice have converged in recent years, and some now refer to "restorative community justice" as a paradigm shift reflecting the trend toward increased community involvement in different stages and components of the justice process incorporating multiple theories (e.g., routine activities, restorative justice, balanced justice, reintegrative shaming) and practices (community policing, conferencing, circles, juvenile and adult intensive community aftercare) with the goal of restoration, improvement of quality of life in communities through government–community partnership, and active involvement of victims, offenders, and citizens in the justice process.

CURRENT PRACTICE

Today, three distinct (though increasingly blended) models—victim offender conferences, family group conferences, and circles—dominate the practice of restorative justice. Family group conferences (FGC) originated in New Zealand in the 1980s and are the primary means of justice for dealing with juveniles there. Circles (sometimes called peacemaking circles) emerged from First Nation communities in Canada. Victim–offender mediation (VOM), reconciliation programs (VORP), and conferences (VOC), of which there are more than 1,000 worldwide, are the most widespread. These programs, which began in the 1970s in the United States and Canada, bring together the victim and the offender with a trained mediator to talk in order to somehow resolve and heal the hurt caused by the offense. The perpetrator may also be asked to provide some kind of financial reparation. VOM and VORP, conferences, and circles are offered at different stages of the criminal justice process including diversion, sentencing, community supervision, and institutional programs. Other programs and practices sometimes referred to as restorative generally include victim impact panels, victim awareness programs, and community reparative boards, whereby citizens are involved in working out reparative agreements (usually with nonviolent offenders).

Although VOM and VORP are considered the most widespread application of restorative justice, restorative justice is not just mediation. Sometimes it is not desirable or possible to bring the victim and offender together. For example, it may be that such an encounter would further harm the victim. Likewise, both parties are not always willing or interested in doing so. When this happens, conferencing or peacemaking circles that enable offenders and citizens to discuss issues of accountability and understanding without the victim present can occur.

Unlike victim–offender mediation or reconciliation programs, family group conferencing and circles involve a large and diverse range of people in the attempt to deal with an offense. Conferencing, for example, can include victims and offenders and their family members, as well as unrelated victims and offenders. Circles generally involve victims, offenders, family members, community members, and facilitators who, arranged in a circle, pass a "talking piece" to assure that each person gets a chance to speak without interruption.

RESTORATIVE JUSTICE AND CORRECTIONS

Restorative justice has emerged as a central issue for corrections in the 21st century and has been formally included in the mission and vision statements of a number of state departments of corrections (e.g., Minnesota, Washington, Oregon, Vermont) and correctional agencies throughout the United States. It has also been incorporated in Canada, New Zealand, Australia, Great Britain, and elsewhere. The application of restorative justice principles to correctional practice entails using the community to deal with some of the consequences of crime (including victim and offender needs), enhancing public safety, and furthering the goals of social and criminal justice.

Restorative correctional programs, practices, and policies provide opportunities for victim and community participation in surveillance,

treatment/rehabilitation, reentry/reintegration of offenders, and for offenders to take steps to make amends and/or repair harms resulting from their crimes. Correctional practices embodying the principles of restorative justice exist across the correctional continuum in community and custodial contexts. However, determining whether a program or practice is restorative is a matter of some debate. Howard Zehr (2002, p. 55) suggests that restorative justice models can be viewed along a continuum from fully restorative to pseudo- or nonrestorative and proposes six questions to assess the extent to which a program, policy, or practice is fully, mostly, partially, potentially, or pseudo-restorative:

1. Does the model address harms, needs, and causes?
2. Is it adequately victim oriented?
3. Are offenders encouraged to take responsibility?
4. Are all relevant stakeholders involved?
5. Is there an opportunity for dialogue and participatory decision making?
6. Is the model respectful to all parties?

From this perspective, conferencing, circles, surrogate encounter programs, and reparative boards can be considered fully restorative, while victim impact panels in a correctional setting (generally involving a one-way presentation of information) can be considered partially restorative. Community service, work crews, and offender reintegration programs can be considered potentially restorative, but unless such programs are consistent with the fundamental principles of restorative justice—involving all stakeholders, collectively identifying and addressing needs, harms, and obligations in an attempt to make things as right as possible, then such programs could in fact be pseudo-restorative. For example, a recent development in Washington State is the implementation of the "victim wrap-around process" whereby a committee of victim advocates, victims of crime, community members, and state correctional officials develops a supervision plan for offenders released into the community. However, for the protection of victims, offenders are not part of the process. Is this practice fully, partially, potentially, or pseudo-restorative? While the victim is seen as central to the process, the exclusion of the offender may place the practice on the pseudo- or nonrestorative end of the continuum.

Variations of VOM, VORP, and VOC have emerged that extend the concept of encounter and mediation to meetings between surrogate victims and incarcerated offenders in institutional corrections contexts. For example, a program developed by Howard Zehr in Graterford Prison in Pennsylvania in the early 1990s involved encounters between members of the "Lifers" and family members of homicide victims interested in engaging in dialogue and asking questions of offenders. The program provided a forum for victims who were unable to meet with the offenders in their cases to ask questions of surrogate offenders for the purpose of healing and/or understanding. Other programs involve bringing together unrelated victims, offenders, and citizens in prison settings to read educational material on restorative justice, engage in "storytelling" and seminar-style discussions about the impact of crime, offender accountability, the needs of participants, and concrete ways to engage in the restorative process (Helfgott et al., 2000). Restorative justice is increasingly being applied to correctional settings involving adult violent offenders.

More restorative justice-oriented correctional options are available today than ever before. While victim–offender mediation (specifically with juvenile property offenders), victim impact in sentencing and parole decisions, and the use of restitution and community service as a sanction have existed for many years, newer programs and practices such as surrogate encounter programs in custodial settings, victim–offender reconciliation involving violent offenders, community reparative boards, peacemaking circles, and conferencing offer creative and hopeful alternatives to the traditional correctional options of the retributive model. These restorative correctional options enable the principles of the restorative justice model to be applied, in whole or in part, across the continuum of correctional contexts with different types of offenders.

ISSUES AND CHALLENGES

Central issues for the future of restorative justice include determining how and if restorative and community justice-oriented programs and practices can meaningfully function within the larger adversarial-retributive justice framework, accumulating empirical research on the effectiveness of the range of restorative justice-oriented programs with different types of offenders across correctional contexts, and ensuring that victim needs are met and that victims and their families are not further harmed by restorative correctional endeavors.

In the United States, restorative correctional practices are hindered by the dominant adversarial-retributive model. A fundamental issue is how and if restorative programs, policies, and practices can be implemented within the retributive framework. Proponents of the restorative justice model have been criticized for minimizing or discounting the fundamental differences between the retributive and restorative justice paradigms. Critics argue that conflicting principles and practices of the two paradigms make it impossible to implement restorative justice within the retributive justice framework, that restorative justice-oriented programs implemented within the existing criminal justice system are not truly restorative, that the restorative justice model is idealistic and utopian, and that some programs operating under the guise of restorative justice are actually harmful to victims and/or do not voluntarily solicit victim involvement (e.g., in the case of domestic violence and/or sexual assault where there are power or control issues between the victim and the offender that may be exacerbated by the restorative process).

Others suggest that despite the praises that surround restorative justice, little empirical research exists to support its benefits. Kathy Daly (2002) argues that the "real" story about restorative justice is much more qualified than the mythical one. She suggests that there are limits to "repairing harm," that restorative justice approaches are less successful than advocates suggest in terms of their ability to enhance understanding and sincere meaningful dialogue between victims and offenders, and that restorative and retributive justice models are not necessarily as divergent as restorative justice advocates contend.

Another criticism is that many programs and practices based on restorative justice principles are not cost effective and/or have not proven to reduce recidivism. However, others suggest that the goal of restorative justice is not to reduce cost or recidivism, but to do the right thing. Recidivism reduction may be a byproduct but not the fundamental objective of the restorative process, and the multidimensional goals of restorative justice may be best measured through personal and interpersonal offender development, offender adaptation and reintegration, victim healing, and citizen and victim fear of crime. Assessing the impact of restorative justice-oriented correctional options depends on the accumulation of empirical data. While much of the information regarding the impact of restorative justice programs has been anecdotal, there is a growing body of empirical research suggesting that these restorative correctional options enhance understanding between the polar groups affected by crime, reduce fear of crime among victims and citizens, provide opportunities for victim healing and offender accountability, and (in some cases) reduce offender recidivism. However, the exact number of restorative justice-oriented programs in existence remains unknown, and there is a lack of systematic data on the direct impact of these programs on recidivism and program costs/benefits when high-risk violent and sex offenders and their victims are involved.

Other questions that have been raised regarding the application of restorative justice include: What if one party refuses to participate? Is victim participation truly voluntary? In cross-cultural situations (where victims, offenders, and citizens come from different cultural backgrounds), how will different conceptions of restoration be resolved? What happens in situations where no "community" can be defined? Does implementation of the restorative justice model blur or dissolve the distinction between civil and criminal law? These and other questions and challenges remain at the forefront of discourse and exploration of the restorative justice model.

RACE AND GENDER ISSUES

Fundamental to restorative justice is the notion that the restorative process involves cultural plurality and community or citizen ownership of the justice process. This means that any program, policy, or practice that is considered restorative necessarily involves allowing the voices and concerns of traditionally powerless stakeholders to be heard, acknowledged, and addressed.

Some argue that restorative justice offers a forum through which the needs of women and minority racial/ethnic groups and indigenous populations can be better addressed. However, critics contend that restorative justice programs do no better and in some situations may actually do worse than the traditional criminal justice system in terms of dealing with imbalances of power.

For example, there is disagreement about whether restorative justice is an appropriate response to domestic violence and sexual assault. Restorative justice proponents suggest that the restorative approach gives female victims of domestic and sexual assault a safe forum through which to express their needs, rights, and interests. Others argue that these sorts of crimes are so extreme that they should be handled in the formal criminal justice system through a punitive response. Feminists argue that if domestic violence and sexual assault are dealt with restoratively, these matters may return to the private sphere to be dealt with behind closed doors rather than a serious, public social problem deserving of a formal and severe criminal justice response.

Another concern is that restorative justice may worsen social injustice. Braithwaite (2002) suggests that even when restorative justice is maximally culturally plural, tensions exist between restorative justice and social justice. For example if facilitators are trained to assure plurality in the restorative justice process, would indigenous Elders who have not been trained or certified be excluded from presiding over indigenous justice processes? Furthermore, cultural plurality and equalizing power imbalances is a complex task in situations where the offender is from one culture/race/gender and the victim is from another. In such situations the victim–offender dynamic is supplanted by the male–female, Indigenous–white, African American (or Hispanic, Asian, Native American, etc.–white), minority–majority culture. For example, in a restorative justice program where offenders are disproportionately racial/ethnic minorities from disadvantaged socioeconomic backgrounds and victims and citizens are disproportionately white and socioeconomically advantaged, who has the weaker voice? How can the needs of all parties, in particular the victim, be addressed while ensuring plurality and promoting social justice?

An additional concern is that restorative justice has been misrepresented as a peacemaking or "feminine" justice. Daly (2002, p. 66) argues that using gender dichotomies (or any dichotomies) to describe principles and practices of justice will always fail, because justice must deal with "the messy world of people's lives." If women are viewed as the peacemakers or caretakers, and responses to crime become increasingly restorative, then the burden of justice will fall on women who tend to do more of the restoring than men (Braithwaite, 2002). Care or peacemaking approaches may not be appropriate for some offenders and may further victimize some victims. Relegating femaleness to peacemaking, caring, and restoration and maleness to conflict, punishment, and retribution is a response to crime and injustice that makes crime and punishment the business of men and victimization and restoration the business of women—a false dichotomy that reinforces the harm and power imbalance restorative justice seeks to repair.

CONCLUSION

Restorative justice offers an alternative to the adversarial model of justice, a new framework for envisioning correctional interventions, and a range of options to enhance public safety and offender change. It is unclear whether the restorative justice paradigm will succeed in supplanting the retributive "Get tough" approach to crime and corrections. However, the grassroots nature of the restorative model and the convergence of the restorative and community justice frameworks have resulted in

widespread implementation of a range of programs and practices founded upon the principles of restorative justice. Given that restorative justice-oriented programs and practices have been developed and exist independently of governmental agencies through the efforts of religious and nonprofit community organizations and individuals within academic, social service, and/or other noncriminal justice organizations, it is likely that these efforts will continue to impact corrections and to provide alternative correctional options in the United States and around the world. The accumulation of empirical findings on the range of restorative programs and practices in corrections, the evolution of restorative justice into community justice, and continued discourse and action exploring the role of community in crime, justice, and corrections will likely continue to play an important role in future correctional policy and practice.

—Jacqueline B. Helfgott

See also Australia; Crime, Shame, and Reintegration; Incapacitation Theory; Just-Deserts Theory; Juvenile Offenders: Race, Class, and Gender; Native American Prisoners; Native American Spirituality; New Zealand; Prisoner Reentry; Race, Class, and Gender of Prisoners; Recidivism; Rehabilitation Theory

Further Readings

Bazemore, G., & Schiff, M. (2001). *Restorative community justice.* Cincinnati: Anderson.

Braithwaite, J. (1989). *Crime, shame and reintegration.* New York: Cambridge University Press.

Braithwaite, J. (2002). *Restorative justice and responsive regulation.* Oxford, UK: Oxford University Press.

Braswell, M., Fuller, J. R., & Lozoff, B. (2000). *Corrections, peacemaking, and restorative justice: Transforming individuals and institutions.* Cincinnati: Anderson.

Daly, K. (2002). Restorative justice: The real story. *Punishment and Society, 4*(1), 55–79.

Galaway, B., & Hudson, J. (Eds.). (1996). *Restorative justice: International perspectives.* Monsey, NY: Criminal Justice Press.

Helfgott, J. B., Lovell, M. L., Lawrence, C. F., & Parsonage, W. H. (2000). Results from the pilot study of the Citizens, Victims, and Offenders Restoring Justice Program at the Washington State Reformatory. *Journal of Contemporary Criminal Justice*, *16*, 5–31.

Liebmann, M., & Braithwaite, S. (1999). *Restorative justice in custodial settings. Report for the Restorative Justice Working Group in Northern Ireland.* Retrieved from http://www.extern.org/restorative/Rjreport.htm

Strang, H., & Braithwaite, J. (Eds.). (2001). *Restorative justice and civil society.* Melbourne: Cambridge University Press.

Strang, H., & Braithwaite, J. (Eds.). (2002). *Restorative justice and family violence.* Melbourne: Cambridge University Press.

Umbreit, M. (1994). *Victim meets offender: The impact of restorative justice and mediation.* Monsey, NY: Criminal Justice Press.

Van Ness, D., & Strong, K. H. (1997). *Restoring justice.* Cincinnati: Anderson.

Zehr, H. (1990). *Changing lenses: A new focus for crime and justice*. Scottdale, PA: Herald.

Zehr, H. (1995). Justice paradigm shift? Values and visions in the reform process. *Mediation Quarterly*, *12*, 207–216.

Zehr, H. (2002). *The little book of restorative justice.* Intercourse, PA: Good Books.

RETRIBUTION THEORY

See JUST DESERTS THEORY

RIKERS ISLAND JAIL

HISTORY

The City of New York purchased Rikers Island in 1884 for $180,000. At that time, the island measured 87 acres. Before it became the penal colony it is today, Rikers, along with Hart Island, was used as a base for the U.S. Colored Troops, the African American soldiers who fought during the Civil War. In the 1930s, Rikers Island became the headquarters for the New York City Department of Corrections, replacing the department's antiquated facilities at Blackwell's Island (now Roosevelt Island).

Rikers opened as a jail in 1933 with only two facilities: the Rikers Island Penitentiary and the Rikers Island Hospital. During the 1930s and into the 1940s, the inmates housed at Rikers, many of whom were there because of problems with narcotics, worked as farm laborers on the island. The theory at Rikers was that hard work and fresh air would help prisoners reform. Consequently, inmates worked at jobs such as growing farm produce for other institutions, raising the numerous

pigs that also lived on Rikers Island, and unloading coal and other materials from barges that came to the island. Prisoners also laid railroad tracks and waterlines, and expanded the island to 415 acres through landfill.

THE RIKERS ISLAND BRIDGE

In 1966, the Rikers Island Bridge was constructed under Mayor John Lindsay. The 5,500-foot bridge cost the city more than $9,000,000. Previously, the only access to the island was by ferry. The bridge allowed easier access for staff, prison visitors, other agency personnel, lawyers, emergency staff and equipment, professional service staff, college and university staff engaged in research, and the many civic groups interested in correctional agency operation. The bridge, located at the foot of Hazen Street and 19th Avenue in Astoria, connected Queens to the southern portion of Rikers Island. It provided both lanes for cars and buses and a walkway for pedestrian traffic. The bridge was seen as much more economical than ferry service, despite its initial cost, because of money saved on ferry maintenance.

RIKERS ISLAND TODAY

The Rikers Island complex is made up of 10 separate jails. Five Division One facilities are maintained on the island. The first is the James A. Thomas Center, which is the original Rikers Island Penitentiary, built in 1933. Previously referred to as the House of Detention for Men, this facility was recently renamed in honor of the DOC's first African American warden, James A. Thomas. Today it serves as a maximum-security, single-cell facility, with a maximum capacity of 1,200.

The second jail, the George Motchan Detention Center, opened in 1971. Originally known as the Correctional Institution for Women, this building housed women and the nation's first jail-based nursery. In 1988, with the opening of a new women's facility, the building was converted to a facility for men. Another Division One jail is the Adolescent Reception and Detention Center, opened in 1972 with a maximum capacity of 2,500 inmates. It currently houses adolescent male detainees ages 16 to 18.

A fourth jail, the Rose M. Singer Center, opened in June 1988, with a maximum capacity of 800 inmates. This center replaced the Correctional Institution for Women. It was later expanded through the use of modular housing and now can hold up to 1,700 female detainees and sentenced inmates. Like its predecessor, this women's facility has a nursery, which houses up to 25 newborns. The fifth Division One facility is the George V. Vierno Center, opened in 1991 with a total capacity of 850. With an addition in 1993, its maximum capacity was expanded by 500. This facility houses detainees awaiting trial.

In addition to the Division One facilities, Rikers also has five Division Two facilities. The North Infirmary Command (NIC) is composed of two buildings, one of which was the original Rikers Island Hospital built in 1932. The NIC's total capacity is 500. It is used for housing the sick as well as general population inmates. In addition, inmates who require extreme protective custody because of notoriety or the nature of their cases are also housed there. A special dormitory has been created to house AIDS and AIDS-related cases.

In 1964, the second Division Two facility, the Eric M. Taylor Center, was opened under the name of the Correctional Institution for Men. The facility was expanded in 1973 and has a current capacity of 2,250. It houses, in dormitory style, adolescent and adult male inmates sentenced to terms of one year or less. These men constitute the ground crews, facility maintenance, and industrial labor force on Rikers Island. Another facility, the Anna M. Kross Center, completed in 1978, has a total capacity of 2,400. This facility is composed of 40 housing areas spread over 40 acres of the island. The facility also houses a Methadone Detoxification Unit for detainees and the department's Mental Health Center, which was established in 1962.

In June 1985, the Otis Bantum Correctional Center was opened, with a 2,000 inmate capacity. It has two annexes, the Harold A. Wildstein, opened in March 1987, and the Walter B. Keane, opened later in 1987, which are former Staten Island

ferries, each with a 162-bed capacity. Finally, the West Facility, an 800-bed facility, opened in the fall of 1991. Part of the West Facility was converted into the department's Communicable Disease Unit, in which 140 specially air-controlled housing units are reserved for male and female inmates with contagious diseases such as tuberculosis.

INMATE POPULATION

Of the inmates held at Rikers, two-thirds are pretrial detainees who have been charged with, but not convicted of, a crime. These detainees are those who have been arrested but cannot afford to pay bail, which for many is $500 or less. The jails at Rikers house those convicted of misdemeanor offenses, as well as those convicted of felonies who are awaiting transfer to other prisons. The inmate population is 92% black or Hispanic, even though blacks and Hispanics make up only 49% of the city's population. Ninety percent of the inmates lack a high school diploma or a general equivalency diploma, and 80% have a history of substance abuse. Thirty percent are homeless, and 25% have been treated for mental illness. Twenty percent of the inmates are female, and of the remaining 80% of the male population, 10% are HIV-positive. Most important, of those inmates released from Rikers Island, about 75% return in less than one year.

CONCLUSION

Today, Rikers Island remains the main base for the New York City Department of Corrections. The facility now has the capacity to hold up to 17,000 inmates, as well as housing the DOC's transportation division, other support operations including a central laundry, a central bakery, a firehouse, a hospital, a court house, and three high schools, in addition to the K-9 and Marine Units of the Department of Corrections. Despite the fact that Rikers Island, with a yearly operating budget of $860,000,000, is located in the East River, only about 100 yards from LaGuardia Airport, many New Yorkers are not aware of its location.

—Laura Jean Waters

See also Federal Prison System; HIV/AIDS; Jails; Juvenile Justice System; Lockup; Parenting Programs; Prison Nurseries; State Prison System; Women's Prisons.

Further Reading

New York City Department of Corrections. (2004). Retrieved September 14, 2004, from http://www.nyc.gov/html/doc/

New York Correction Society. (2004). Retrieved September 14, 2004, from http://www.correctionhistory.org

Wynn, J. (2001). *Inside Rikers: Stories from the world's largest penal colony*. New York: St. Martin's.

RIOTS

The American Correctional Association (1996, p. 17) identifies three categories of collective violence in prison: (1) an incident, (2) a disturbance, and (3) a riot. A *riot* is said to have occurred when a significant number of prisoners control a major portion of the facility for a considerable period of time. A *disturbance* is a step down from a riot; there are fewer prisoners involved, and the administrators do not lose control of any part of the institution. In turn, an *incident* is less severe than a disturbance, with only a few prisoners involved and no occupation of any part of the facility. While this way of thinking about riots is a little vague, it does have the advantage of highlighting the ways in which the problem of order is a daily feature of institutional life.

HISTORY

Ever since the birth of the modern prison, prisoners have been involved in riots. The first recorded prison riot in the United States took place in 1774, in a prison that had been built in 1773 over an abandoned copper mine in Simsbury, Connecticut. It has been estimated that more than 1,300 riots occurred in American correctional institutions in the 20th century. To make sense of the sheer volume of these events, the social scientist Robert Adams (1992) has distinguished the following four phases in the history of prison riots in Britain and the United States.

1. Traditional Riots

According to Adams, the riots of the 19th and early 20th centuries were mainly impromptu mutinies by fugitive prisoners trying to escape the harsh conditions of their confinement in an era guided by the twin doctrines of religious reformation and hard labor. It has been estimated that most of the riots that occurred in the United States between 1865 and 1913 involved escape attempts and often resulted in the deaths of one or two prisoners. Of course, the historical record here is especially poor, as the experiences and motives of the rioters largely remain undocumented. However, as early as 1815, Massachusetts prison guards "were exhorted to think of the prison as a volcano filled with burning lava, which, if not restrained, would destroy both friends and foes," suggesting that prisoners were difficult to control (Teeters & Shearer, 1957, pp. 228–229).

2. Riots Against Conditions

The ascendancy of the rehabilitative ideal from the turn of the 20th century to the early 1960s provides a different context in which prison unrest occurred. A major wave of prison riots swept across the United States from April 1952 (more than 40 during an 18-month period), numbering more than had taken place in the previous 25 years. Response to such disturbances was significant in three key respects. First, the riots did not undermine faith in rehabilitation. In fact, the disorder was taken as firm evidence that more resources should be allocated to the reform endeavor. Second, the rioters were viewed not as rational actors with legitimate grievances, but as insane thugs. One penal expert explained that "the ringleaders are reckless and unstable men . . . of the type generally placed in the vague but convenient category of 'psychopath'" (cited in Useem & Kimball, 1989, p. 10). Third, the riots of this period were largely spontaneous demonstrations over living conditions that challenged abuses of power.

3. Consciousness-Raising Riots

The riots from the mid-1960s to the mid-1970s possessed clearly defined political agendas that sought to relate the oppression prisoners experienced inside with that of other groups in the urban ghettoes and the Third World. Prisoners engaged in such collective resistance during this period could rely on hitherto unknown levels of support beyond the walls as a result of the civil rights movement and rising expectations of social entitlements. That it was the general nature of power, rather than specific abuses which the riots of this era targeted, was made abundantly clear in the Folsom Prison riot of 1970. The prisoners at Folsom produced a "Manifesto of Demands and Anti-Oppression Platform," which announced that it "is a matter of documented record and human recognition that the administrators of the Californian prison system have restructured the institutions which were designed to socially correct men into *THE FASCIST CONCENTRATION CAMPS OF MODERN AMERICA"* (cited in Fitzgerald, 1977, p. 203; emphasis in original).

4. Post-Rehabilitation Riots

The collapse of the rehabilitative ideal has led to a fragmentation of penal discourse and its associated form of opposition. According to some, most riots are now based on self-interest and predatory individualism. While this characterization is open to dispute, the paradox is nevertheless illustrated by the two most infamous prison riots in U.S. history. The riot at Attica in 1971 was widely regarded as a political struggle against oppression, racism, and injustice, whereas that of the Penitentiary of New Mexico in 1980 is usually read as an example of the "Balkanization" of prisoner society.

TWO PRISON RIOTS

Attica, 1971

No other prison riot is as notorious as the uprising at Attica in 1971, in which 43 people died at the remote upstate New York maximum-security prison between September 9 and 13. During the 15 minutes it took state police to retake the prison, 39 were killed, including 10 hostages slain by the assault force, and a further 80 were wounded in the indiscriminate hail of gunfire. Attica was not

unlike most maximum-security prisons at the time. It was overcrowded with some 2,200 inmates when the riot took place. Its population had become increasingly young, urban, and black; more than half the prisoners were African American. By contrast, staff were predominantly white and from local rural communities. Officers were also mainly conservative in their politics, whereas minority inmates were influenced by the radical manifestos promoted by the Black Panther Party and the Black Muslims. Racism, suspicion, and mistrust between staff and prisoners were mutual.

Though it became convenient for staff and the administration to blame revolutionary prisoners for the riot, such simple condemnation disguises chronic management failures that existed at the time. Antiquated communication systems, incoherent rules for prisoners and staff, as well as intense conflicts over reform between liberal and conservative forces in the state all contributed to the environment in which the riot occurred. Additionally, prisoners had become well versed in the arts of collective protest, having successfully engaged in a sit-down strike for extra pay a year earlier and marked George Jackson's murder by San Quentin prison guards with a silent fast in the mess hall in August 1971.

In the days immediately before the riot, there were a number of clashes between guards and prisoners that should have alerted the authorities that tension was rising. However, no riot control plan was drawn. When a disturbance began on the morning of September 9 involving 20 or so prisoners, conflict expanded so rapidly that in just over an hour 1,281 prisoners and 40 hostages were able to occupy D Yard, during which time three prisoners were killed by other prisoners in the chaos. In the next couple of hours, inmate leaders took control and laid the foundations for an inmate society, with a degree of formal organization, democratic participation, and political principle unprecedented in prison riots.

With the stage set clearly for negotiations, the commission investigating the riot tried to discover why a peaceful resolution failed and a bloodbath ensued. A significant factor was that no single negotiating strategy was pursued, which led to vacillation, mistrust, and rumor. Discussions began with Commissioner Oswald pursuing direct negotiations with inmate leaders who had drawn up a list of demands, which included a "complete amnesty," federal government intervention, and "transportation" to a non-imperialistic country. Oswald rejected the "amnesty" demands and left an ad hoc observers' committee (including a journalist and radical lawyer) to mediate with inmate leaders who no longer trusted the state administration, not least because prison official had spread false rumors to the media, which included announcing that hostages had been murdered. The edgy stalemate continued for four days, until Oswald concluded that nothing more was to be gained from these talks and issued the prisoners an ultimatum, which was promptly rejected, and the state police were ordered to retake the prison. Yet, in the final analysis, the main reason the prison was stormed with such overwhelming force was to preserve order in a geopolitical sense. Attica was front-page news, and the prisoners' radical statements were reaching a global audience. This situation led the New York State Governor, Nelson Rockefeller, to believe that "an inmate victory at Attica would be treason to the authority and prestige of the United States around the world, from Cuba to Vietnam" (Useem & Kimball, 1989, p. 37).

Penitentiary of New Mexico, 1980

If the riot at Attica symbolizes the political struggles that occur among prison inmates, staff, and administrators, the rebellion at New Mexico stands as an extreme instance of primeval barbarism among prisoners. During the 36 hours of the riot's duration, 33 prisoners were murdered, an additional 200 prisoners were mutilated, burnt, and raped, 90 were given drug overdoses, and 12 staff members were beaten, stabbed, and raped (Adams, 1992, pp. 94–95). Even these shocking figures do not adequately convey the apocalyptic horror unleashed at the institution, leading most commentators to describe the riot as quite unlike any other in terms of senseless human brutality. Yet in emphasizing the difference of this event, it is important not to overlook the similarities with other riots. The riot was different from that at

Attica. However, this was not because the prisoners were psychologically disturbed monsters but because the social context in which the riot took place was different.

A significant factor in shaping the kind of riot that occurred at New Mexico was that in the 10 years leading up to the riot the prison changed from a relatively well-run institution to one that was out of control. From around 1975, the state corrections system underwent a series of organizational changes that undermined the prison's ability to function. Following allegations of corruption, which included inmates using community contact programs to smuggle drugs into the prison, a new administration came to power in 1975 and set about ending rehabilitation programs, cracking down on the drug trade, and abolishing the inmate council. Taken together, these changes effectively ended an era of consensus. The subsequent introduction of the notorious "snitch" system is an indication of how far internal control had deteriorated.

The snitch system involved coercive (as opposed to voluntary) informing. If prisoners refused to snitch, officers would falsely tell other inmates that they had informed anyway. In this environment, inmate solidarity was corroded as mistrust generated a climate of hate, fear, and intimidation. Although the organizational changes were ostensibly efforts to tighten up the prison, they in fact led to an erosion of security. In the two months before the riot, the administration had learned of up to a dozen separate plans to seize territory and capture hostages. The authorities responded to the escalating tension not by strengthening security measures but by instigating further procedural reorganizations. For instance, "intelligence sharing" meetings were now held where the dangers of a takeover and hostage seizure were discussed, but no precautions were drawn up to militate against such occurrences.

The riot began over a fight between two drunken prisoners and a prison officer who lost his keys to a group of inmates that enabled entry to other sections of the prison, including the pharmacy. Consequently, what would have been a minor altercation spread rapidly through an understaffed institution where cliques of amphetamine-fueled inmates sought revenge against snitches. The first set of killings set a template of retribution. In one instance, a prisoner was beaten with steel pipes and then knifed to death. Another prisoner, who had barricaded himself in his cell, was shot in the face with a grenade launcher stolen from the control center (Useem & Kimball, 1989, p. 105). These murders set a precedent for revenge, and subsequently prisoners competed with each other to produce the most imaginative modes of murder and torture, which included burning, castration, disembowelling, decapitation, and raping informants and other pariahs, including convicted child molesters. The riot lasted 36 hours and ended primarily because of mass defections, so that when state police recaptured the institution only 100 or so exhausted participants remained.

EXPLAINING PRISON RIOTS

Clearly, prison riots are disturbing, complex, and diverse events that raise profound questions about human action, social structure, historical context, and political reasoning. Not unsurprisingly, several theories exist to explain them, out of which the following three main perspectives can be summarized.

Disorganization

The central assumption of this view is that society functions through control mechanisms that check irrational behavior and promote consensus. Such regulatory mechanisms include the family, religion, and community ties, which socialize the individual into conformity. If disorder occurs, it is seen as a result of a breakdown or disorganization in the mechanisms that engender solidarity.

A classic example of this approach is Gresham Sykes's (1958) monograph on the Trenton maximum-security prison, *The Society of Captives.* In his book, Sykes claimed that the authorities maintained order through a system of power sharing with inmate leaders. It was only as a result of the administration attempting to regain control of the institution, through curbing the abuse of official rules, cracking down on the illegal economy, and tightening security that the prison experienced a spate of

riots in 1952. A more recent example is Mark Colvin's (1992) analysis of the New Mexico riot in 1980, in which he argues that the riot was a consequence of organizational breakdown and the fragmentation of the inmate society.

Deprivation

Deprivation theories (including rising expectations, grievance dramatization, and relative deprivation) emphasize the ways in which violent protest is rational action pursued by the oppressed. What unites these analyses is the implication that there is a relationship between a precipitating event and a reservoir of grievances. One proponent of this view is Vernon Fox (1973). His "powder keg" theory maintains that inhuman conditions make the prison a time bomb waiting to explode, which can be sparked by a relatively trivial incident that ignites a savage uprising (for instance, a drunken fight at New Mexico). This has many similarities to the accounts advanced by some journalists and officials who often attest that riots are caused by bad conditions, overcrowding, understaffing, poor security, and the toxic mix of inappropriate prisoners.

However, as Michael Cavadino and James Dignan (2002, p. 19) point out, if this is the case, then riots would only occur in the British context in local prisons (institutions that hold inmates on short sentences and allocate those serving longer sentences to other facilities) and remand centers (jail), where these factors are particularly prevalent. Yet prior to 1986, major disorder was almost entirely in the "dispersal" prisons, which are not overcrowded or understaffed and where security is at a maximum. Since 1986, the pattern has been reversed, with most major riots occurring in local prisons and remand centers. Again this account faces difficulties in explaining these incidents, because these institutions lack the toxic mix of prisoners held to be important factors propelling disorder.

Legitimacy

Bert Useem and Peter Kimball's (1989) examination of nine prison riots in the United States provides a fresh understanding of prison disorder as it introduces the issue of legitimacy as crucial to structuring institutional stability. They argue that well-managed prisons perpetuate conformity, whereas breakdowns in administrative control render imprisonment illegitimate in the eyes of the confined. They claim that prisoners do not

> riot merely because they are deprived of the amenities available outside of prison—for punishment is the purpose of prison—but because the prison violates the standards subscribed to concurrently or previously by the state or by significant groups outside of the prison. (Useem & Kimball, 1989, p. 219)

Their study anticipated Lord Woolf's conclusion that the 25-day occupation of Strangeways prison in Manchester, England, was due to widely shared feelings of injustice, and the explicit argument is that there are variable conditions under which the confined accept or reject custodial authority. It is difficult to underestimate the significance of Woolf's report in English prison management. Not only does it mark a decisive break with previous government understandings of prison unrest, but it is also universally regarded as the most important examination of the prison system in the past 100 years. The recipe of reform Woolf advocated is widely understood as one which will take the prison system out of the 19th century and into the 21st.

CONCLUSION

The concept of legitimacy locates the study of prison riots in the broader problem of order familiar to social and political theorists. By doing so, it establishes that there are no simple answers to the question of why prisoners rebel in the ways that they do. In fact, it raises the pressing issue of how such matters as age, class, gender, race, religion, and sexuality challenge a universalizing notion like legitimacy. Perhaps the unsettling conclusion to be drawn from this review of prison riots is that they ought to happen more often. Explaining why they do not involves recognizing that prisons typically generate diverse forms of social order in spite of frequently illegitimate distributions of institutional power.

To take the issue of gender, it is clear that prison riots are overwhelmingly concentrated in male prisons, which suggests that forms of "protest masculinity" are significant elements structuring the incidence of unrest. However, it is also important to recognize that women can and do seriously disrupt institutional regimes. For instance, historically "outbreaks of 'smashing up,' where girls would seriously damage their rooms and their contents" (Cox, 2002, p. 98) were not uncommon in the interwar period in Britain, while research in contemporary prisons has further indicated the versatile ways in which women resist institutional power. So while gender differences might structure the sheer amount of unrest, it is essential not to overstate the distinctions between the ways in which women and men experience imprisonment, as this can serve to reinforce stereotypes (such as, men are "active" and women are "passive").

It is also the case, especially in the U.S. context, that the politics of race and racism play important roles in determining the character of prison unrest. Perhaps this is nowhere better illustrated than at Attica, where the inmate leaders were drawn from the Black Muslims, Black Panthers, and Young Lords, while the ferocious storming of the prison was fired by counterrevolutionary zeal and a hunger for violence among the assembled rural, white troops. In more recent years, the "Balkanization" of inmate society combined with the phenomenon of mass imprisonment of minority urban males has had major implications for post-rehabilitation prison riots, the full social and financial costs of which have yet to be estimated—a long overdue task that is now more urgent than ever.

—Eamonn Carrabine

See also Attica Correctional Facility; Legitimacy; New Mexico Penitentiary; Resistance; Violence

Further Reading

Adams, R. (1992). *Prison riots in Britain and the USA*. London: Macmillan.

American Correctional Association. (1996). *Preventing and managing riots and disturbances*. Lanham, MD: American Correctional Association.

Bosworth, M. (1999). *Engendering resistance: Agency and power in women's prisons*. Aldershot, UK: Ashgate.

Bosworth, M., & Carrabine, E. (2001). Reassessing resistance: Race, gender and sexuality in prison. *Punishment and Society, 3,* 501–515.

Carrabine, E. (2004). *Power, discourse and resistance: A genealogy of the Strangeways prison riot*. Aldershot, UK: Ashgate.

Cavadino, M., & Dignan, J. (2002). *The penal system*. London: Sage.

Colvin, M. (1992). *The penitentiary in crisis: From accommodation to riot in New Mexico.* Albany: State University of New York Press.

Cox, P. (2002). *Gender, justice and welfare: Bad girls in Britain, 1900–1950*. London: Palgrave.

Fitzgerald, M. (1977). *Prisoners in revolt.* Middlesex, UK: Penguin.

Fox, V. (1973). *Violence behind bars: An explosive report on prison riots in the United States.* Westport, CT: Greenwood.

Montgomery, R., & Crews, G. (1998). *A history of correctional violence: An examination of reported causes of riots and disturbances*. Lanham, MD: American Correctional Association.

Rudé, G. (1964). *The crowd in history.* New York: Wiley.

Sykes, G. (1958). *The society of captives*. Princeton, NJ: Princeton University Press.

Teeters, N., & Shearer, J. (1957). *The prison at Philadelphia, Cherry Hill: The separate system of penal discipline: 1829–1913*. New York: Columbia University Press.

Useem, B., & Kimball, P. (1989). *States of siege: U.S. prison riots, 1971–1986*. Oxford, UK: Oxford University Press.

Woolf, H., and Tumim, S. (1991). *Prison disturbances April 1990* (Cm 1456). London: HMSO.

ROSENBERG, ETHEL (1915–1953) AND JULIUS (1918–1953)

Ethel and Julius Rosenberg were both convicted of conspiracy to commit espionage against the United States for the Soviet Union in 1950. They were executed three years later. To this day, controversy rages as to whether they were actually guilty.

BIOGRAPHICAL DETAILS

Ethel Greenglass was born September 18, 1915, in New York City. She graduated from high school at the age of 15 and went on to become a clerk for a shipping company. She was fired from this position four years later because of her active engagement as the organizer of a strike of 150 women workers. Her

activism at work and her interest in politics lead Ethel to join the Young Communist League.

Julius Rosenberg was born on May 12, 1918, in New York City to Polish immigrants, Harry and Sophie Rosenberg. He graduated from high school at the age of 16 and went on to study electrical engineering at the City College of New York. While attending college, Julius joined the Steinmetz Club, which was the campus branch of the Young Communist League. Ethel and Julius met and married in 1939.

In 1940, Julius was hired as a civilian employee of the U.S. Army Signal Corps and was promoted to the position of inspector in 1942. Also in 1942, the Rosenbergs became full members of the American Communist Party. One year later, however, in 1943, they both left the Party. Even so, Julius was fired from the Signal Corps in 1945 when his past membership in the Communist Party emerged. Julius then worked at the Emerson Radio Corporation before forming G&R Engineering Company with David Greenglass (Ethel's brother), Bernard Greenglass, and Isadore Goldstein in 1946. Prior to running the small machine shop in New York City, David Greenglass had worked at Los Alamos Laboratory in New Mexico as a machinist for the U.S. government on the Manhattan Project that was engaged in developing the first atomic device.

ACCUSED OF ESPIONAGE

In 1950, the government arrested David Greenglass and accused him of spying for the Soviet Union when he worked on the Manhattan Project in Las Alamos. The Soviet Union had detonated their first atomic bomb a year before, at the height of the U.S. offensive against Korea. Many in the administration felt that this maneuver had lead to the Communist aggression in Korea.

Greenglass was offered a plea bargain for a lesser sentence for himself if he agreed to confess and turn in others involved in the spy ring. Greenglass told the federal prosecutors and the Federal Bureau of Investigation that he was recruited to obtain information about the development of the atomic bomb by Julius Rosenberg. As a result, Julius Rosenberg was arrested on July 17, 1950, and Ethel Rosenberg was arrested a little over a month later on August 11, 1950. They were both accused of providing information about the atomic bomb to Soviet agents during World War II, in 1944 and 1945.

THE ROSENBERG TRIAL

The Rosenbergs denied any involvement in espionage against the United States and maintained their innocence throughout the trial. The main evidence against them arose from the testimony of Ethel's brother David Greenglass, who, given his own self-interest in this case, may not have been the most reliable source of information. Even so, the jury found the Rosenbergs to be guilty, and Judge Kaufman sentenced them to be executed in the form of electrocution.

There were several attempts during the next two years to appeal their death sentences. Ultimately, however, each new appeal was rejected. Four justices of the Supreme Court were willing to stay the Rosenbergs' executions, but 5 concurring votes are required. The Rosenbergs were executed on June 19, 1953, at Sing Sing Prison in upstate New York. They became the first couple to be put to death, and the first to be executed by the federal government for espionage in the United States.

CONCLUSION

Over the years, numerous scholars have criticized David Greenglass's testimony. In 2001, Greenglass himself made an astonishing confession that his trial testimony and that of his wife, Ruth Greenglass, concerning Ethel Rosenberg's role in the conspiracy was untrue. Consequently, it remains unclear whether or not the Rosenbergs were actually Soviet spies or just victims of the virulent anti-Communism of the times.

—Kimberly L. Freiberger

See also Capital Punishment; Death Row; Deathwatch; Enemy Combatant; Federal Prison System; Elizabeth Gurley Flynn; Sing Sing Correctional Facility

Further Reading

Albright, J., & Kunstel, M. (1997). *Bombshell: The secret story of American's unknown atomic spy conspiracy*. New York: Times Book Corp.

Goldstein, A. (1974). *The unquiet death of Julius and Ethel Rosenberg* (Film). Brooklyn, NY: First Run/Icarus Films.
Nizer, L. (1973). *The implosion conspiracy.* New York: Doubleday.
Pilat, O. (1952). *The atom spies.* New York: Putnam's.
Roberts, S. (2001). *The brother: The untold story of the atomic spy David Greenglass and how he sent his sister, Ethel Rosenberg, to the electric chair.* New York: Random House.
The Rosenberg File: Case Closed. (1997). Video. The Discovery Channel. (Featuring interviews with Rosenberg's Soviet control, Alexsander Feklisov).
Schneir, W., & Schneir, M. (1983). *Invitation to an inquest.* New York: Pantheon.
Sobell, M. (1974). *On doing time.* New York: Scribner's.

Legal Cases

U.S. v. Rosenberg, 195 F. 2d 583 (2nd Circuit, 1952).
U.S. v. Rosenberg, 200 F. 2d 666 (2nd Circuit, 1952).
Rosenberg v. United States, 346 U.S. 274 (U.S. Supreme Court, 1953).
United States of America v. Julius Rosenberg, Ethel Rosenberg, Anatoli A. Yakovlev, David Greenglass, and Morton Sobell, U.S. District Court, Southern District of New York, C.134–245, March 6–April 6, 1951.

ROTHMAN, DAVID J.

David J. Rothman is known to criminologists for his writings in social history. In *The Discovery of the Asylum: Social Order and Disorder in the New Republic* published in 1971, Rothman wrote about the poor, orphaned, insane, and criminal during the colonial and Jacksonian periods in the United States. In *Conscience and Convenience,* published in 1980, Rothman extended his account into the Progressive era. In these studies he produced a new kind of analysis by focusing on the socially marginalized who had been previously ignored by historians and other academics.

Rothman is currently the Bernard Schoenberg Professor of Social Medicine and Director of the Center for the Study of Society and Medicine at the Columbia College of Physicians and Surgeons, Professor of History at Columbia University, and Chair of the Open Society Institute program on Medicine as a Profession. He publishes widely on bioethics, medicine, the medical profession, organ trafficking, and death.

THE PRISON

In *Discovery of the Asylum,* considered a classic account of prison history, Rothman asks a very straightforward question: Why the prison? Why not some other form of punishment? Why do we lock up criminals and institutionalize the insane? Why do we segregate and isolate the deviant and the vulnerable? Why did the prison replace the public whipping and execution of criminals? These questions appear so simple that we can easily underestimate their sophistication and significance. However, they are designed to challenge our very assumptions about the naturalness and logic of the prison. Even though humanitarians, state legislators, and elites turned away from capital punishment in the early 19th century, Rothman suggests that the prison was not the only viable alternative.

Rothman explains the emergence of the prison and other forms of confinement in the Jacksonian period (1820s–1830s) as an attempt to restore social order to a traditional society altered by revolution and democracy. The new republic experienced unprecedented social changes that increased both social mobility and dislocation. In post-revolutionary America, the nation's population and capitalist economy quickly expanded, people left family farms and moved into cities and migrated to the western territories in record numbers. The subsequent social and economic shifts undermined the social hierarchies of the colonial era and weakened the informal social controls of the family and church. At the same time, political authority moved away from the local community as states centralized their decision-making powers. These social and political shifts required a new response to crime as previous colonial forms of punishment—banishment, community policing, local justice—no longer made sense and lost their legitimacy.

Rothman explains that, as Americans broke away from English rule, they experienced a heightened sense of optimism about the new democratic society's ability to solve the problems of crime, poverty, insanity, and other signs of disorder. Reformers and legislators no longer blamed crime on the offender's sinful soul but rather thought crime

to be a consequence of an unstable environment, overflowing with corruption. The prison would not only isolate offenders from temptation, but its well-ordered routine, discipline, and organization would serve as a model for the larger society, a society in need of social stability and social order.

WHY THE PRISON FAILS YET IS NOT ABOLISHED

Burdened with these lofty goals and expectations, the prison failed. It not only failed to restore social stability, it failed to reform offenders. By turning his attention to post-1850s America, Rothman details how the penitentiary became a custodial warehouse where conditions were often brutal, unsanitary, and overcrowded. Yet, despite its deterioration, the basic idea of the prison, that is to say, the confinement of offenders in institutions, persisted well into the 20th and 21st centuries.

In *Conscience and Convenience* Rothman examines why the prison survived as such a popular form of punishment, despite the introduction of alternatives such as probation, parole, indeterminate sentencing, and individualized treatment. He finds that even though Progressive reformers were highly critical of the Jacksonian reformers' near-exclusive reliance on confinement, their own innovations merely complemented rather than replaced the prison. Progressive ideals about curing crime and rehabilitating offenders could not counter ingrained punishment practices, nor the growing institutionalization of custody, which was favored by criminal justice administrations in charge of the prison.

CONCLUSION

Rothman, like Michel Foucault in France and E. P. Thompson in the United Kingdom, linked his academic interests to major social and political upheaval throughout the 1960s. As antiwar activists, civil rights protestors, and other social movements began to question legitimacy of the state itself and the exercise of power in democratic societies, so did academics. By focusing his intellectual attention on state power, Rothman produced a major paradigmatic shift in scholarship. He offers a new way of thinking and writing about history that necessarily places power dynamics and questions of inequality at the heart of the analysis. This view continues to influence students of punishment today and how we understand the prison.

—Vanessa Barker

See also Michel Foucault; David Garland; History of Prisons; Nicole Hahn Rafter

Further Reading

Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Chicago: University of Chicago Press.

Morris, N., & Rothman, D. J. (Eds.). (1998). *The Oxford history of the prison: The practice of punishment in Western society.* New York: Oxford University Press.

Rothman, D. J. (1971). *The discovery of the asylum: Social order and disorder in the new republic*. Boston: Little Brown.

Rothman D. J. (1980). *Conscience and convenience: The asylum and its alternatives in progressive America*. Boston: Little Brown.

Spierenburg, P. (1991). *The prison experience: Disciplinary institutions and their inmates in early modern Europe*. New Brunswick, NJ: Rutgers University Press.

RUBY, JACK (1911–1967)

Jack Ruby killed Lee Harvey Oswald while Oswald was being transferred from the Dallas police headquarters to a more secure place of confinement. At the time, Oswald stood accused of assassinating John F. Kennedy on November 22, 1963. The manner in which Ruby was able both to possess a weapon in police custody and to gain access to such a high-notoriety offender as Oswald raised numerous questions about the management of penal institutions and those awaiting trial. For that reason Jack Ruby remains an important figure in the history of the U.S. penal system.

BIOGRAPHICAL DETAILS

Jack Ruby was born Jack Rubenstein on March 25, 1911, in Chicago, Illinois. He was the fifth child of eight born to Joseph and Fannie Rubenstein. Ruby's father, Joseph Rubenstein, was born in Poland and

was a carpenter by trade. He entered the United States in 1903 and joined the carpenters union in 1904. Ruby's mother, Fannie Rubenstein, also born in Poland, followed her husband to the United States in 1904.

Ruby reportedly completed the eighth grade at the age of 16 in 1927, before dropping out of school. From there, he returned to life on the streets of Chicago in his lower-class neighborhood, hustling and selling "scalped" tickets to various sporting events with his friends. Between 1933 and 1937, Ruby and several of his Chicago friends moved to Los Angeles and San Francisco in search of work, before returning to Chicago.

RUBY MOVES TO DALLAS

Ruby moved to Dallas, Texas, in 1947, where he tried, without success, to manage several nightclubs and dance halls. Over the years, he entered into multiple partnership agreements with acquaintances, only to find that he was not making enough profit to pay his monthly rent and taxes. Ruby never married and earned barely enough money in his business ventures to support himself. From time to time he would borrow money from friends and other family members to make ends meet. Ruby was reported by many, especially his employees, to have a violent temper and resort to physical violence in matters of confrontation.

During his 16 years in Dallas, Ruby had several encounters with the Dallas Police Department. The Warren Commission that was set up after Ruby killed Oswald found that Ruby was arrested eight times between 1949 and November 24, 1963. The offenses and charges were minor in nature. Some charges were never filed, and Ruby was released on the same day, while others were either dismissed or resulted in a minimal monetary fine.

RUBY'S ARREST

On November 24, 1963, Ruby was arrested one more time, joining Lee Harvey Oswald, accused assassin of President John F. Kennedy, in the basement garage of the Dallas police headquarters. Just as Oswald was being moved from this location, Ruby shot and killed him. The killing was unintentionally broadcast on live television since the media were filming Oswald's transfer.

Ruby was subsequently tried for and convicted of the murder of Oswald. He was sent to prison, where he died of lung cancer on January 3, 1967, while awaiting a retrial. Little is known or written about his prison years other than that his cell was isolated from the rest of the prisoners and maintained with full-time security.

CONCLUSION

To date, there is no clear answer as to why Ruby killed Oswald on that Sunday morning. Instead, three main themes or theories surround Ruby's involvement. Some propose that Ruby had Mafia connections and was hired to kill Oswald. Others argue that Ruby acted completely alone because of his dedication to the president. Finally, and most controversially, still others propose that there was a governmental conspiracy and cover-up. Ruby himself claimed to have killed Oswald because he was upset and distraught over the president's assassination. Whatever his motivation, Ruby's actions demonstrated the potential risks of dealing with high-notoriety offenders and the need for substantial security in police lockups.

—Kimberly L. Freiberger

See also Jack Henry Abbott; Gerald Gault; Gary Gilmore; John Gotti; George Jackson; Malcolm X; Timothy McVeigh, Leonard Peltier; Ethel and Julius Rosenberg; Karla Faye Tucker

Further Reading

Groden, R. J. (1994). *The killing of the president: The complete photogenic record of the JFK assassination, the conspiracy, and the cover-up*. New York: Penguin Studio.

Holloway, D. (Ed.). (2001). *Dallas and the Jack Ruby trial: Memoir of Judge Joe Brown, Sr.* Lincoln, NE: Writers Club Press, iUniverse.

Kantor, S. (1978). *Who was Jack Ruby?* New York: Everest.

Pabst, R. M. (1974). *Plodding toward terror: A personal look at the Jack Ruby case* (1st ed.). New York: Vantage.

Warren Commission Report (ordered by Chief Justice Earl Warren as the official investigation into the assassination of John F. Kennedy). U.S. National Archives & Records

Administration. Washington DC: United States Government Printing Office.
Willis, G., & Demaris, O. (1994). *Jack Ruby*. Cambridge, MA: DaCapo.

RUIZ v. ESTELLE

A federal class action lawsuit that twice reached the Supreme Court, *Ruiz v. Estelle* began in 1972 as a hand-printed inmate complaint and evolved into one of the most important prisoner rights cases in American history. Bitterly contested at every stage, the case pitted jailhouse lawyers and their advocates against one of the most entrenched, well-respected prison establishments in the nation, the Texas Department of Corrections (TDC). The result was a revolution in Texas punishment: a capacious construction program combined with a bureaucratic overhaul of a labor regime handed down from slavery. Yet when *Ruiz v. Estelle* finally came to a close 30 years after it began, it left behind an uncertain legacy.

BACKGROUND

In the decades before *Ruiz*, Texas had assembled a uniquely regimented and economical penal system. With its punishment and gang labor traditions rooted in slavery and convict leasing, the state operated plantation prisons that were oriented more toward profit than rehabilitation. After World War II, a modernizing overhaul diversified prison industries and expanded educational programs. However, under a triumvirate of powerful directors—Oscar Bryon Ellis (1948–1961), George John Beto (1962–1972), and Ward James Estelle, Jr. (1972—1983)—the TDC most distinguished itself with an aggressive "control model" of inmate management.

Relying on unbendable rules, a paramilitarized, fiercely loyal guard force, and a prodigious network of inmate snitches and enforcers, known as "building tenders" (BTs), Texas prisons stood out as perhaps the most predictable and authoritarian in the nation. In an era of increasing prison disorder, this achievement attracted international accolades and propelled Ellis and Beto to the presidency of the American Correctional Association in 1958 and 1969. When a repeat armed robber named David Resendez Ruíz began drafting his fateful lawsuit, therefore, he was taking on what many wardens regarded as the "number one [prison system] in the nation" (MacCormick, 1977, 12).

Though the Ellis control dynasty proved politically popular and remarkably resilient, a number of factors gave jailhouse lawyers, or writ-writers, momentum in the early 1970s. First, in the aftermath of the 1971 Attica rebellion and pathbreaking prisoner rights cases like *Cooper v. Pate*, federal judges were abandoning the "hands-off doctrine." Second, partly in reaction against the civil rights movement, Texas politicians were pioneering a retributive shift in criminal justice policy that would place enormous strain on the TDC, expanding the prison population and forcing cash-strapped administrators to rely more on BTs, who became de facto convict guards. Into this volatile mix stepped an eclectic group of activists who would eventually upend the TDC. They included dogged inmate writ-writers, notably Ruiz and his mentor Fred Arispe Cruz, the most prolific of the convict litigants; a handful of radical prisoner advocates, namely Frances T. Freeman Jalet, an anti-poverty attorney from New York who began assisting Texas prisoners in 1967; and finally federal judge William Wayne Justice, a homegrown Texas liberal who had already outraged many whites with aggressive rulings in a school desegregation case.

TRIAL AND RESISTANCE

The case began when Ruiz filed a petition in Judge Justice's east Texas district court seeking redress under the 1871 Civil Rights Act for constitutional violations at the Eastham Farm, where Ruiz had been confined before joining other writ-writers on the disciplinary "eight-hoe squad" at the Wynne Farm. Disturbed by the steady stream of convict complaints pouring across his desk, Justice decided to consolidate Ruiz's writ with others and thereby adjudicate the Texas prison system as a whole. He invited William Bennett Turner, formerly of the National Association for the Advancement of Colored People, to serve as lead attorney, and directed the U.S. Justice Department to investigate,

thus orchestrating one of America's most contentious civil rights lawsuits from the bench.

At issue were alleged violations of both the Eighth and Fourteenth amendments, involving physical safety, living and work conditions, summary punishments, and access to the courts. Yet through six years of acrimonious pretrial wrangling—during which time the state harassed writ-writers, denied every charge of wrongdoing, and aggressively appealed—it became clear that more was at stake than mistreatment or legal principle. Because the TDC had achieved such national renown, the case became a battleground for the future of corrections in America, with plaintiffs and defendants disagreeing about fundamental issues like the purposes of punishment, even the norms of civilization. In legal briefs, both sides presented inverted portraits of the TDC. After touring various facilities together, an expert witness for the defense pronounced Texas's control model the "best in the world . . . superior to any other state system," while the reviewer for the prisoners called Texas's plantations "probably the best example of slavery remaining in this country" (Crouch & Marquart, 1989, p. 125).

Extending from October 1978 to September 1979, the exhaustive trial proved equally divisive. Defense attorneys spotlighted the TDC's virtues—its low cost and strict discipline—while plaintiffs portrayed a barbaric throwback in which dehumanized inmates slept on the floor, endured racist harassment, and toiled endlessly on backbreaking field gangs. Depicting a climate of terror, which they claimed undergirded the TDC's famously well-ordered exterior, they described ritualized beatings, rapes, even murders—all committed with impunity by prison officers and BTs. One prisoner summed up his prison experience as, "Slavery, man. Human slavery" (Krajick, 1978, p. 17).

Shaken by 11 months of harrowing testimony, Judge Justice sided squarely with the plaintiffs and declared Texas's entire prison system unconstitutional in December 1980. "It is impossible . . . to convey the pernicious conditions and the pain and degradation which ordinary inmates suffer within the TDC units," he concluded in a passionately worded 248-page opinion (*Ruiz v. Estelle,* 503 F.Supp. 1265 (S.D.Tex.1980)). Having lost faith in top TDC officials, Justice appointed a special master, Vincent M. Nathan, to oversee compliance, and he issued extraordinarily detailed instructions to ease overcrowding, professionalize health care, improve living conditions, abolish the BT system, and guarantee inmates access to the courts. Likening his exacting ruling to a wake-up call, Justice later remarked, "Old hands in the mule business say that the best way to get a mule's attention is to hit it hard, right between the eyes" (Crouch & Marquart 1989, p. 117).

Director Estelle, by contrast, dismissed the judge's treatise as "a cheap dime store novel" (Martin & Ekland-Olson, 1987, p. 176). Determined to resist in the tradition of states' rights, he and his administrators undermined the special master, continued the BT system under a new name, and fought vigorously on appeal. Yet when the Fifth Circuit Court of Appeals upheld most of Justice's ruling in 1981, and as the TDC's legal bills mounted, Estelle began losing allies. Legislators lambasted the TDC as "accountable to no one" (Crouch & Marquart, 1989, p. 139). A top TDC attorney, Steve J. Martin, broke ranks, and members of the Board of Corrections began asserting their authority for the first time in decades. Finally, in October 1983, Estelle resigned, bringing the once-revered Texas control model to an inglorious conclusion.

COMPLIANCE AND AFTERMATH

After Estelle's departure, a shell-shocked TDC moved haltingly toward compliance. Appeals continued to bounce among federal courts, and Justice once held the state in contempt for foot-dragging. Nonetheless, under a rapid succession of new directors, the agency gradually began reshaping its plantation prisons into a constitutional penal system. Long-serving officers lost their jobs and building tenders their privileges. Out-of-state bureaucrats formalized procedures, revamped work and disciplinary practices, and stripped wardens of their authority. To cope with overcrowding, officials temporarily erected tent cities, while legislators funded

a gargantuan construction program. Signaling the start of a new era, both sides signed a court-sanctioned consent decree in 1985. "I want to inform our staff that the war is over," declared Robert Gunn, the new corrections board chair. "The side of reform has won" (Crouch & Marquart, 1989, p. 146).

As often happens in prison politics, however, the triumph of reform brought unexpected consequences. Amid thousands of new hires, many of them women and people of color, TDC's insular *esprit de corps* fissured, breeding resentment among old timers. Veterans complained about voluminous paperwork and dangerous working conditions. Indeed, as staff morale plummeted, assaults on guards shot up by 565% between 1983 and 1985. Among prisoners, *Ruiz* had equally unsettling effects. As the BTs' monopoly on force collapsed, the most aggressive convicts filled the void. Fueled by a proliferation of prison gangs, fights, stabbings, and homicides all intensified after 1979, culminating in a 1984–1985 bloodbath, during which 693 inmates were stabbed and 52 murdered.

In response to this carnage, policymakers haphazardly settled on a course of action that would remake Texas prisons and influence corrections nationwide. Although they could have adopted any number of strategies to comply with Justice's orders, including an expansion of parole, reliance on smaller facilities, or an emphasis on rehabilitation, state leaders instead chose to build and punish their way out of crisis. In this respect, they joined a retributive revolution sweeping the country. To quell inmate-on-inmate violence, the state institutionalized administrative segregation on an unprecedented scale, locking down 17,000 inmates in 1985 and throwing up a series of high-tech supermaxes, in which inmates would languish 23 hours a day in isolation cells. To cope with overcrowding, which lawmakers exacerbated by enacting ever-harsher criminal sanctions, the state embarked on one of the grandest public works projects of the 20th century, building more than 100 prisons in just 20 years.

This breakneck expansionism created problems of its own, thus prolonging *Ruiz*'s remedy phase. After extensive new hearings, Justice concluded in 1999 that Texas's prison system remained cruel and unusual: its health care system still inadequate, its protections for weaker inmates still insufficient, its officer corps still molded by a "culture of sadistic and malicious violence," and its sprawling network of supermaxes, the largest in the nation, functioning as "virtual incubators of psychoses" (*Ruiz v. Johnson,* 37 F.Supp.2d 855 (S.D.Tex.1999)). Following another round of refinements, Justice remained dubious of Texas's commitment to constitutionality; so did David Ruiz, who returned to prison in 1984 and continues to conduct legal work from a cramped isolation cell near Huntsville. In the lockdown climate of a new, more conservative age, however, Justice and the plaintiffs he empowered finally relented. Hamstrung by the 1996 Prison Litigation Reform Act and pressured by the Fifth Circuit to drop the case, the venerable judge, who had devoted much of his career to *Ruiz*, closed the case on June 17, 2002.

CONCLUSION

As the most comprehensive, hard-fought prisoner rights case in American history, *Ruiz v. Estelle* had a profound and lasting impact. Assessing its legacy, though, is a challenging task. On one hand, Texas prisoners today are less likely to endure grueling field duty, assaults by staff, and negligent medical care than their counterparts before *Ruiz*. On the other, their sentences tend to be longer, chances for early release harder to come by, and terms in solitary harsher and more frequent. Most starkly, Texas prisons today operate on a different scale than their predecessors. Whereas the state's 14 prisons confined 16,000 inmates and subsisted on a $19.5 million budget in 1972, by 2002 Texas's 114 facilities were locking up 146,000 persons and devouring $2.5 billion a year. This makes Texas's prison system the largest in the United States and one of the largest in the world. *Ruiz v. Estelle* helped build this punishment colossus, even as it mandated improvements and overthrew one of America's most powerful prison cliques. As such, the landmark case illuminates both the promise and perils of court-ordered penal reform.

—Robert Perkinson

See also American Civil Liberties Union; Eighth Amendment; *Governance; Habeas Corpus;* Huntsville Penitentiary; Jailhouse Lawyers; Prisoner Litigation; Prison Litigation Reform Act 1996

Further Reading

Crouch, B. M., & Marquart, J. W. (1989). *An appeal to justice: Litigated reform of Texas prisons*. Austin: University of Texas Press.

DiIulio, J. (Ed.). (1990). *Courts, corrections, and the constitution: The impact of judicial intervention on prisons and jails*. New York: Oxford University Press.

Kemerer, F. R. (1991). *William Wayne Justice: A judicial biography*. Austin: University of Texas Press.

Martin, S. J., & Ekland-Olson, S. (1987). *Texas prisons: The walls came tumbling down*. Austin: Texas Monthly Press.

MacCormick, A. (1977). Open letter to W. J. Estelle. *Texas Department of Corrections: 30 Years of Progress*. Austin: Texas Department of Corrections.

Krajick, K. (1978). Profile Texas. *Corrections Magazine, 4*(1), 5–25.

Legal Cases

Cooper v. Pate, 378 U.S. 546 (1964).
Holt v. Sarver, 309 F.Supp. 362 (1970).
Ruiz v. Estelle, 503 F.Supp. 1265 (S.D.Tex. 1980).
Ruiz v. Estelle, 679 F.2d 1115 (5th Cir. 1982).
Ruiz v. Johnson, 37 F.Supp.2d 855 (S.D.Tex. 1999).
Ruiz v. Johnson, 243 F.3d 941 (5th Cir. 2001).
Ruiz v. Johnson, 154 F.Supp.2d 975 (S.D.Tex. 2001).
Ruffin v. Commonwealth, 62 Va. 790 (1871).

RUSH, BENJAMIN (1747–1813)

Dr. Benjamin Rush was one of the most prominent charter members of the Philadelphia Society for Alleviating the Miseries of Public Prisons, later known as the Pennsylvania Prison Society. Founded in 1787 by 37 distinguished and successful Philadelphia citizens, including Benjamin Franklin, the society was formed to address the problems of criminal punishment and incarceration in the new nation. Dr. Rush's signature topped the list of charter members entered on the first page of the minutes of the society's initial meeting.

BIOGRAPHICAL DETAILS

Rush was born outside of Philadelphia in 1747. His early boarding school experience under the tutelage of Reverend Samuel Finley combined with his college years at the College of New Jersey (Princeton), presided over by Presbyterian minister Samuel Davis, to imbue in him a religious fervor that emphasized the need to serve the common good and that attributed many of society's problems to moral failings. At the University of Edinburgh in Scotland, where he was influenced by the rationalist ideas of the Enlightenment with its skepticism of religion and strong belief in science, Rush earned his medical degree in 1768.

After medical school, Rush returned home in 1769 and became a professor of chemistry at the College of Philadelphia. In 1791, when the college merged with a university, he was appointed professor of medicine and clinical practice. He was considered one of the most influential physicians in the United States. During the yellow fever epidemic in Philadelphia in 1793, which killed an estimated 6,000 people, Rush worked tirelessly to develop a successful treatment and visited scores of sick people on a daily basis. In 1796, he wrote an important and graphic account of the yellow fever epidemic and described treatment options.

POLITICS, MEDICINE, AND PENAL REFORM

Dr. Rush did not limit his activities to the field of medicine. He was deeply involved in the politics of his time and was very influential. In 1776, he signed the Declaration of Independence, and in 1787, he was a member of the Constitutional Convention in Philadelphia. He served as president of a society that advocated the abolition of slavery, was a founder of the Philadelphia Bible Society, and a vice president of the American Philosophical Society. He also received honors from several European leaders for his contributions to medicine.

A year before the founding of the Philadelphia Society for Alleviating the Miseries of Public Prisons, Pennsylvania introduced new legislation that significantly reduced the use of corporal punishment and replaced it with hard labor to be performed in public. Known as the "wheelbarrow laws," prisoners wore distinctive garb and were weighted down with balls and chains, which they

carried with them from location to location. Many reformers were outraged by the new laws, including Rush, who wrote his first political pamphlet, *An Enquiry Into the Effects of Public Punishments Upon Criminals and Upon Society.* He argued that public sanctions increase an offender's propensity to commit crime by robbing him of his self-respect and encouraging a spirit of revenge. The Pennsylvania Prison Society was formed just two months after Rush read his pamphlet at a meeting in Benjamin Franklin's home of the Society for Promoting Political Inquiries.

Rush, who had a mentally ill son, invented the tranquilizer chair, which used straps to fasten the arms, hands, legs, and feet and an apparatus that held the head. A receptacle under the seat caught excrement. Rush believed that by totally confining an overly excited person in a tranquilizer chair, he or she could avoid a breakdown of their moral faculties. The chair was used to treat the mentally ill as well as criminals. Rush also favored using solitary confinement as a remedy for curing overstimulated minds. His advocacy on behalf of solitary confinement to treat the mentally ill influenced the members of the Pennsylvania Prison Society. Although the separation of prisoners was not a new notion in 1787, having been part of John Howard's platform in England, Dr. Rush's support, formed on what he believed were scientific principles, contributed significantly to its appeal. Not only did separation strengthen an offender's opportunity for religious transformation, it also had a basis in science.

In its first petition to the state legislature in 1788, the Pennsylvania Society protested public punishments and declared for the first time the principle of solitary confinement with labor. Prisoners were to be assigned to separate cells, where they lived and worked 24 hours a day, doing penance for their crimes. They were isolated from each other and from their keepers. That principle eventually became known as the Pennsylvania system and was the core of much of the society's work for the next 50 years. At the society's request, in 1790, the Pennsylvania legislature passed legislation that adopted the solitary system. It was first instituted in the Walnut Street Jail in Philadelphia and later in the Eastern State Penitentiary.

CONCLUSION

Rush's contributions to the Prison Society were numerous but perhaps most important was the ideology he articulated. He synthesized the differences between the members of the Pennsylvania Prison Society who were inspired by religious convictions and those who were motivated by rationalism. Rush applied medical principles to treat criminal behavior, which he believed was caused by diseases of the moral faculty, defined as the ability to know and choose between virtue and vice. An offender's moral faculty could be improved through moral remedies. Vice associated with idleness could be cured with a job. Other vices could be cured by removing the offender from bad companions or by a regular routine that occupied an overstimulated mind. Benjamin Rush was 65 years old when he died in 1813.

—Barbara Belbot

See also Auburn System; Bridewell Prison and Workhouse; Corporal Punishment; Eastern State Penitentiary; Flogging; Pennsylvania Prison Society; Pennsylvania System; Philadelphia Society for Alleviating the Miseries of Public Prisons; Walnut Street Jail

Further Reading

Colvin, M. (1997). *Penitentiaries, reformatories, and the chain gang: Social theory and the history of punishment in nineteenth-century America*. New York: St. Martin's.

McKelvey, B. (1936). *American prisons.* Chicago: University of Chicago Press.

Teeters, N. K. (1937). *They were in prison: A history of the Pennsylvania Prison Society.* Chicago: John Winston.

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SAN QUENTIN STATE PRISON

San Quentin, California's oldest correctional facility, was erected in 1852. Along with Folsom State Prison, built in 1880 outside the state capitol of Sacramento, San Quentin was constructed to meet the punishment needs of San Francisco's criminal justice system. The Bay Area, which realized successive waves of immigration, internal and external, from 1850 onward, became a crossroad for travel and expansion in the Pacific region and developed a reputation for lawlessness, quick wealth, and prolific sin unequaled anywhere in the western United States.

Before construction of a permanent correctional facility, the state confined offenders to a 268-ton prison bark, *The Waban,* anchored in the San Francisco Bay. However, the influx of prospectors following the discovery of gold in 1849, Pacific Rim peoples seeking work in the expanding industrial infrastructure of California after the Civil War, and the fallout from successive ore strikes in Alaska and the Yukon created a serious need for a large and efficient penal institution. San Quentin met the multiple needs of the region, housing unprecedented numbers of inmates for the time, females as well as males until 1934, and utilizing inmate labor in public and private ventures. Today San Quentin is the site of a large, sophisticated, and profitable prison industries complex attracting small manufacturing firms, telemarketing, and state contractors.

San Quentin has held a variety of well-known criminals: Caryl Chessman, the alleged "Blue-Light Bandit," whose execution in 1960 stirred global controversy; Charles Manson, the mastermind of the infamous Tate-LaBianca murders in 1969; and George Jackson, the celebrated black militant and writer, shot dead by correctional officers in 1971. San Quentin has also been the site of seminal changes in American penology; it was a leader in the national execution binge of the 1930s, put into practice California's celebrated indeterminate sentencing laws following World War II, and instituted the well-known "bibliotherapy" rehabilitation movement of the 1950s and '60s.

During the 1960s and early '70s, California prisons were the scene of militant political movement among its inmate populations—who maintained a symbiotic relationship with that state's campus radicals, antiwar activists, and political revolutionaries—with San Quentin functioning as the flagship institution in part because of its close proximity to the University of California-Berkeley and the city of San Francisco.

More recently, it was the focus of the nation's shift to the "new penology" of tougher sentencing laws and an incapacitation philosophy in the 1980s, as well as the destination for many men serving

sentences under the Three-Strikes Laws for habitual offenders. Finally, mental health practitioners at San Quentin were instrumental in developing the California Personality Inventory (CPI) that measures and evaluates the socialization of inmates.

THE FACILITY

San Quentin remains an impressive structure situated on 432 acres occupying a small peninsula jutting into San Pablo Bay, approximately 12 miles north of downtown San Francisco and adjacent to San Raphael in Marin County. The "Q," as it is called, currently houses approximately 5,700 inmates in a variety of security settings ranging from open dormitories with and without secure perimeters to a maximum-security unit with condemned prisoners. Its monumental three-sided facade faces the bay and encloses a complex of buildings, including an inmate reception center, exercise yards, chapel, school, and trades shops. It has an annual operating budget of $120 million and a staff of 1,550.

Prisoners employed in the extensive prison industries program at San Quentin manufacture furniture, mattresses, and clothing. They also receive vocational training in dry cleaning, electrical, graphic arts and printing, plumbing, metalwork, and landscaping. Men may also enroll in basic adult education, high school equivalency/GED, and instruction in English as a second language, while many detainees are active in community service (bicycle repair, eyeglass recycling, victim awareness, computer repair for schools), youth diversion programs, religion practice, drug treatment, and 12-step programs.

POPULATION CHARACTERISTICS

The population of the Q has always been shaped by the ethnic diversity of the state. It was the only facility of its kind to house significant numbers of Asian Americans and immigrants in the 19th and early 20th centuries. African Americans did not constitute a numerous group in San Quentin until the post–World War II period. However, the ethnic composition of the facility has changed considerably since the 1980s. African Americans now make up 33% of the total, Latinos/as (increasing steadily since 1982) about 42%, with whites and Asians Americans totaling 24% on average. Two successive policy changes in California law have caused a momentous change in the population of San Quentin: changes in state drug statutes in the 1980s and employment of tough two-strike and three-strike laws beginning in the spring of 1994.

Of those committed to correctional custody in California on two-strike offenses, more than 69% are nonwhite (37% African American and 32% Latino/a). For those incarcerated on three-strikes offenses, 70% have been persons of color (44% African American and 26% Latino/a). Of the 41,000 incarcerated on habitual offender statutes in California between mid-1994 and the end of 1998, 68% were convicted of drug or property offenses, with an average age of 34 years. San Quentin's inmate demographics reflect this trend, as an overwhelming majority of prisoners are black or Latino males in their late thirties, doing very long sentences. The mean time served for drug or property crimes for two-strike offenders has tripled from 1.25 years to 3.6 years and increased by a factor of more 25 times, from 1.25 years to 26 years in prison for those convicted of a third strike.

As one of California's largest facilities and one equipped to handle the most serious offenders, San Quentin has been seriously burdened with long-term inmates, holding populations that are twice the designed bed capacity, a condition that will cost taxpayers in the state $3.5 billion, up from $98 million under the old laws. The cost of providing correctional supervision at the Q has also witnessed a significant increase. The entire San Quentin correctional is represented by the powerful California Correctional Peace Officers Association (CCPOA), which has taken a political hard line on incarceration in the state and at the same time increased their average salary from $24,000 to approximately $45,000 annually.

THE DEATH PENALTY AT SAN QUENTIN

California's most active execution facility is located at San Quentin, where 418 of the state's 510

(506 men and 4 women) executions have been held. As of this writing, 608 men await execution on San Quentin's death row (and 14 women at Valley State Prison for Women at Chowchilla, California). A variety of methods have been used at the Q from hanging (up to 1942), to lethal gas (1942–1992), lethal gas or injection (1992–1994), and subsequently only lethal injection. Its famous two-ton, eight-sided gas chamber, manufactured by Eaton Metal Products of Denver, Colorado, features two stainless steel chairs and four observation windows. Since the resumption of executions in 1992, California has executed 10 persons, while 35 have died awaiting execution, with 13 having committed suicide.

CONCLUSION

San Quentin has always been on the cutting edge of American corrections, introducing new execution methods, handling high-profile prisoners, and employing the foremost penologists. The Q continues to be a proving ground for innovation in penology while maintaining close connections with the state's educational, economic, and judicial institutions. Sadly, the racial composition of the population at San Quentin reinforces the theory that prisons are constructed in part to mediate ethnic differences and resolve cultural conflicts as much as they are commissioned to protect the public.

—David Keys

See also Alcatraz; Attica Correctional Facility; Capital Punishment; Correctional Officer Unions; Death Row; History of Prisons; Immigrants/Undocumented Aliens; George Jackson; Pelican Bay State Prison; Prison Ships; Rehabilitation Theory; Sing Sing Correctional Facility; Three-Strikes Legislation

Further Reading

California Department of Corrections. (1999). *Report on inmate characteristics*. Sacramento: California Department of Corrections.

California Department of Corrections. (2003). *Estimates and statistical analysis-historical trends: Figure 10, Institutional and camp design bed capacity and population.* Sacramento: California Department of Corrections.

Cleaver, E. (1968). *Soul on ice.* New York: McGraw-Hill.

Cummings, E. (1994). *The rise and fall of California's radical prison movement.* Stanford, CA: Stanford University Press.

Duffy, C. (1950). *The San Quentin story*. Garden City, NY: Doubleday.

Duffy, C. (1962). *88 men and 2 women.* Garden City, NY: Doubleday.

Jackson, G. (1970). *Soledad brother: The prison letters of George Jackson.* New York: Coward McCann.

Tannenbaum, J. (2000). *Disguised as a poem: My years teaching poetry at San Quentin*. Boston: Northeastern University Press.

SANTERÍA

Santería ("way of the saints") is a syncretistic religion that combines, or fuses, the elements, beliefs, practices, and rituals of African slaves, Roman Catholicism, and French spiritism as espoused by Allan Kardec. It is properly referred to as *Regla de Ocha* ("the rule of the orisha") and by other regional variants such as *Lukumi* and its Brazilian name *Candomble Jege-Nago*.

HISTORY

The historical roots of Santería can be traced to 16th-century Cuba, where slaves were imported from modern-day Haiti and the Dominican Republic and from later African nations, primarily Nigeria and the Congo. Subjected to the harsh realities of the slave trade, these individuals were forcefully baptized into Roman Catholicism and prohibited from openly practicing their native religion, which involved the worship of God, or *Olorun*, and lesser deities, or *orishas*. Noticing similarities between their native orishas and the various Catholic saints, and in an effort to retain their distinct religious belief system, the slaves created a new and complex religion in which each orisha was equated with a specific saint from the Roman Catholic faith. For example, the orisha Agayu is equated with Saint Christopher and the concept of fatherhood; while the guardian and provider of wisdom is Orula, who is associated with Saint Francis of the Roman Catholic Church.

Later, the works of Allan Kardec, a 19th-century French educator and philosopher, gained widespread

readership and following among the Cuban people. By 1890, Kardec's belief in a spiritual hierarchy, where saints could be invoked through a medium and ascend to a higher spiritual level, was assimilated into the existing philosophy, beliefs, and practices of Santería. Kardec's belief that human invocation of the spirits could be accomplished through the use of hypnosis, or being placed in a trance state, was incorporated into Santerían practices and rituals as a way for followers to receive direct guidance from the orishas.

Isolated Santerían practices were documented in the United States during the 1950s and 1960s. However, the emergence of Santería gained widespread attention and an increased following as a result of the Mariel boat lift of 1980, in which more than 100,000 Cubans entered the United States. Many of these Cuban refugees were later detained on federal immigration charges, thus importing the practice of Santería into the federal prison system. Today, Santería is more common in large urban areas with ethnically diverse populations that include greater numbers of Cuban, Caribbean, and Latin American immigrants. Followers of Santería can be found among members of all social classes; however, the practice is more prevalent among individuals residing in the more impoverished inner-city districts, barrios, and ghettos. Santería is practiced by both males and females. Unlike many other religions, females exert an equal role both as worshippers and as leaders. While priests are referred to as *santeros* and priestesses are called *santeras*, both are referred to by the gender-neutral term *olorisha*.

BELIEFS AND PRACTICES

The basic principles and centrally important practices of Santería revolve around the followers' relationships with the orishas. Historically, prior to being imported into Cuba as slaves, the African Santerían recognized between 400 and 700 unique orishas. Today's Cuban followers worship 16 orishas, with many American practitioners recognizing only 7 orishas, which are collectively referred to as the "seven African powers." The role of the orishas within the Santerían belief system is to rule over and act as guardians of the forces of nature and human activities. For example, Elegba acts as the intermediary between the human and spiritual worlds; as the gatekeeper, this orisha must be contacted first before communication with the other orishas is permitted. Ogun is the owner of war, labor, and technology; Oya is the ruler of the winds; and Oshun is the guardian of streams and rivers, embodying love and fertility.

Key or vital activities of Santería include divination, or communication with the orishas, and appeasing or praising the orishas through organized and individualized prayer and festivals. Divination typically occurs when a follower or believer of Santería desires spiritual healing or counseling to address a particular problem, such as a financial crisis, or to manage more personal issues such as love or friendship. Olorisha are consulted who call upon the orishas through a variety of methods, which may involve the manipulation of nuts, cowrie shells, or other sacred objects. Through these objects and the olorisha's interpretation, the orishas manifest themselves and offer the appropriate solutions and remedies.

Perhaps the most controversial aspect of Santería involves the use of offerings and animal sacrifices in order to praise the orishas, to purify followers of their sins, and to provide the orishas with sustenance to ensure their continued effectiveness. These animal sacrifices most commonly occur during birth, marriage, and death rites, as well as during the initiation of new members and at an annual celebration. Specific animal sacrifices and offerings are associated with each orisha. For example, sacrifices of dogs or male roosters are offered for Ogun, while ducks and goats may be used to offer gratitude to Yemaya, the orisha associated with maternity. Followers only eat the meat after the symbolic ashes are consumed by the appropriate orisha, with the animal's blood being sprinkled on stones that symbolically represent the orisha's head.

As with animal sacrifices and offerings, each orisha is worshiped and honored with a specific dance and drumbeat during celebratory, or *bembe,* festivals that occur at the *centros* or communal gathering place. Through the use of dance

movements, the pantomiming of symbolic actions, and the appropriate bata drumbeats, followers attain an altered state of consciousness or lapse into a trance state. This state becomes a vehicle for communication between the spirit world of the orisha and the human world, with the orisha possessing the dancer. During this trance state, the orisha communicates spiritual advice and warnings, through the dancer, to other festival participants and attendees.

Plants, herb, and weeds, collectively referred to as *egwe,* are a predominant component of the religion, serving both medicinal and ceremonial purposes. The olorishas, knowledgeable about which plants and herbs correspond to each of the orishas, use these to prepare special mixtures that tap into the "ache" or mystical religious properties of the plants and herbs. The ache of the plants and herbs is believed to possess healing powers that can be effective for curing certain diseases associated with gastrointestinal, respiratory, and skin disorders. The tranquilizing properties of many of these plants and herbs are believed to be useful for alleviating pain associated with headaches and for relieving the discomfort of childbirth.

Plant and herb preparations are employed during group ceremonies and are typically used to cleanse and prepare individuals prior to making contact with the orishas and to purify other sacred objects, such as beads and knives, which will be used during the ceremony. Special plant and herb mixtures are also used on individuals during initiation ceremonies and are prescribed for fumigating and cleansing homes to remove and prevent negative spiritual influences. Some of the mixtures are retained in special bottles, as the ache is thought to remain potent and viable for years.

Daily prayers and private rituals are often performed before domestic altars that contain statues or icons of various Roman Catholic saints, candles and flowers that signify devotion, and various water receptacles that denote the strength and purifying effects of water. Herbs from previous group ceremonies can be found that are indicative of their continuing healing and restorative properties during individual worship. As with other aspects of the religion, each altar reflects the unique colors, objects, and characteristics associated with specific orisha as revealed through the religion's strong oral tradition of recounting orisha-specific myth and folklore.

CORRECTIONAL ISSUES

The most common interface between Santería and the correctional system occurs within the context of inmate religious preferences and practices and prison administration and security concerns. Correctional administrators, and subsequently the courts, are faced with balancing the inmates' constitutionally protected freedom of religion with safety and security issues within the jail or prison. They must also answer legal questions such as: Is Santería a protected religion under the First Amendment? and Can correctional policy define religious practices and paraphernalia that are associated with Santería, such as animal sacrifices, clothing, beads, icons, and inmate-constructed shrines or altars, as prohibited behaviors and contraband?

Many state correctional systems, as well as the Federal Bureau of Prisons, accept Santería as an approved or authorized religion, granting believers the same rights and privileges that are extended to members of other religions. Santerían inmates are permitted to use prison chapels for communal worship, receive authorized religious literature, and possess religious artifacts as long as the items are on the institution's list of materials that inmates are allowed to possess. While the practice of Santería is limited by institutional restrictions and safeguards, it is not shown differential or preferential treatment when compared to any of the more widespread religions such as Christianity, Judaism, or Islam.

CONCLUSION

Santería, like other religions, enables its practitioners to worship and communicate with deities in an effort to better understand their existence, their relationship with nature, to facilitate the resolution of personal problems, and to explain and adapt to current events and situations. These functions are

achieved both personally and collectively, as a group. Parallels between the imported slaves, who developed the religion, and incarcerated inmates can be found that demonstrate the functional uses of Santería to assist its followers in coping with undesirable conditions. Behind prison walls, Santería may be employed as a means for removing guilt, to ask for assistance with a pending legal appeal, to invoke the orishas for self-protection, or to maintain the safety of family and friends in the community. Santería may also serve the collective purpose of reaffirming the practitioners' national racial and ethnic identity.

—Douglas L. Yearwood

See also Chaplains; Contraband; Contract Ministers; Cuban Detainees; First Amendment; History of Religion in Prison; Prison Culture; Religion in Prison

Further Reading

Brandon, G. (1983). *The dead sell memories: An anthropological study of Santería in New York City.* Unpublished doctoral dissertation, Rutgers University, New Brunswick, NJ.

Fleming, M. M. (1993). Santería. *Hispanic, 6,* 32–35.

Gleason, J. (1975). *Santería*. Bronx, NY: Atheneum.

Lefever, H. G. (1996). When the saints go riding in: Santería in Cuba and the United States. *Journal for the Scientific Study of Religion*, *35,* 318–331.

Santería. (n.d.). Retrieved September 16, 2002, from http:www.orishanet.com

SATANISM

Cited as everything from a manifestation of mental illness to a cause of mass murder, *Satanism* is a greatly misunderstood and maligned moral philosophy. This confusion is a result of competing definitions of Satanism, a multitude of groups claiming to be Satanists, and a greater number accused of being Satanic. Satanism is best understood as the "literal or symbolic worship of Satan" (Taub & Nelson, 1993, p. 525). Specifically, Satanism is premised on the opposition to Judeo-Christian values and is an unapologetic gesture of defiance and outrage against the hypocrisy of the modern world. In most prison systems in the United States, Satanism is a recognized religion, and its believers are thus entitled to the same freedom to practice their faith as members of other religious groups.

HISTORY

Suspicions of Satanic activity date back to the first century C.E., when the Roman authorities accused early Christians of kidnapping and sacrificing children to the devil. Since then, a number of disparate groups, including Jews, Reformation-era Protestants, Gypsies, decadent poets, Native Americans, physicists, Freemasons, Wiccans, homeopaths, Scientologists, and rock musicians have similarly been accused. Most of these accusations are attributable to ethnocentric or myopic Christian hegemony that views non-Christian groups or activities as serving Satan.

ORIGINS

While some contend that Satanism began in 14th-century France with Templar Knights, and others point to 18th-century Britain's "Hellfire Club," most scholars cite Scot occultist Aleister Crowley (1878–1947) as the first Satanist. Crowley set the stage for Satanism with the founding of Crowleyanity and publication of *The Book of the Law* in 1904. While Crowleyanity was pantheistic, prescribing worship of numerous gods and preternatural beings (including Satan), it was Crowley's dictum, "Do What Thou Wilt Shall be the Whole of the Law," that foreshadowed Satanism's development in late 1960s America.

The Church of Satan (CoS), the foremost Satanic group, was founded by occultist and former criminology student, Anton Szandor LaVey (1930–1997) in San Francisco on *Walpurgisnacht* (a Wiccan sabbath), April 30, 1966 (Wolfe, 1974). Declaring it I *Anno Satanas* (Satanic era, year one), LaVey outlined a philosophy more relativistic and pragmatic (perhaps Machiavellian) than metaphysical. This is seen in several of LaVey's (1967, p. 1) Eleven Satanic Rules of the Earth (most notably, I. Do not give opinions or advice unless you are asked; II. Do not tell your troubles to others unless you are sure

they want to hear them; III. When in another's lair, show him[/her] respect or else do not go there; VIII. Do not complain about anything to which you need not subject yourself. And, XI. When walking in open territory, bother no one. If someone bothers you, ask him[/her] to stop. If [s/]he does not stop, destroy him[/her].).

Satanism is more about personal gratification and self-actualization than the worship of incarnate or spiritual "evil." This point is illustrated by Diane Taub and Lawrence Nelson in their use of the term "atheistic Satanist" (1993, p. 526) to describe the majority of Satanists who view "Satan" simply as a symbol or externalization of human qualities. The sardonic and satirical critique of human folly that constitutes Satanism's core is evidenced in several of LaVey's (1969, p. 25) Nine Satanic Statements (I. Satan represents indulgence, instead of abstinence! II. Satan represents vital existence, instead of spiritual pipe dreams! III. Satan represents undefiled wisdom, instead of hypocritical self-deceit! IV. Satan represents kindness to those who deserve it, instead of love wasted on ingrates! VI. Satan represents responsibility to the responsible, instead of concern for psychic vampires! And, VIII. Satan represents all of the so-called sins, as they all lead to physical, mental, or emotional gratification!).

SATANISM, CRIME, AND PANIC

Concern over Satanism's connection to criminality (from relatively minor acts of vandalism through heinous acts of murder) has long existed, but reached a zenith in the mid-late 1980s. This heightened concern was based not on an increase in the frequency or criminality of Satanic practices, but rather on the rise and increased political influence of the Religious Right and child protection, anticult, and victims' movements. Many accusations of egregious Satanic crimes (torture, ritualized sexual abuse, murder) are more attributable to media sensationalism and the Christian convictions of criminal justice personnel than to evidence, and they do not stand up to rigorous legal investigation and scholarly scrutiny.

SATANISM IN PRISON

Most prison systems recognize Satanism as an official religion. It should, therefore, be protected by the same constitutional guarantees as other faiths. However, while religious freedom is constitutionally guaranteed, and reaffirmed in Title 42 USC §2000bb-1 and Federal Bureau of Prisons Policies §548.10, §548.13, and §548.16, incarcerated Satanists regularly have their rights violated. In the past several years, inmates in Arkansas, Colorado, Kentucky, New Mexico, South Dakota, and South Carolina have brought suits against correctional departments for confiscating or denying them access to reading materials and religious artifacts and preventing them from conducting rites. Prison officials usually prevail by citing their denials as in keeping with "compelling interest" and "institutional security," despite the fact that there is no evidence that Satanism violates either.

CONCLUSION

As a moral orientation, Satanism shares much in common with the political economy of capitalism in 21st-century America. Included among the similarities are the aggrandizement of self, material success and accumulation, personal gratification, and rank individualism. Hence, Satanism, far from being a dark underground religion based on spiritual evil and blood sacrifice, is a relatively conservative ideology that eschews some conservative ideals, such as abstinence and the "family values" of the Christian and political right, and embraces others, including the Protestant work ethic, patriotism, and law and order.

—Stephen L. Muzzatti

See also Chaplains; First Amendment; History of Religion in Prison; Importation; Islam in Prison; Judaism in Prison; Native American Spirituality; Prison Culture; Religion in Prison; Santería.

Further Reading

Aquino, M. A. (2002). *The Church of Satan* (5th ed.). San Francisco: Xeper.

LaVey, A. S. (1967). *The eleven Satanic rules of the Earth.* Retrieved from http://www.churchofsatan.com/Pages/Eleven.html

LaVey, A. S. (1969). *The Satanic Bible*. New York: Avon.

Medway, G. J. (2001). *Lure of the sinister: The unnatural history of Satanism*. New York: New York University Press.

Richardson, J. T., Best, J., & Bromley, D.G. (Eds.). (1991). *The Satanism scare*. Hawthorne, NY: Aldine de Gruyter.

Taub, D. E., & Nelson, L. D. (1993). Satanism in America: Establishment or underground. *Sociological Quarterly 34,* 523–541.

Victor, J. S. (1993). *Satanic panic: The creation of a contemporary legend.* Chicago: Open Court.

Wolfe, B. H. (1974). *The devil's avenger: A biography of Anton Szandor LaVey*. New York: Pyramid.

SECTION 1983 OF THE CIVIL RIGHTS ACT

Section 1983 of the Federal Civil Rights Act protects individuals from abuse by governments and their employees. The law reads in part:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in an any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

The measure permits individuals to bring civil suits against officials who through "the color" of state law either violate or enable others to violate the civil rights of private parties. Section 1983 is the primary conduit through which prison and jail inmates file individual and class action suits against correctional systems.

HISTORY

This provision began as Section 1 of the Ku Klux Klan Act of April 20, 1871, "An Act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes." The measure later became Section 1979 of the Revised Statutes before becoming Section 1983 in 42 United States Code. Sometimes known as the "Anti-lynching law" or the "Third force bill" for enforcement of the Fourteenth Amendment's due process, equal protection, and privileges and immunities clauses, the measure became law after extensive congressional debate. Because many state officials in the South aided and abetted the terrorist actions of the Ku Klux Klan, President Ulysses Simpson Grant and members of Congress believed that the measure was necessary to protect individual citizens during the era of Reconstruction.

Section 1983 ultimately became one of the most significant federal laws in existence. A number of landmark cases such as *Brown v. Board of Education, Reynolds v. Sims,* and *Roe v. Wade* began under Section 1983. Although there were fewer than 300 Section 1983 cases during 1961, by the year 2000 parties were filing more than 30,000 cases under the provision. Section 1983 permits individuals to litigate a wide array of civil rights claims concerning a diversity of issues such as jails and prisons, race and gender discrimination, voting, state employment, abortion, mental and physical health, and abuse by law enforcement officers.

"COLOR OF STATE LAW" AND IMMUNITIES

Section 1983 claims may be filed against "persons" who act "under color of state law" (this also pertains to actors in any "Territory or District of Columbia"). The Eleventh Amendment to the U.S. Constitution prohibits individual lawsuits against state governments. However, individuals may sue state officers who act in an official capacity and thereby essentially bring an action against the state. Municipalities and other local governments as well as their employees are generally subject to Section 1983. Beginning with the case *Bivens v. Six Unknown Federal Narcotic Agents* in 1971, the U.S. Supreme Court has

also interpreted the civil rights measure to protect individuals, including prison inmates, from abuses by federal employees. While Section 1983 does not serve as a source of substantive rights, it enables individuals to litigate civil rights and liberties granted by the U.S. Constitution and federal statutes.

FROM "HANDS-OFF" TO "HANDS-ON"

Inmates rarely used the measure during the lengthy "hands-off" era prior to 1964, when the judicial system rarely heard cases against prison administrators. Separation of powers considerations in which courts deferred to the expertise of executive branch officers, and federalism concerns that discouraged national government intervention in state affairs, promoted the hands-off doctrine. For most of the century that followed enactment of what is now Section 1983, the public in general expressed little concern for the plight of those confined in prisons and jails. By the end of the 20th century, however, numerous social, political, and legal changes had occurred that successfully eroded the hands-off doctrine.

Beginning with the case of *Monroe v. Pape* in 1961, the U.S. Supreme Court interpreted Section 1983 as granting federal courts original jurisdiction over claims alleging violations of federal constitutional rights by state or local officials. Although *Monroe* did not pertain to correctional facilities, the case nevertheless signaled that the Supreme Court was willing to intervene on behalf of parties injured by state governments. Three years later, in *Cooper v. Pate,* the Court directly approved the use of Section 1983 on behalf of state prisoners and began the demise of the hands-off period. In *Cooper,* the high tribunal ruled that an Illinois inmate possessed the right to challenge state restrictions on his rights to worship as a member of the Muslim faith. Inmates in other states soon followed by successfully litigating their claims under Section 1983, as the federal judiciary effectively abandoned the hands-off doctrine. By 1970, a judge had ruled that state correctional facilities in Arkansas violated the federal constitutional rights of inmates. A few years later, penal systems in Mississippi and Alabama were under federal orders. The judiciary's increasing willingness to accept Section 1983 claims related in large part to the national civil rights movement and the fact that African Americans represented a substantial proportion of inmates in many penal institutions. At the century's end, however, courts had supervised facilities in almost every state through cases filed by inmates of all races, both male and female, under Section 1983. Women used the law, with some success, to protest gender discrimination and sexual harassment by administrators and staff.

ATTEMPTS TO LIMIT PROLIFERATION OF CASES

The number of Section 1983 cases filed in federal district courts by state prisoners increased from only 218 in 1966 to more than 3,300 in 1972 and to nearly 42,000 by 1996. Congress has made two attempts since 1980 to slow the flow of Section 1983 lawsuits brought by inmates. In 1980, Congress passed the Civil Rights of Institutionalized Persons Act (CRIPA). That measure permitted state correctional agencies to seek certification of grievance procedures through the U.S. Attorney General and federal courts. Inmates were required to exhaust federally certified state grievance procedures before they could file lawsuits against state correctional officers. CRIPA was largely unsuccessful, because few states desired federal certification and few federal judges displayed an interest in such certification.

During 1996, Congress passed the Prison Litigation Reform Act (PLRA). The PLRA requireds indigent inmates to pay filing fees and court costs, to exhaust available administrative remedies, and to prove physical injuries in order to receive damages. Prisoners can no longer bring lawsuits *in forma pauperis* if they have previously filed three or more federal actions that were dismissed as frivolous or malicious, or failed to state a claim on which relief could be granted. During the period immediately following the PLRA, the measure appeared to be reducing the number of inmate actions in federal courts. In 1999, for instance, the number of suits dropped to around 25,000. Some researchers, however, predict a greater number of Section 1983 claims in the future due to the projected growth of state prisoner populations.

INMATE CLAIMS

Federal courts decide a number of cases through the Section 1983 procedural mechanism. Usually substantive claims involve violations of the First, Fourth, Fourteenth, and Eighth Amendments to the U.S. Constitution. Hence, Section 1983 allows prisoners to oppose institutional restrictions on religious practices and official censorship of correspondence and publications under the First Amendment. They may also litigate Fourth Amendment claims surrounding cell and visitor searches and other privacy matters. Under the Fourteenth Amendment's due process clause, Section 1983 permits lawsuits concerning inmate disciplinary privileges and procedures as well as access to legal assistance within correctional facilities. The measure enables prisoners to challenge the total conditions of their confinement, including the quality of medical treatment, overcrowding, and related matters through class action suits under the Eighth Amendment's prohibition against cruel and unusual punishment. In order to prevail under the Eighth Amendment the U.S. Supreme Court requires that prisoners prove "deliberate indifference" on the part of correctional officials.

CONCLUSION

Although many commentators have recently detected a growing tendency for the federal courts to defer to the judgment of correctional officials, it is clear that Section 1983 has led to a significant transformation in the management of penal institutions. The civil rights measure has also altered the relationship between the federal judiciary and state prisons and jails. Inmates continue to litigate under a federal statute initially designed to control the Ku Klux Klan during the post–Civil War era.

—Paul M. Lucko

See also Activism; Eighth Amendment; *Estelle v. Gamble;* First Amendment; Fourteenth Amendment; Fourth Amendment; *Habeas Corpus;* Jailhouse Lawyers; Prison Litigation Reform Act 1996; Prisoner Litigation; Resistance; *Wilson v. Seiter*

Further Reading

Avins, A. (1967). The Ku Klux Klan Act of 1871: Some reflected light on state action and the Fourteenth Amendment. *Saint Louis University Law Journal, XL*, 331–381.

Belz, H. (1978). *Emancipation and equal rights: Politics and constitutionalism in the Civil War era.* New York: Norton.

Cheesman, F., II, Hanson, R. A., & Ostrom, B. J. (2000, April). A tale of two laws: The U.S. Congress confronts habeas corpus petitions and Section 1983 lawsuits. *Law and Policy, 2,* 89–111.

Harrington, J. C. (2000). The ADA and Section 1983: Walking hand in hand. *The Review of Litigation, 19*(3), 435–465.

Hass, K. C., & Alpert, G. P. (Eds.). (1991). American prisoners and the right of access to the courts: A vanishing concept of protection. *The dilemmas of corrections* (4th ed., pp. 244–267). Long Grove, IL: Waveland.

Lee, E. G., III. (2000). Federal rights, federal forum: Section 1983 challenges to state convictions in federal court. *Case Western Reserve Law Review, 51*, 353–398.

Pollock, J. M. (2002). *Women, prison, and crime* (2nd ed.). Belmont, CA: Wadsworth Thomson Learning.

Legal Cases

Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S 388 (1971).

Cooper v. Pate, 378 U.S. 546 (1964).

Estelle v. Gamble, 429 U.S. 97 (1976).

Gates v. Collier, 390 F. Supp. 482 (1975).

Holt v. Sarver, 309 F. Supp. 362 (1970).

Johnson v. Avery, 393 U. S. 483 (1969).

Monroe v. Pape, 365 U. S. 167 (1961).

Turner v. Safley, 482 U. S. 78 (1987).

Wilson v. Seiter, 501 U. S. 294 (1991).

Wolff v. McDonnell, 418 U. S. 539 (1974).

Women Prisoners of the District of Columbia Department of Corrections v. District of Columbia, 877 F. Supp. 634 (1994).

SECURITY AND CONTROL

The primary two missions of any correctional agency are to protect the public and to maintain a safe and orderly environment within the prison itself. Correctional administrators have a variety of security techniques at their disposal to help them attain both goals. Even so, prisons are becoming more difficult to manage because, in response to the demise of rehabilitation and the advent of the "Get tough"

movement, inmates serve longer sentences with few incentives to maintain good behavior.

Photo 1 *View of the control station and half of the unit*

CLASSIFICATION

One of the primary means by which prisons try to maintain order is through a system of classification. Correctional classification uses risk assessment to assign inmates to an appropriate security level and custody grade. Their security level indicates the physical design of the institution to which they will be sent and thus how protected the community will be from them. Institutions vary across a number of parameters, including types of perimeter barriers and whether or not they have gun towers, mobile patrols, and housing detection devices. They also operate with specific inmate-to-staff ratios and various forms of internal security. Individuals are assigned to an appropriate institution based on the number and types of architectural barriers that must be placed between them and the outside world to ensure that they will not escape and that they can be controlled.

In contrast to their security level, prisoners' custody classification determines the level of supervision needed so that they do not represent a danger to staff and to other inmates. Their security level also determines the types of privileges they may have inside the prison facility. The assignment of an inmate to a particular institution is based upon the level of security and supervision the inmate requires, as determined by the classification instrument.

PRISON SECURITY BY LEVEL OF PRISON

Prisons are classified and designated by security levels that identify the type of institution required to house inmates based on their final classification score. Since there is not a national design or classification standard for security level and custody status of a correctional facility, there is no consistency in how the two are designated from state to state. However, the main types are (1) supermaximum-security, (2) maximum-security, (3) medium-security, and (4) minimum-security prisons.

Supermaximum ("supermax") prisons are the highest security level of confinement. Not all states have such institutions. The supermax prison can be a freestanding facility or a distinct unit within a facility that provides for the management and secure control of inmates who have been officially designated as exhibiting violent or seriously disruptive behavior. These inmates have been determined to be a threat to safety and security in traditional-high security facilities, and only through separation, restricted movement, and limited direct access to staff and other inmates can their behavior be controlled. The inmates eat and exercise alone, are never allowed contact visits, and are entitled to a few hours a week of solitary recreation in an outdoor exercise yard that is surrounded by a chain-link fence.

Maximum security is either the highest or second highest custody level assigned to an inmate,

Photo 2 *View of the control station*

depending on whether the correctional system has a supermaximum secure level as well. People with this level are thought to require extremely high levels of security and staff supervision. Maximum-secure institutions generally hold prisoners serving long sentences and are designed to confine individuals who pose a severe threat to public safety, correctional staff, and other inmates and therefore impose strict limitations on the freedom of inmates. These prisons are normally surrounded by high stone walls or strong chain fences. They are designed to prevent escapes and to deter inmates from harming one another. Many maximum-secure facilities have electronic detection devices, powerful spotlights, and gun towers strategically placed in the corners or in central locations so that correctional officers have an unobstructed view into virtually every corner of the facility. These prisons have sliding cell doors that are remotely operated from a secure control station, with sanitary faculties in each cell. Inmates in them have virtually no privacy and are typically in their cells 23 hours a day. During the other hour, they may be allowed to shower and/or exercise in the cellblock or an exterior fenced perimeter.

Medium security is the second highest custody level assigned to an inmate and requires the second lowest level of security and staff supervision. Institutions of this security level generally hold inmates who have committed less serious crimes; they are therefore less restrictive and regimented than maximum security prisons. They are typically surrounded by a single or double fence perimeter topped by barbed or razor wire. The area between the fences may contain electronic anti-intrusion devices with infrared or motion sensors that warn correctional staff of an escape attempt. There are also strategically located gun towers and correctional staff on foot or in vehicles who provide "roving security" around the perimeter fences.

There is less supervision and control in medium-security prisons than in maximum-security ones. These facilities often use congregate housing or dormitory-style living arrangements, which contain a group toilet and shower. The inmates sleep in a military-style double bunk and have an adjacent metal locker for storage of uniforms, undergarments, shoes, and personal items. Each dormitory is locked at night, with a correctional officer providing direct supervision of the inmates and their sleeping area.

Minimum-security prisons are the least restrictive and generally house the least violent offenders, long-term felons with clean disciplinary records and good behavior, and people who have nearly completed their sentences. These prisons have far more relaxed perimeter security, usually a chain-link fence surrounding the building that is inspected on a regular basis, but have no armed watchtowers or roving patrol. There is less supervision and control of inmate movement than at medium-security prisons. The institutions usually have nonsecure dormitories that are routinely patrolled by correctional officers. As with medium-security dorms, there is a group toilet and shower area adjacent to the sleeping quarters, which contain double

bunks and lockers. The primary focus of these institutions is reintegration of the inmate back into the community; therefore, a significant portion of the agency's rehabilitation programs, such as education and work release, are allocated to these facilities.

PHYSICAL DESIGN

A prison's physical appearance and security provisions mirror its population's characteristics. The *radial design* is the oldest design. In it, cellblocks and program buildings are arranged in a wheel-shaped configuration with corridors radiating like spokes from a control center at the hub. The main disadvantage of this design is that all inmate traffic and movement comes to one point in the prison. The congestion that results presents a dangerous situation, particularly in high-security prisons. Another design, known as the *telephone pole design*, places cells in rows down the cellblock-long central corridor that serves as the means for prisoners to go from one part of the prison to another. The telephone pole design provides correctional administrators with the ability to house inmates with different classification security and custody levels in the same facility, and is instrumental in controlling prison violence since inmates have limited contact with each other. While this design appears quite secure from outside the prison, on the inside there are numerous corners and places that are hard to monitor and ideal for various types of violence. In the event of a riot or a hostage-taking situation, it is easy for inmates to barricade the corridor and take control of the prison and difficult for correctional staff to regain control of the prison.

The *campus design* is primarily used for minimum-security prisons and a few medium-security prisons. These institutions allow some freedom of movement; buildings are separated and spread out over several acres within a secure perimeter, and inmates are allowed to move from one building to another, walking outside instead of within a corridor. As such, there is little problem of congestion, as people move through the prison fairly freely. The campus design is known as such because it resembles a small-to-moderate-size college and has large dormitory wings that are clustered in areas resembling local neighborhoods in a subdivision.

The most recent prison design is known as the *courtyard style* and is normally used in maximum-security prisons. In it, buildings are attached to a corridor that runs around the prison, leaving a courtyard in the middle. This design provides prison administrators the flexibility of keeping inmate movement within the corridor or across the courtyard while allowing some outside movement. All institutional units, including housing, education, medical, prison industry, and dining, face a central and often expansive courtyard. All doors except those providing entrance to administrative areas open to the courtyard. The courtyard design is especially useful when inmates of varying classification levels need to be housed at the same location. Inmates of the same classification share the same courtyard. A disadvantage is that all individuals in a given courtyard unit must share the same area, no matter how high the units are stacked.

PERIMETER CONTROLS

Perimeter controls of the prison are integral to the maintenance of its security and control. Perimeter controls refer to the physical barrier of the prison or simply an area in which inmates are not allowed to enter; they rely on an institution's security level, perimeter barriers, detection devices, gun towers, and mobile patrol. The outer layer of the prison is the wall or fence that is designed to keep inmates inside the facility and reduce the passage of contraband into the prison. Usually these structures include detection devices that will set off an alarm and alert correctional staff of any escape attempts. At various points through the perimeter are towers that are staffed by an armed correctional officer who watches inmate movement, to prevent an escape by breech of the fence. Mobile patrol officers in vehicles continuously drive around the perimeter to monitor movement around the perimeter and respond to escape attempts if necessary.

ACCOUNTABILITY OF INMATES

Correctional officers' ability to locate and identify inmates at any point in time of the day to ensure that they are where they are supposed to be is integral to

the maintenance of a secure and safe prison environment. In order to ensure that order is maintained, institutions follow a routine schedule of activities on a regular basis. All inmates are closely supervised and a system of restricted movement is implemented to reduce the likelihood of anyone going to places other than their assigned locations. Inmates are monitored during all out-of-cell times. Staff members are expected to view each inmate on a regular basis, and each correctional agency has procedures for counting inmates at various times of the day.

There are three types of prison counts: official, census, and random. *Official counts* are scheduled points in the day when inmates are counted to ensure that they are all present. The *census counts* are less formal. They are usually conducted by work and program supervisors or by correctional officers at the beginning and end of each work period to ensure that each work or program detail has the right amount of inmates. *Random counts* can be done at any time and are beneficial since inmates know when the official and census counts will be done.

Another way in which inmate movement is restricted is through controlled movement, which is an alternative to total individual movement or unregulated mass movement. During movement call, inmates have a certain amount of time (usually 10 minutes) to go from one location to another. At the end of the movement time, all doors are locked and inmates are expected to be at their designated and assigned areas. Anyone who is not will be subject to disciplinary action. The work and program assignments of inmates also aid in the security of the institution by keeping inmates active, helping to pass time, and providing a process by which inmates are under the supervision of staff responsible for that program or work activity.

The control of contraband, or any item the inmate is not authorized to have, is another element of inmate accountability since illicit items may undermine the maintenance of a safe and secure prison environment. Prison officials reduce the amount of contraband in the correctional environment by searching the inmates, their housing areas, and their work areas. The personal search includes a frisk (or "pat-down"), strip search, or internal body cavity search. The *pat-down search* is an external inspection of a fully clothed inmate. A prisoner's living and work areas may also be searched on a periodic basis. As well, the *strip search*, which is more intrusive, is a visual inspection of the naked body and its cavities from all angles. Finally, there is the *internal body cavity search*, which requires special permission and is only conducted by medical personnel.

CONCLUSION

Maintaining a safe and secure prison involves the integration of several elements within a prison. The first component is a functional classification system. This contributes to institutional safety and efficiency by seeking to ensure that inmates are assigned to housing commensurate with their security needs. The prison security level, architectural design, and perimeter controls reduce the risk of disturbances and escapes as well as being techniques to ensure accountability of inmates at all times. All of these security measures function together to minimize violence, disruptions, and escapes from a correctional facility, thereby allowing correctional administrators to maintain security and control in the prison setting.

—Melvina Sumter

See also Campus Style; Classification; Correctional Officers; Discipline; Governance; Legitimacy; Maximum Security; Medium Security; Minimum Security; Oak Park Heights Minnesota Correctional Facility; New Generation Prisons; Supermax Prisons; Telephone Pole Design

Further Reading

Gray, T. (2002). *Exploring corrections: A book of readings*. Boston: Allyn & Bacon.

Hass K., & Alpert, G. (1995). *The dilemmas of corrections*. Prospect Heights, IL: Waveland.

Henderson J. D., Rauch, W. H., & Phillips, R. L. (1997). *Guidelines for the development of a security program* (2nd ed.). Lanham, MD: American Correctional Association.

Levinson, R. (1994). The development of classification and programming. In *Escaping prison myths: Selected topics in the history of federal corrections*. Landham, MD: University Publishing Associates.

Pollock, J. M. (1997). *Prisons: Today and tomorrow*. Gaithersburg, MD: Aspen.

SELF-HARM

The study of self-harm among prisoners has received little attention as an important health concern, especially for women. Part of the problem is a definitional agreement over what kinds of behaviors constitute self-harm. Based on quantitative studies, traditional definitions of self-harm have emphasized physical forms of self-mutilation, such as slashing, cutting, burning, and suicide which are then classified according to a typology based on the perceived seriousness or lethal nature, or life-threatening nature, of the action. Some prison researchers suggest that this type of categorization is particularly limiting for young offenders who often use a highly lethal method like hanging but have no intention of wanting to end their lives.

More recent qualitative research based on the personal narratives of prisoners, and of women inmates in particular, suggest that self-harm involves a broader range of behaviors than the direct physical forms of self-injury commonly cited by researchers. The women reported eating disorders, substance abuse, destructive (violent) domestic relationships, extensive piercing, and slashing as examples of their self-harm. This research also indicates that self-harm and suicidal acts are not synonymous and that women do not intend to kill themselves but rather use self-harm as a way of coping and surviving deep emotional pain and distress often rooted in experiences of childhood sexual abuse. Recognizing the broad diversity and origins of self-harmful behaviors is critical to ensure effective services and appropriate evaluation of intervention strategies for prisoners who self-harm.

PREVALENCE

There has been little epidemiological research on the prevalence of self-harm in prisons. As a result, little is known about the relationships among self-harm and race/ethnicity and social class, age, and other social correlates. There is, however, a growing literature on self-harm that has identified a significant gender difference. The incidence of self-harm among both women and men is much higher in prison populations than in the general public, although women in general have a greater incidence of reported acts. There is also considerable anecdotal evidence that supports a relationship between self-harming behaviors and bullying among incarcerated young, male offenders.

The studies on racial differences in self-harming behaviors are mixed. A review of this literature shows that black prisoners (male and female adults) are underrepresented in comparison to whites, while others argue that the differential statistics reflect discrepancies in reporting. Studies also show that Hispanics as compared to whites are overrepresented. There is little research on the relationship between social class and self-harm. Prison statistics demonstrate that there is an overrepresentation of self-harming behaviors among the working class, yet this reveals little since the impoverished social classes are disproportionately represented in prison. The conditions of incarceration and their contribution to feelings of powerlessness, loss of control, and isolation contribute to an individual's level of emotional distress, and in general, constitute added risks for self-harming behavior for all prisoners.

EXPLANATIONS

There is a growing consensus in the empirical literature that prisoners turn to self-harm as a way of coping with emotional pain and distress. Incarcerated women and men may not have the usual systems of supports and coping strategies. They may also experience incarceration differently from one another. The increased feelings of powerlessness and lack of control experienced by incarcerated men are exacerbated by abuse and violence from other inmates. In this situation, self-harm may become one means of dealing with the threat to their physical security. The lower incidence of self-harm among male compared to female prisoners is usually explained by ideas of gender. Men are socialized to turn their anger, blame, or frustration outward, tending to engage in physical and sexual acts of aggression and assaults against others. Women, by contrast, have a greater tendency to turn their feelings inward against themselves and are more likely to commit self-inflicted, harmful acts such as slashing and substance abuse.

For incarcerated women, feelings of emotional distress are exacerbated by their past histories of

childhood abuse as well as their adult experiences of violence and abuse, especially sexual abuse. The relationship between childhood experiences of sexual abuse and self-harm is strongly supported in the research literature, although there has been less attention paid to the impact of adult experiences of violence. Self-harm represents an important coping strategy to survive these traumatizing effects, and in this respect, serves critical survival functions.

CORRECTIONAL RESPONSES

Frequently, when prisoners hurt themselves, they are dealt with as though they had attempted suicide. In most cases, this type of activity is responded to by physical intervention. The most common strategies used by prisons include the use of restraint garments, restraint chairs, segregation, cell camera monitoring, and medication. Research indicates, however, that such measures, notably segregation, neither prevent nor reduce incidences of self-harm and in fact are more likely to increase it. Research on young women in detention, for example, shows that the majority of self-harming behaviors occurred when they were in segregation or alone. Women are often retraumatized by their treatment in prison, as it tends to replicate their past experiences of abuse and violence, and may trigger greater incidences of self-harming behaviors as a way of coping.

In addition to implementing physical measures to prevent and control women's self-harming behavior, much prison programming for women who self-harm is based on dialectical behavior therapy. This choice of therapy within correctional institutions is related to the assumption that many women who hurt themselves have Borderline Personality Disorder. This is an official psychiatric diagnosis that is characterized by such traits as extreme emotionality, impulsivity, aggressive behavior, confused identity, self-injurious behavior, and suicidal ideation. Persons diagnosed with Borderline Personality Disorder are also viewed as manipulative.

Dialectical behavioral therapy is based on cognitive behaviorism, and its approach is to teach offenders to think differently or prosocially, since it is believed that they have cognitive inadequacies or thinking deficits. Prison researchers in Canada and in Britain have examined the potential risks of prison programming based on cognitive behavioralism and dialectical behavioral therapy, especially for women prisoners. Several areas of concern with this approach to self-harm have been identified, including the tendencies to individualize crime, pathologize prisoners, and ignore issues of racism, sexism, classism, poverty, and heterosexism as well as the social-structural context of crime. Simply, this approach abstracts women from the social context of their lives and does not consider their underlying histories of physical and sexual abuse, their particular socioeconomic circumstances, and personal experiences of sexism and racism, all of which contribute in significant ways to women's use of self-harm as a coping mechanism.

CONCLUSION

With the dramatic increase in the number of women incarcerated not only in the United States, but in Canada and the United Kingdom, there has been a growing concern with the limitations of a male-oriented medical model underlying prison programming and services, especially in meeting women's mental health needs. Research in several countries documents the serious impact of imprisonment on women's mental health, including an increase in self-harming behaviors. With the significant growth in the number of women prisoners, attention to women's health needs, particularly self-harm, is becoming a critical challenge for correctional facilities.

Future policies and practices on women's self-harm in prison require more holistic, woman centered approaches in developing appropriate programs and services. Research emphasizes the importance of policies that incorporate an understanding of women's self-harm within the context of past experiences of abuse and violence and to address current issues related to racism and discrimination, poverty, sexism, and domestic violence. Unless these realities are addressed, women will remain particularly vulnerable to inflicting self-harmful kinds of behaviors as a way of coping with their emotional distress both within and beyond prison walls.

—Catherine Fillmore

See also Group Therapy; Individual Therapy; Medical Model; Psychiatrists; Psychological Services; Solitary Confinement; Resistance; Suicide; Women Prisoners; Women's Health

Further Readings

Babiker, G., & Arnold, L. (1997). *The language of injury*. Leicester, UK: British Psychological Society.

Coll, C. G., Miller, J. B., Fields, J. P., & Mathews, B. The experiences of women in prison: Implications for services and prevention. *Women and therapy, 20*(4), 11–28.

Fillmore, C. J., & Dell, C. A. (2001). *Prairie women, violence, and self-harm.* Winnipeg, CAN: Elizabeth Fry Society of Manitoba.

Henderson, D., Schaeffer, J., & Brown, L. (1998). Gender-appropriate mental health services for incarcerated women. *Family and community health, 21*(3), 42–53.

Heney, J. (1990). *Report on self-injurious behavior in the Kingston Prison for Women*. Submitted to the Correctional Service of Canada.

Heney, J., & Kristiansen, C. M. (1997). An analysis of the impact of prison on women survivors of childhood sexual abuse. *Women and Therapy*, *20*(4), 29–44.

Kendall, K. (2002, November). *Correctional cognitive behavioralism: An historical and critical overview*. Presented at the annual meeting of the American Society of Criminology, Chicago.

Livingston, M. (1997). A review of the literature on self-injurious behaviour amongst prisoners. *Suicide and self-injury in prisons* (No. 28). Leicester, UK: British Psychological Society.

Livingston, M., & Beck, G. (1997). A cognitive-behavioral model of self-injury and bullying among imprisoned young offenders. *Suicide and self-injury in prisons* (No. 28). Leicester, UK: British Psychological Society.

McQuaide, S. & Ehrenreich, J. H. (1998). Women in prison: Approaches to understanding the lives of a forgotten population. *Affilia, 13*(2), 233–246.

Ross, R., McKay, H., Palmer, W., & Kenny, C. (1978). Self-mutilation in adolescent female offenders. *Canadian Journal of Criminology, 20,* 375–392.

SENTENCING REFORM ACT 1984

The passage of the Sentencing Reform Act (SRA) of 1984, which mandated the creation of the U.S. Sentencing Commission and led to the adoption of the U.S. Sentencing Guidelines, marked a fundamental change in the federal government's approach to crime and criminal justice policy. The bipartisan initiative prospectively ended the use of indeterminate sentencing and parole release within the federal system and has substantially influenced the method and mode of prosecution, defense and, ultimately, punishment for those charged with federal crimes.

BACKGROUND

From the early 20th century until roughly 1970, the federal sentencing system, like that of virtually all states, followed an indeterminate model that was ostensibly structured around offender rehabilitation. Congress established statutory penalties for criminal offenses with wide sentencing ranges that afforded judges substantial discretion to impose what they deemed appropriate punishments accounting for the unique nature of an individual defendant, the particular circumstances surrounding the offenses, and other relevant variables. Sentences of imprisonment were of indefinite length and were largely governed by correctional officials within the Federal Bureau of Prisons (BOP) and parole officials within the U.S. Parole Commission. The former rewarded inmates for positive institutional adjustment by liberal grants of "good time" credits and, correspondingly, penalized poor adjustment by removing or disallowing time credits. The Parole Commission convened periodically and employed a system of written, arguably objective guidelines to determine whether an offender's rehabilitative efforts and likelihood of recidivism warranted release and, if so, under what conditions. Under this system, an offender deemed rehabilitated and worthy of release could serve as little as one-third of the original sentence imposed.

A major benefit of the indeterminate sentencing model was the flexibility it provided to match limited prison resources (e.g., beds and programming) with offenders' needs. In particular, sound management enabled correctional officials to regulate systemic growth and resultant overcrowding. Indeed, the federal prison population remained relatively constant for the 50 years preceding 1975.

The 1970s ushered in a nationwide chorus of criticism for indeterminate sentencing and its underpinning assumption, namely that following an appropriate period of supervision and treatments,

offenders could be rehabilitated and safely reintegrated into the community. During this period, sentiment grew that rehabilitative programming was simply not effective in either protecting against risk of future public harm or reducing re-offense rates. Additionally, civil rights advocates, such as the American Friends Service Committee, charged that indeterminate sentencing caused unwarranted disparities among comparable defendants, namely with regard to race. Disparities were also cited among the differences in sentence lengths between judges, categories of offenses, and geographical regions. Conservative thinkers, such as James Q. Wilson, concurrently argued that indeterminate sentencing resulted in unduly lenient sentences.

One of the most prominent calls for sentencing reform came from Judge Marvin E. Frankel, whose seminal work *Criminal Sentences: Law without Order* (1974) decried the absence of rules and uniform standards in sentencing. Judge Frankel advocated the abolition of indeterminate sentencing and the creation of sentencing guidelines by independent, authoritative bodies of judges, academics, and practitioners. A notable convert to Judge Frankel's ideas was Senator Edward Kennedy (D-Massachusetts), who first introduced federal legislation seeking to implement a guidelines system in the late 1970s. Senator Kennedy was particularly troubled by allegations that indeterminate sentencing led to gross racial disparities. Whereas numerous states, including Minnesota, Pennsylvania, Washington, and Oregon, abolished indeterminate sentencing in favor of guidelines systems developed and overseen by administrative sentencing commissions in a timely manner, it took years of debate and compromise before Congress passed and the president approved a bill enacting such changes in the federal system. (SRA, as amended, is codified at 18 U.S.C. §§3551–3559, 3561–3566, 3581–3586 and 28 U.S.C. §§991–998.)

A subprovision of the Comprehensive Crime Control Act of 1984, the Sentencing Reform Act replaced indeterminate sentencing and parole with a "truth in sentencing" determinate model that requires federal offenders to serve their full sentences minus up to 54 days of credit per year (approximately 15%) for good institutional behavior. To this end, the SRA called for the creation of the U.S. Sentencing Commission, an independent agency in the federal judicial branch comprised of seven voting members known as commissioners. Commissioners are appointed by the president and confirmed by the Senate. At least three commissioners must be federal judges, and no more than four may belong to the same political party. The U.S. attorney general and the chair of the U.S. Parole Commission, or their designees, serve as *ex officio* members, meaning that they are not required to undergo the confirmation process and do not vote.

SENTENCING COMMISSION AND GUIDELINES

On September 10, 1985, President Ronald Reagan nominated Judges William W. Wilkins (Chairperson), George MacKinnon, and Stephen Breyer, who was later appointed Supreme Court Justice; Professors Ilene Nagel, Michael Block, and Paul Robinson; and former U.S. Parole Commissioner Helen Corrothers to serve on the first Sentencing Commission. Pursuant to the SRA, the commission's stated purpose was, and remains, to establish policies and practices that (1) assure that the goals of just punishment, deterrence, incapacitation, and rehabilitation are met; (2) provide certainty and fairness in sentencing by eliminating disparities among similarly situated defendants while maintaining sufficient flexibility to permit individualized sentences that account for mitigating or aggravating factors not considered in the formation of general sentencing practices; and (3) reflect the advancement in knowledge of human behavior as it relates to the criminal justice process. The commission is further charged with evaluating the sentencing guidelines' effect on the criminal justice system, recommending modifications of substantive criminal law and sentencing procedures, and establishing a research and development program on sentencing issues.

Faced with various competing interests and philosophies, the first commission began the guidelines creation process by analyzing voluminous amounts of past sentencing data along with the elements of federal crimes and the Parole

Commission's guidelines and statistics. Through this review, the commission was able to identify both broad and specific distinctions that became the basis for the guidelines. The commission then considered both historic sentence length data and congressional dictates in devising a 43-row, six-column matrix of penalties that measures the severity and characteristics of a given offense of conviction against an offender's past criminal history. Sentences for individuals with the same offense level and criminal history intersect at a sentence range—the bottom end of which may differ from the top by no more than six months or 25%, whichever is greater.

The initial Federal Sentencing Guidelines were submitted to Congress on April 13, 1987, and took effect on November 1, 1987. Soon thereafter, legal challenges were filed on behalf of defendants disputing, among other things, the Sentencing Reform Act's constitutionality. In 1989, the Supreme Court decided *Mistretta v. United States*, which upheld the constitutionality of the Sentencing Commission as a judicial branch agency. Since that time, more than 500,000 defendants have been sentenced under the guidelines. Because the guidelines are designed to embody a "heartland" of criminal offenses, judges ordinarily impose a sentence from within an offender's recommended guideline range unless the court identifies an extraordinary or atypical factor that the commission failed to consider. In those instances, courts may depart from a guideline range to impose a penalty higher or lower than that recommended, though such deviation can be reviewed by a court of appeals. In all cases, sentencing judges must provide the reasons for the sentence imposed.

CRITICISMS

Because the SRA and commission arose during the burgeoning "Get tough on crime" era of the mid-1980s, observers criticized the first commission as striving to satisfy the legislative and executive branch's respective political agendas rather than insulating themselves from such external pressures. Special concern was raised about the stripping of traditional judicial discretion and the corresponding shift in power to prosecutors, whose charging and plea decisions as well as exclusive ability to request sentencing departures based on assistance to federal authorities substantially impact a defendant's election to pursue his right to trial or to cooperate against alleged criminal cohorts. Opposition to the guidelines has remained nearly constant since 1987 and can be found in all sectors of the federal justice system and to include judges, defense attorneys, and probation officers. Equally as notable, numerous states considered enacting guidelines systems and sentencing commissions after the federal government explicitly repudiated the federal guidelines as a model to emulate.

Many criticize the federal guidelines system because of the guidelines manual's length and legalistic complexity and the lack of uniformity in sentencing practices across judicial districts and circuits. They also point to inconsistencies in prosecutorial plea and departure recommendation practices, the ever-expanding scope of offense categories covered, and the persistence of socioeconomic and racial disparities.

COMPLEXITY AND INFLEXIBILITY

In response to legal interpretations, legislative directives, and emerging trends, the Sentencing Commission regularly submits guideline amendments to Congress for approval. This amendment process has helped create a guidelines manual that, with appendices, totaled more than 1,500 pages in 2001 and that determines the majority of sentences imposed.

Although permissible, departures from a given guideline range are controlled by a rigid framework of considerations. For instance, when weighing the appropriateness of departing from an offender's prescribed sentencing range, courts are forbidden to rely on race, sex, national origin, religion, or socioeconomic status—all factors that were available in the pre-guidelines era. Reliance on other considerations, such as age, educational and vocational skills, physical and mental health, employment history, and family or community ties is either discouraged or deemed irrelevant.

The most common and easily obtainable method of downward departure is based on an offender's cooperation with government investigations of others. Because the prosecutor is the only individual with the power to request such a departure, many have criticized this avenue for deviation from the guidelines, as it grants excessive power to the prosecutor and removes judicial discretion. Moreover, many critics contend that such departures are often used not to reward cooperation, but as a surreptitious method to circumvent an offender's recommended guideline sentence when all concerned parties (the prosecutor, the defense, and the judge) perceive it as too rigid, arbitrary, unjust, or severe.

MANDATORY MINIMUMS

The most significant departure from the guidelines comes not from limited judicial autonomy but, rather from congressionally created mandatory sentences that establish minimum penalties for drug offenses, possession of weapons, and repeat offenders. An oft-referenced example is the mandatory minimum penalties attendant on crack cocaine convictions (e.g., a conviction for possession of five grams of crack cocaine carries a minimum five-year term of imprisonment). Interestingly, countless practitioners and scholars, even those at the Sentencing Commission, argue that such statutory minimum penalties do not achieve their intended aim of increasing sentencing severity and uniformity. This is due to inconsistent prosecutorial charging decisions and opportunities for sentences below the given penalty where cooperation is provided.

CONTINUED RACIAL DISPARITY AND A GROWING PRISON POPULATION

Legislative history suggests that the statutory goal of avoiding unwarranted sentence disparities among similarly situated defendants was and is the most important goal of the federal guidelines. The vast majority of analytical evaluations, case studies, and other evidence, however, suggest that the guidelines have failed in avoiding unwarranted disparities. This is due in large part to informal mechanisms to circumvent the guidelines when they are disliked by prosecutors, defense attorneys, and judges. With regard to racial disparity, a careful review of demographic data from the Federal Bureau of Prisons reveals that 41% of federal offenders incarcerated during 2001 were African American.

In addition, despite the SRA's mandate that the federal sentencing guidelines minimize the likelihood of prison overpopulation, the guidelines' drafters predicted the prison population would triple within a decade. Indeed, the impact of the sentencing guidelines and mandatory minimum penalties on the federal prison population is unmistakable. In 1987, there were 48,300 individuals under federal correctional supervision. Ten years later, the figure had risen to 112,973, and BOP estimates place the 2007 supervision population at 205,000, a fourfold increase within 20 years.

CONCLUSION

It is debatable whether the Sentencing Reform Act of 1984 has fulfilled the designs of its original sponsors. While offering a level of predictability to the extent that most penalties are set forth in an inclusive, written volume and are safe from modification by correctional or parole authorities, the federal guidelines system lacks true uniformity and consistency, partly due to institutionalized discontentment with the system's steadfast rigidity. Yet, because both guideline amendments and the repeal of mandatory minimums require congressional approval, the prevailing political climate shall control any effort toward meaningful reform.

—Stephen Vancee and Todd Bussert

See also Deterrence Theory; Determinate Sentencing; Families Against Mandatory Minimums; Incapacitation Theory; Increase in Prison Minimums; Indeterminate Sentencing; Medical Model; November Coalition; Rehabilitation Theory; Truth in Sentencing; War on Drugs

Further Reading

Austin, J., et al. (1996). *National assessment of structured sentencing*. Final report to the Bureau of Justice Assistance. San Francisco, CA: National Council on Crime and Delinquency.

Federal Courts Study Committee. (1990). *Report*. Washington, DC: Administrative Office of the U.S. Courts.

Frankel, M. E. (1974). *Criminal sentences: Law without order*. New York: Hill & Wang.

Freed, D. J. (1992). Federal sentencing in the wake of the guidelines: Unacceptable limits on the discretion of sentencers. *Yale Law Journal, 101,* 1681.

Heany, G. W. (1991). Reality of guidelines sentencing: No end to disparity. *American Criminal Law Review, 28,* 161–233.

Johnson, M. T., & Gilbert, S. A. (1997). *The U.S. Sentencing Guidelines: Results of the federal judicial center's 1996 survey*. Washington, DC: Federal Judicial Center.

Mackenzie, D. L. (2000). *Sentencing and corrections in the 21st century: Setting the stage for the future.* Report submitted to National Institute of Justice. University of Maryland.

McDonald, D., & Carlson, K. E. (1995). Why did racial/ethnic sentencing differences in federal district courts grow larger under the guidelines? *Federal Sentencing Reporter*, *6*, 223–226.

Meese, E., et al. (1998). *The report of the ABA Task Force on the Federalization of Criminal Law*. Washington, DC: American Bar Association-Criminal Justice Section.

Nagel, I. H., & Schulhofer, S. J. (1992). A tale of three cities: An empirical study of charging and bargaining practices under the federal sentencing guidelines. *Southern California Law Review, 66,* 501–566.

Rhodes, W. (1992). Sentence disparity, use of incarceration, and plea bargaining: The post-guideline view from the commission. *Federal Sentencing Reporter, 5*, 153–155.

Schwartzer, W. W. (1991). Judicial discretion in sentencing. *Federal Sentencing Reporter, 4,* 339–341.

Stith, K., & Cabranes, J. A. (1998). *Fear of judging: Sentencing guidelines in the federal courts*. Chicago: University of Chicago Press.

Tonry, M. (1996). *Sentencing matters*. New York: Oxford University Press.

U.S. General Accounting Office. (1992). *Sentencing guidelines: Central questions remain unanswered.* Washington, DC: U.S. General Accounting Office.

U.S. Sentencing Commission. (1987). *Supplementary report on the initial sentencing guidelines and policy statements*. Washington, DC: U.S. Sentencing Commission.

U.S. Sentencing Commission. (1991). *The federal sentencing guidelines: A report on the operation of the guidelines system and short-term impacts on disparity in sentencing, use of incarceration, and prosecutorial discretion and plea bargaining.* Washington, DC: U.S. Sentencing Commission.

Weisburd, D. (1992). Sentencing disparity and the guidelines: Taking a closer look. *Federal Sentencing Reporter, 5*, 149–152.

Legal Case

Mistretta v. United States, 488 U.S. 361 (1989).

SEX–CONSENSUAL

Prisoners are not allowed to have sex while they are incarcerated, except through limited conjugal visitation programs. There are a variety of ways that people cope with this hardship. They may accept a period of celibacy, enter into homosexual relationships, or engage in consensual sexual activity with other inmates or staff. The focus here is on consensual sexual activity between inmates.

RESEARCH STUDIES

Few scholarly studies have examined consensual sex (i.e., voluntary sexual contact between two or more inmates) in prison. Instead, substantial attention has been devoted to rape and sexual coercion behind prison walls, even though this actually comprises a minority of the sexual activity within prison. The small amount of research that does exist has produced conflicting evidence of the prevalence of consensual sexual activity in prisons. In male institutions, for example, studies of prevalence have yielded a wide range of inmates reporting consensual sex—from 2% to 65%. Studies of female institutions have reported rates of up to 86%.

There are numerous problems in conducting research that attempts to examine sexuality in prison. First, many studies are based on prisoner surveys or interviews. Unless the entire population of a prison, or even of a prison system, is examined, there is always a problem of unrepresentative sampling. In addition, prisoners who admit to homosexual sexual activity, consensual or otherwise, may be stigmatized. They may be labeled as weak or easy victims and thus may be afraid of being truthful, despite guarantees of anonymity or confidentiality from researchers. Finally, it is difficult to establish meaningful measures of sexual behavior. It is tempting simply to classify sexual acts as consensual when the inmate voluntarily participates, and as nonconsensual when the sexual activity is forced. However, this dichotomy leaves many questions unanswered, including what sexual acts—consensual or not—are involved and how to understand whether a prisoner agrees freely to sexual activity or not.

The latter point is particularly important. For instance, in male prisons, inmates may create partnerships based on one man providing sexual favors to another in return for protection. While the prisoner may voluntarily establish this type of relationship, he may do so only out of fear for his own safety, making it less than consensual. Likewise, in female prisons, many inmates develop relationships, but not all have a sexual component. Attempts to measure sexuality must be considered separately from inmate relationships.

CONSENSUAL SEX IN PRISONS

Women's Prisons

More research has focused on consensual sex in women's prisons, partially because some observers believe that it is both more prevalent and more accepted. In female institutions, sexual activity between prisoners sometimes (but not always) develops as part of an emotionally driven relationship that may be part of a larger make-believe family (or pseudofamily), in which the participants play a variety of roles. The make-believe family and the sexual relationships that emerge in female prisons have been documented in some of the earliest, now classic, studies of female incarceration. The role of both the make-believe family and the relationships (some sexual, some not) that develop within female correctional institutions have been identified as hallmarks that define the female prison experience.

However, it is important to note that the prevalence and importance of pseudofamilies may be exaggerated. For instance, studies of women's prisons in the 1980s have suggested that, in both the United States and Great Britain, the make-believe family is not the defining characteristic it once appeared to be. In fact, it is now thought that limiting the study of women's prison culture to pseudofamilies may obscure other important issues. In addition, contemporary women's prisons may be less conducive to the development of make-believe families due to changes in prison design, broader cultural changes, and changes in the prison environment.

Perhaps more telling is Karleen Faith's (1993) research, in which she interviewed female inmates who were previously subjects in a study describing pseudofamily organization. Faith found that the inmates themselves believed that the concept of familial social organization was inaccurate. Critics of the pseudofamily research paradigm suggest that it may reflect gender stereotypes or biases.

Men's Prisons

In men's prisons, a variety of sexual practices may emerge. Previous research on homosexual inmates leads to the conclusion that gay male inmates are more likely to be involved in sexual activity. However, as indicated, the research produces widely varied results, and for that reason should not be considered conclusive. Some men do partner with another inmate, for example, trading sex for protection. Others participate in more fleeting sexual encounters.

In 1995, Saum and her colleagues studied the prevalence of consensual sexual activity in prison and compared that to inmate perceptions of prison sexuality. Approximately one-quarter of the inmates reported having seen an act of consensual sex, while one-half reported hearing about an act of consensual sex. However, most inmates believed that consensual sex happened on a daily basis in prison. This suggests that perceptions of consensual sexual activity may reflect exaggeration rather than the actual number of events. In fact, when asked about their sexual experiences, more male inmates in the sample reported having consensual sex with females (staff, visiting guests, and visiting inmates) than with males during their past year in prison. However, as noted, it is possible that this finding stems from inmates wishing to conceal their homosexual sexual experiences and/or to overstate their heterosexual sexual experiences due to the stigma associated with homosexuality.

CONDOMS

If consensual sex occurs between some men in prison, should penal administrators provide condoms to prisoners? The main argument in favor of providing

condoms is that they could stem the spread of sexually transmitted diseases such as HIV/AIDS or hepatitis C that are present in the prison environment. In the long run, this could reduce medical costs for a correctional institution (and outside prison walls when inmates are released), particularly as treatment for HIV/AIDS is quite expensive and prisons must provide adequate health care, as the Supreme Court ruled in *Estelle v. Gamble*. However, making condoms available would also incur immediate costs over the short term, since institutions must buy them. In addition, sex in prison, depending on the jurisdiction, is prohibited by institutional rules or by law. Finally, some believe that providing condoms encourages sexual activity or at least sends the message that prison sex is (tacitly or overtly) acceptable—an attitude that is not popular in a "Get tough" era of criminal justice policy. The policy of condom distribution is controversial and has been adopted by only a handful of jurisdictions.

CONCLUSION

It is clear from the literature that further research is necessary on consensual sex in prison. Until more studies have been conducted, it is difficult to make any definitive statement about consensual prison sex. Discussions of the specific nature of homosexual relationships within prison, as well as rape, conjugal visits, and sexual relations with staff further illuminate the broad issue of prison sex.

—Stephen S. Owen

See also Bisexual Prisoners; Conjugal Visits; *Estelle v. Gamble*; HIV/AIDS; Homosexual Relationships; Lesbian Prisoners; Lesbian Relationships; Rape; Sexual Relations With Staff; Transgender and Transsexual Prisoners; Women Prisoners; Women's Prisons

Further Reading

Dobash, R. P., Dobash, R. E., and Gutteridge, S. (1986). *The imprisonment of women.* London: Basil Blackwell.

Faith, K. (1993). *Unruly women: The politics of confinement and resistance.* Vancouver, BC: Press Gang.

Greer, K. R. (2000). The changing nature of interpersonal relationships in a women's prison. *The Prison Journal, 80*, 442–468.

Hensley, C., Struckman-Johnson, C., & Eigenberg, H. M. (2000). Introduction: The history of prison sex research. *The Prison Journal, 80*, 360–367.

Hensley, C. & Tewksbury, R. (2002). Inmate-to-inmate prison sexuality: A review of empirical studies. *Trauma, Violence and Abuse, 3*, 226–243.

Mawby, R. I. (1982). Women in prison: A British study. *Crime and Delinquency, 28*, 24–39.

Owen, B. (1998). *"In the mix": Struggle and survival in a women's prison*. Albany: State University of New York Press.

Saum, C. A., Surratt, H. L., Inciardi, J. A., & Bennett, R. E. (1995). Sex in prison: Exploring the myths and realities. *The Prison Journal, 75,* 413–430.

Shuster, B. (2001, November 30). Sheriff approves handout of condoms to gay inmates. *Los Angeles Times* online. Retrieved from http://www.latimes.com

Tewksbury, R., & West, A. (2000). Research on sex in prison during the late 1980s and early 1990s. *The Prison Journal, 80*, 368–378.

SEX OFFENDER PROGRAMS

The assessment, treatment, and supervision of sex offenders is perhaps the most controversial of all correctional endeavors. Few people in society do not feel revulsion when such issues are raised and, as a consequence, it has been easy for the general public to be convinced that sex offenders are untreatable or even beyond redemption. As a result, many people have called for more official control in the form of tougher laws, harsher sentences (including civil commitment), and fewer opportunities for community reintegration and restoration.

At present, sex offenders comprise anywhere from 15% to 25% of a typical correctional population, with an expectation that these numbers will increase in the future. Although there is growing acknowledgment that the incidence of offending by women is underestimated, the vast majority of sex offenders are male.

EFFECTIVE CORRECTIONAL INTERVENTIONS

In their seminal volume *The Psychology of Criminal Conduct*, Don Andrews and Jim Bonta

(2003) present a list of "dos and don'ts" for treatment providers. While the entire list is beyond the scope of this entry, the authors distill much of it down to a few simple rules that, when followed, substantially increase the likelihood that an intervention will succeed. These rules are encapsulated in the principles of *risk*, *need*, *responsivity*, and *professional discretion*. Effective programs are those that match treatment intensity to offender risk and needs while attending to the characteristics of the population to be treated (e.g., cognitive abilities, mental health issues, personality, and learning styles). Last, programs must be managed by well-trained and experienced providers who are able to make sensible adjustments to curricula or other aspects of treatment and supervision as needed.

ASSESSMENT

Like other groups of offenders, sexual offenders are best assessed using a variety of methods. Their needs should be evaluated as early as possible in their sentences, to devise a comprehensive treatment plan. Assessments typically include a semi-structured clinical interview, accompanied by various psychometric indices (e.g., sex history questionnaires, personality scales, measures of deception/malingering, and other tools designed to identify areas in need of remedial programming), actuarial risk assessment tools, and psychophysiological evaluation of sexual preferences and interests. Such tests enable clinicians and correctional workers to estimate an individual's risk and treatment needs. In turn, these factors are used to determine the program assignment that will be most effective. For example, if an offender is placed in a high-intensity program, the intent is to eventually place him at a lower-intensity level or to arrange follow-up treatment depending on his ability to manage his risk. Most sex offenders require some degree of maintenance programming, which can be initiated in an institutional setting but is best carried into the community on conditional release.

The measurement of sexual interests and preferences was first introduced to sex offender assessment in the early 1960s, when Czech sexologist Kurt Freund adapted his phallometric test to the evaluation of pedophilia. This test, originally designed to identify homosexuals for exclusion from military service, measures penile physiology while the subject attends to various audiovisual stimuli. The intent is to establish the individual's sexual likes and dislikes by comparing responses to "normal" stimuli with responses to "deviant" stimuli. Although the test suffers from a lack of universal standardization and academic disputes over methodology, most in the field acknowledge its utility in identifying sexual deviance.

Assessment of sex offender risk underwent radical changes during the 1990s with the introduction of actuarial measures. These indices are the result of exhaustive meta-analytic reviews of potential risk factors and, when used appropriately, can significantly increase predictive abilities above clinical judgment alone. Examples of actuarial measures used with sex offenders are the STATIC-99, Sex Offender Risk Appraisal Guide (SORAG), and Minnesota Sex Offender Screening Tool-Revised (MnSOST-R). In general, these scales measure the same basic pool of risk variables, with slight variations. Although considerable debate continues over which tool is best, the most important point is that use of a clinically informed, actuarial approach has been shown to consistently outperform unstructured clinical judgment alone.

TREATMENT

Disorders of sexual behavior were introduced to the psychological mainstream around the turn of the 20th century by such authors as Sigmund Freud and Richard von Krafft-Ebing, with modern attention to the issue beginning in the mid-1960s. Generally, the treatment of sex offenders has developed alongside behavioral science. For example, when psychology favored psychodynamic approaches, so did sex offender treatment methods. Similarly, as psychology changed focus to behaviorism, cognitivism, and cognitive-behaviorism, so too did sex offender treatment methods. Indeed, the importance of employing sound therapeutic methods in the treatment of sex offenders within a cognitive-behavioral framework

has been strongly supported in the literature. However, a degree of eclecticism endures, with some treatment programs continuing to use traditional behavioral approaches (e.g., satiation, covert sensitization) or other techniques (e.g., art or music therapy).

The single most important development in the treatment of sex offenders came when students of Alan Marlatt adapted the relapse prevention (RP) method for substance abusers to sex offenders. This method decrees that if offenders can become more aware of the cognitive and behavioral antecedents to offending, they can learn to employ adaptive coping strategies to manage situations that place them at risk to offend. As a result, individuals learn to lead a balanced, self-determined lifestyle that does not include thoughts or behaviors that lead to sexual offending.

Relapse prevention programming for sex offenders typically consists of two phases. In the first phase, individuals engage in a process of self-evaluation and behavioral analysis that breaks their thoughts and behaviors down into component parts, allowing for reworking and eventual rebuilding of the offender's approach to the world around him. The aim of this phase, typically offered in an inpatient or prison setting, is to develop internal controls for managing behavior. The second phase of the RP model, external supervision, is primarily offered in community settings where risk factors are present and must be managed by the offender. This phase presents an opportunity for offenders to practice skills developed in Phase 1, with the assistance of trained case managers and maintenance service providers. The benefit of the supervision aspect is that lapses can be identified early and coping skills applied before risk escalates and options for remediation are eliminated in favor of reincarceration.

Recently, problems with the RP model as applied to sex offenders have resulted in the proposition of an alternative model based on self-regulation theory. In brief, this approach allows for a greater range and breadth of motivating factors for sexual offending than the RP model, as well as for variations in the pathways to offending that an offender may follow. For example, under the RP model, sex offenders were presumed to be induced to offend primarily as a result of negative psychological or social states, activated by situational cues beyond their control. Offenders were also assumed to be motivated to avoid offending at all times. By contrast, the self-regulation model allows for the influence of positive affective states, such as anticipation of offending and sexual gratification, as motivations for offending, and for active rather than solely incidental or passive decision making by the offender during the offense process. As such, this model captures dynamics of sexual offending behavior not previously acknowledged and places greater emphasis on internal control of behavior. Importantly, the self-regulation model suggests that treatment must vary according to the unique motivations and dynamics of the individual offender, which is consistent with the principles of effective correctional treatment delineated earlier.

TREATMENT EFFECTIVENESS

One of the enduring issues in regard to sex offenders concerns treatability. Perhaps the most important point to make here is that there is no known cure for sex offending; contemporary rehabilitative programs strive to decrease reoffending. Recent evidence has clearly shown that treatment programs that adhere to the general principles of effective interventions can reduce sex reoffending from 17.4% to 9.9% and general reoffending from 51% to 32%.

SUPERVISION

Community supervision is the most controversial aspect of the correctional management of sex offenders. Currently, many jurisdictions are in the process of increasing measures of official control, whether in the format of lengthy or lifetime probation, specialized orders of prohibition, sex offender registries or simply contemplation of indeterminate sentencing or civil commitment. Concurrent with these approaches, sex offender service providers continue to work with offenders within the RP or self-regulation framework. Community-based initiatives must attend to the nuances of individual cases, rather than applying generalized means of social control. A recent report by Robin Wilson et al. (2000) strongly suggests that community sex offender risk

management is best accomplished when case management staff monitor community activities in collaboration with treatment staff who attend to adapting skills acquired in the institution to real-life situations in the community. The key is to employ a team approach, including all who have a vested interest in the offender's continued abstinence from offending.

One of the difficulties for the long-term maintenance of sex offender risk is, What happens when the correctional controls are no longer applied (i.e., the offender reaches sentence completion), but risk remains? This question has been answered to a degree in an innovative, restorative approach taken by Canadian Mennonites. In the Circles of Support and Accountability (COSA) model, high-risk offenders are "circled" by a group of four to six trained volunteers who provide support to the offender and maintain a degree of offender accountability to the community. A crucial aspect of the COSA model is the inclusion of volunteer professionals (e.g., psychologists, police, medical staff) who in turn provide support to the community volunteers. Recent research suggests that this approach has helped to reduce recidivism by more than 50%. An additional benefit has been that the community has become empowered to deal with risk in its midst and, in the process, has become more educated about the nature of risk and what they as ordinary citizens can do about it. Interestingly, contrary to the popular punitive sentiment toward sex offenders, the central philosophy of the COSA model is that society has a responsibility not only to members of the community but also to provide help, resources, and support to offenders in their efforts to lead prosocial, nonoffending lives.

FUTURE DIRECTIONS

The described methods used in assessing, treating, and supervising sex offenders are comprehensive but are by no means complete. Considerable research and refinement continues as we strive to better manage the risk posed by these most troubling of offenders.

With respect to assessment, the evaluation of risk has clearly been radically influenced by the proliferation of actuarial measures. However, even the best of these instruments boasts only moderate predictive accuracy and is centered largely on static/historical variables. Future iterations of risk assessment indices will need to bolster accuracy levels while reflecting continued advances in our understanding of the dynamics of sex offending.

With respect to treatment, most providers continue to view cognitive-behavioral methods as most likely to be successful. Although revisions of the popular relapse prevention method will continue, as noted, it is not likely that this is where the greatest programming difficulties will be found. These will occur in ensuring that effective interventions exist for so-called special groups of offenders (e.g., "deniers," women, juveniles, developmentally delayed persons, Aboriginals) and in addressing other culturally sensitive concerns. Maintaining offender commitment to the change process is also in need of further research and program refinement, as is the attention paid to the manner in which treatment is delivered (i.e., therapist selection and characteristics and treatment intervention methods).

Notwithstanding the advances noted in the preceding, community supervision of sex offenders will continue to dominate political and popular discussion. With each horrific case of serial sexual abuse or the rape/murder of a child, society becomes increasingly hardened against the reintegration and restoration of sex offenders. Public education is a key factor in calming community fears; however, the current means by which these messages are disseminated is in great need of review. This is clearly evidenced in the paradox of heightened fear while rates of offending and reoffending continue to decline. Researchers, clinicians, and case managers know that sex offender risk can be safely managed using structured, clinically informed actuarial risk assessment, effective intervention methods, and long-term monitoring of risk that promotes collaboration between official and community partners. The Circles of Support and Accountability initiative provides the best current example of how the community can take a pivotal role in maintaining safety in its midst while inspiring teamwork among clinicians, law enforcement, corrections officials, and politicians.

—Robin Wilson and Pamela Yates

See also Civil Commitment of Sexual Predators; Group Therapy; Individual Therapy; Indeterminate Sentencing; Medical Model; Psychiatric Care; Psychological Services; Psychologists; Rehabilitation Theory; Restorative Justice; Sex Offenders

Further Reading

Andrews, D. A., & Bonta, J. (2003). *The psychology of criminal conduct* (3rd ed.). Cincinnati: Anderson.

Cullen, M., & Wilson, R. J. (2003). *TRY—Treatment readiness for you: A workbook for sex offenders.* Lanham, MD: American Correctional Association.

Hanson, R. K., & Bussière, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology, 66*, 348–362.

Hanson, R. K., & Harris, A. J. R. (2000). *The Sex Offender Needs Assessment Rating (SONAR): A method for measuring change in risk levels* (User Report 2000-1). Ottawa, ON: Department of the Solicitor General of Canada. Retrieved from http://www.sgc.gc.ca

Hanson, R. K., & Thornton, D. (1999). *STATIC-99: Improving actuarial risk assessments for sex offenders* (User Report 1999-02). Ottawa, ON: Department of the Solicitor General of Canada. Retrieved from http://www.sgc.gc.ca

Laws, D. R., Hudson, S. M., & Ward T. (2000), *Relapse prevention with sex offenders: A sourcebook*. Thousand Oaks, CA: Sage.

Marshall, W. L., Anderson, D., & Fernandez, Y. M. (1999). *Cognitive behavioural treatment of sexual offenders.* Toronto, ON: Wiley.

Quinsey, V. L., Harris, G. T., Rice, M. E., & Cormier, C. A. (1998). *Violent offenders: Appraising and managing risk.* Washington, DC: American Psychological Association.

Wilson, R. J., & Picheca, J. E. (in press). Circles of support and accountability: Engaging the community in sexual offender risk management In B. Schwartz (Ed.), *The sex offender* (Vol. 5). New York: Civic Research Institute.

Wilson, R. J., Stewart, L., Stirpe, T., Barrett, M., & Cripps, J. E. (2000). Community-based sex offender management: Combining parole supervision and treatment to reduce recidivism. *Canadian Journal of Criminology*, *42*, 177–188.

SEX OFFENDERS

Sex offenders are most frequently classified in terms of whether their victims are adults or children, and in the case of the latter, whether their victims are intrafamilial or extrafamilial. Those who offend against children are among the most despised of all offenders both outside and within prison walls, where they often require protective custody. Offenders who choose extrafamilial child victims arouse the greatest fear and anger among the public. Those with adult victims tend to be less harshly viewed both outside and within prisons, where prisoner sexual assault is not uncommon. Reports of sex offenses by women are rare, and female sex offenders arouse little public concern.

TERMINOLOGY

In discussing sex offenders, several distinctions are useful. The term "legal sex offender" refers to anyone convicted of a sex-related offense. The term "paraphiliac" refers to anyone considered to have a *paraphilia,* a category in the psychiatric *Diagnostic and Statistical Manual* (DSM) that refers to intense, recurring sexual urges and fantasies relating to children or other nonconsenting persons, specific body parts or nonhuman objects, or the suffering or humiliation of oneself or others. Not all "legal sex offenders" are paraphiliacs and not all paraphiliacs are legal sex offenders. The term "clinical sex offender" refers to those individuals whose offending is motivated by one or more paraphilias and who, in addition, may have other mental disorders or a personality disorder such as psychopathy.

PENAL POLICY

Sex offender policy has long been marked by differences of opinion as to whether sex offenders are primarily legal or clinical offenders and whether the primary emphasis in control should be on treatment, punishment or incapacitation. Historically, penal policy for sex offenders can usefully be discussed in terms of three major policy models: clinical, justice, and community protection.

The *clinical model* stresses the importance of diagnosis and prediction in order to determine which sex offenders are sufficiently mentally disordered that they require treatment and confinement for indeterminate periods in order to prevent them from offending. The sexual psychopath statutes enacted in 25 American states between the 1930s

and 1960s typify the clinical model. These statutes permitted the indeterminate civil confinement of accused or convicted clinical offenders. Sexual psychopath statutes came under severe criticism during the 1960s and 1970s because of the absence of the procedural safeguards guaranteed to other accused and convicted offenders, the absence of effective treatment, and the failure to reduce recidivism.

By the 1980s, most of the sexual psychopath statutes had been abolished or considerably modified. Legislative reforms were based on a justice model with legally prescribed fixed penalties for offenses and due process guarantees for all offenders. One consequence of this policy shift was that some of the most serious sex offenders, who would likely have been civilly committed for long periods, had to be released after serving their sentences no matter how dangerous they were considered to be.

It was in this context that crime victim advocates and the public responded to a series of horrific predatory sexual offenses against children in the late 1980s and early 1990s. The highly publicized fate of child victims such as Jacob Wetterling, Megan Kanka, and Polly Klaas led an angry public to demand measures that prioritized community protection over treatment and just deserts. In 1990, Washington State passed its comprehensive Community Protection Act, establishing mandatory registration for all sex offenders, community notification based on assessments of risk, and postsentence civil commitment for those individuals found to be sexually violent predators. By the end of the 1990s, every state had passed legislation creating a sex offender registry (the Jacob Wetterling Law) and procedures for notifying communities of the whereabouts of sex offenders (Megan's Laws), and about 15 states had passed sexually violent predator laws. In addition, the federal government mandated the FBI to set up a national sex offender registry to link the registries of individual states and enable the tracking of sex offenders across state lines. Constitutional challenges to the Sexually Violent Predator Laws in Kansas and Washington were both defeated.

A consequence of the community protection approach was an increase in the number of sex offenders in prison or under other correctional controls. By 1998, approximately one-third of prisoners in some states were sex offenders. As of October 2001, the estimated number of sex offenders registered in the United States was 388,319, with California leading the way with 87,000 registrants.

TREATMENT PROGRAMS

In keeping with the heightened emphasis on public safety, and the poor record of treatment programs using psychotherapy and behavioral conditioning, treatment programs for sex offenders now emphasize relapse prevention rather than cure. In the relapse prevention model, offenses are viewed as the outcome of a sequence of cognitive, emotional, and behavioral components. Offenders are taught to identify and address "offense-specific" targets such as cognitive distortions, fantasies, denial, and minimization, and "offense-related" targets such as inappropriate anger, substance abuse, and deficient social skills. In some cases, hormonal treatment may be provided as well to reduce sexual desire.

CONCLUSION

Reviews of recent research on offender treatment have found that the cognitive-behavioral relapse prevention approach is consistently more effective than behavioral treatment and nonspecific mental health treatment in reducing recidivism. Despite the promising results of cognitive-behavioral treatment, the emphasis on incapacitative and surveillance measures for sex offenders continues to grow, as indicated by the establishment of sex offender registries and other community protection measures in countries including Canada and the United Kingdom.

—Michael Petrunik

See also Civil Commitment of Sexual Predators; Determinate Sentencing; Indeterminate Sentencing; Incapacitation Theory; Megan's Law; Mental Health; Recidivism; Sex Offender Treatment Programs

Further Reading

Burdon, W., & Gallagher, C. (2002). Coercion and sex offenders: Controlling sex-offending behavior through incapacitation

and treatment. *Criminal Justice and Behavior, 29*(1), 87–109.

Petrunik, M. (2002). Managing unacceptable risk: Sex offenders, community response and social policy in the United States and Canada. *International Journal of Offender Therapy and Comparative Criminology, 46*(4), 483–511.

Petrunik, M. (2003). The hare and the tortoise: Dangerousness and sex offender policy in the United States and Canada. *Canadian Journal of Criminology and Criminal Justice*, *45*(1), 46–72.

Wood, R., Grossman, L., & Fichtner, C. (2000). Psychological assessment and treatment and outcome with sex offenders. *Behavioral Sciences and the Law*, *18,* 23–41.

SEXUAL RELATIONS WITH STAFF

The inherently unequal power relationship between staff members and inmates makes it impossible for inmates to consent freely to sexual relations. Correctional professionals have certain fiduciary responsibilities toward inmates in terms of control over their safety and well-being, and sexual intimacy constitutes a breach of these responsibilities. The kind of inequality that exists between prisoners and staff members legally renders any purported consent moot, even in those cases where the less equal partner is the initiator of the sexual relationship. Just as no circumstances exist in the United States in which an adult may legally have sex with a child regardless of how willing the child might be, staff members may not legally have sex with inmates under any circumstances. Anyone familiar with the field of prison studies knows, however, that sexual interactions between staff and inmates *do* occur. Experts commonly refer to this problem as "staff sexual misconduct."

Staff sexual misconduct may be broadly defined as any sexual behavior between inmates and staff, ranging from assaults such as rape and molestation to exploitative conduct such as trading sexual favors from prisoners for contraband items or extra privileges. It also includes so-called consensual situations such as staff-inmate love affairs. As of 2003, sexual relations of any sort between officers and the confined have been criminalized in all but three states (Vermont, (Oregon, and Alabama) in the United States.

HISTORY

In the early 19th century, when women were incarcerated in the same institutions as men, they were supervised by male guards. However, this practice ended in the mid-19th century, following a large-scale reform movement that arose partly in response to pervasive sexual abuse. Critics like Rhoda Coffin, Hannah B. Chickering, Josephine Shaw Lowell, and Abigail Hopper Gibbons called for separate prisons for females, to be staffed entirely by women. The possibility of homosexual abuse by staff in same-sex prisons apparently did not occur to anyone, or at least was never articulated. The first truly separate prison for women run by women was opened in Indiana in 1863.

Once separate prisons for men and women were established, the problem of staff sexual abuse of women inmates disappeared from written discussions. In fact, discussions of any type of sex in prison were rare in the early 20th century. One exception was an article exploring "unnatural relationships" between black and white females in girls' institutions (Otis, 1913). As it turns out, this article was the beginning of what was to become an academic preoccupation with consensual homosexuality between women prisoners that lasted well into the 1960s. Little or no attention was paid to whether homosexual abuse by staff in women's prisons was also occurring, despite clear anecdotal references to it. By comparison, research on sex in men's prisons focused from the beginning on *coerced* sexual relations between inmates. There were periodic references to male staff participation in—and even encouragement or management of—these sexual activities, but the emphasis was still clearly on inmate-on-inmate sexual coercion.

In the 1980s women were allowed to guard male prisoners for the first time. The reintroduction of cross-sex supervision was the product of successful lawsuits brought by female correctional professionals seeking equal employment opportunities in men's prisons. Once women were entitled to work in men's prisons, male staff could also be deployed in women's prisons. The reintroduction of male staff into female prisons coincided with a sudden

increase in complaints by female inmates about staff sexual misconduct. Some male inmates also complained and filed lawsuits over their loss of privacy due to supervision by women officers.

COURT CHALLENGES, LEGAL CHANGES

In 1994, the Supreme Court recognized in *Farmer v. Brennan* that "being violently assaulted in prison is simply not 'part of the penalty that criminal offenders pay for their offenses against society'" (511 U.S. 825, 834, 1994, quoting *Rhodes v. Chapman*, 452 U.S. 337, 347, 1981). Despite evidence that cross-sex supervision may facilitate sexual misconduct, the courts have consistently supported equal employment access for correctional staff over inmate concerns about privacy. While male inmates have been more likely to file suit over cross-sex supervision and staff sexual misconduct, the women who have done so have been slightly more successful in gaining the sympathies of the courts. In some cases, this is because the misconduct situations have been so egregious, the news coverage alone (detailing, for example, staff-led "prostitution rings" and forcible rapes of inmates) would have compelled correctional departments to make policy changes regardless of whether legal suits were pending.

It has not always been clear, however, what policy changes should be made to solve such problems. Countries such as Canada and most of the European nations have addressed the dilemmas of misconduct by strictly limiting cross-sex contact in custody. Indeed, under the United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), male officers are forbidden to hold contact posts over female prisoners. U.S. correctional staffing policy in many ways seems to fly in the face of international trends, but due to legal protection of equal employment opportunity, it is not likely to change any time soon.

THE DYNAMICS OF STAFF SEXUAL MISCONDUCT

Confusion about appropriate remedies for staff sexual misconduct often relates to a widespread failure to understand its dynamics. A commonly proposed solution has been to seek better staff, since it is often assumed that inadequate staff members have somehow led to the problem. The hiring demands and fiscal limitations of most correctional departments make that solution difficult to achieve. That is, corrections has traditionally been plagued by high levels of employee turnover at the custodial ranks. The modest salaries compared to the rest of the criminal justice system make the goal of increasing staff credentials in order to attract a higher caliber of recruits to the profession unlikely. More important, however, the problem of staff sexual misconduct cannot be reduced to a few bad guards overstepping the bounds of ethical practice. Instead, sexual relations between staff and inmates reveal the complex interpersonal relations that exist in many institutions and the difficulty officers often have in negotiating them.

For example, some staff complain that it is the inmates who make sexual overtures. While this defense oftentimes strains credulity, it may sometimes be true. Even highly ethical staff may fail to handle such initiatives properly if they are not trained to understand and deal with inmate overtures and the dynamics of cross-sex supervision.

The limited amount of research available on staff sexual misconduct suggests that there are several common patterns. Avery Calhoun (1996) suggests several useful categories for thinking about this issue. There certainly are situations in which staff take forced sexual advantage of inmates, either by outright *raping* them or by using *routine work situations* (such as a pat search or medical examination) inappropriately to observe, harass, or assault inmates. Because prisoners do not enter these sexual interactions willingly, they are most likely to complain about them.

Staff and inmates may also engage in *sexual bartering*, in which sexual contact is traded for valued items or privileges, and *pseudo-love situations*, in which sexual contact is related to what either the staff member or inmate or both view as a mutual love relationship. Inmates are more likely to become involved in these last two relationships willingly, in some cases even initiating them themselves, despite

the fact that they cannot legally consent to such sexual interactions. As a result, prisoners rarely complain about these last two sexual alliances and, in fact, often deny that they exist even when such relationships are exposed by others.

While it is easy to understand why inmates might wish to enter into bartering or pseudo-love relationships with staff, considering what they have to gain, it may be more difficult to understand why staff would be willing to become involved in such behavior, particularly since it could result in sanctions ranging from dismissal to imprisonment. Chris Rasche (2003) has noted that explanations for staff sexual misconduct have tended to fall into four major schools of thought. First, *blame the men explanations* take their starting point from the fact that most staff sexual misconduct appears to be heterosexual and perpetrated by men. Otherwise normal gender relations and socialization in the United States create peculiar adaptations in the unnatural world of the prison. Many men in America are still socialized to treat women in general as sex objects—that is, they are raised to believe that attractive women should be lusted after and pursued sexually by normal men. Guided by this principle, some men have difficulty refraining from that behavior even when they are supposed to be professionals, especially if the women under their control behave seductively, as women inmates sometimes do. Such staff members need training in gender sensitization as well as sexual misconduct dynamics in order to behave professionally.

Second, *blame the staff explanations* point primarily to negative or inadequate attributes of correctional staff themselves, regardless of sex, in terms of their inherent qualities or attitudes that lead to bad behavior. That is, negative attitudes toward women or inmates, positive attitudes toward rape myths, and individual negative qualities (such as lack of ethical restraints) may be viewed as predisposing staff toward misconduct in the absence of meaningful training to the contrary.

Third, *blame the inmate explanations* highlight the negative attributes of inmates, in terms of either their inherent qualities or their situational dilemmas of being in highly restrictive and oppressive environments, as reasons for efforts to seduce staff. Women are viewed as particularly manipulative and seductive, especially vulnerable to sexual abuse, and likely to be so desperate for attention or intimacy that they attempt to lure male staff. Male inmates are seen as just behaving as men, only more manipulatively and seductively.

Finally, the *blame the institutional context explanations* suggest that misconduct between staff and inmates results from the unnatural situation in which they both find themselves. That is, the enormous power differentials between staff and inmates, and the fact that staff spend long workdays in the same environment with inmates—who are imprisoned precisely because they cannot behave properly—leads to situations in which a variety of abuses are likely to take place. Sex becomes one more dimension of this abuse. If staff members are not properly trained to understand this unnatural situation, they will be unprepared to confront the inherent stresses it contains. Merely exhorting staff to avoid sexual misconduct for fear of criminal penalty is insufficient preparation for the realities of daily staff-inmate interactions. Reports issued by Human Rights Watch and Amnesty International also criticize grievance procedures that require a woman inmate to inform the officer that she is lodging a complaint. This requirement exposes her to retaliation by the officer and may deter women from making a complaint. The problem of staff sexual misconduct is also exacerbated in cases where the department of corrections conducts cursory investigations or administers weak punishments to offending staff.

CONCLUSION

Currently, prevention efforts in most jurisdictions appear to consist of exhortations to staff against sexual misconduct during both basic and in-service training, though increasing numbers of facilities also have informational programs in place for inmates that explain sexual misconduct and how to report it. A few jurisdictions, most notably the states of Michigan and Pennsylvania, have adopted in-depth gender-sensitizing training for all staff who work

with female inmates. Post facto responses include improved reporting procedures for both staff and inmates, increased administrative penalties for staff who engage in misconduct, and criminalizing such misconduct in virtually all states. While cross-sex supervision will probably not go away in the United States, sexual misconduct might be diminished by a combination of meaningful gender-sensitive preventative training and criminal sanctions that are actually exercised when misconduct incidents occur. As jurisdictions find that such approaches are less expensive than responding to lawsuits, presumably such countermeasures will increase.

—Christine E. Rasche

See also Correctional Officers; History of Women's Prisons; Josephine Shaw Lowell; Prison Culture; Professionalization; Rape; Sex—Consensual; Staff Training; "Stop Prisoner Rape"; Violence; Women Prisoners; Women's Prisons.

Further Reading

Calhoun, A. J. (1996). *Correctional worker risk for perpetrating sexual abuse of female inmates*. Unpublished dissertation, University of Hawaii.

Hensley, C., Struckman-Johnson, D., & Eigenberg, H. M. (2000). Introduction: The history of prison sex research. *The Prison Journal, 80*(4), 360–367.

Otis, M. (1913). A perversion not commonly noted. *Journal of Abnormal Psychology*, *8*, 113–116.

Rasche, C. E. (2003). Cross-sex supervision of incarcerated women and the dynamics of staff sexual misconduct. *Gendered justice: Addressing female offenders* (pp. 141–172). Durham, NC: Carolina Academic.

Smith, B. V. (2003). *Fifty-state survey of criminal laws prohibiting sexual abuse of individuals in custody*. American University, Washington College of Law. Available from the author at <Brenvsmith@aol.com>

SING SING CORRECTIONAL FACILITY

Sing, Sing, meaning "stone upon stone" in a local Native American dialect, is the state of New York's maximum-security facility for men at Ossining (formerly the town of Sing Sing, New York). Construction by convict laborers from Auburn Penitentiary was begun in 1826, when the facility was originally named "Mount Pleasant State Penitentiary." Sing Sing, as it came to be known after 1859, is one of several maximum-security units maintained by the state of New York, along with facilities at the Midstate Correctional Center in Auburn, Attica Correctional Center near Buffalo, and Clinton Correctional Center in the town of Dannemora outside of Plattsburgh, the last being the largest.

As with all penitentiaries, Sing Sing was designed to rehabilitate and reform offenders. However, it soon became a social response to and a repository for the successive waves of immigrants who flooded into the New York City area beginning with the Irish in 1850, continuing with the Eastern and Southern Europeans through the end of the 19th century, and notably the Italians, after 1900. The prison continues to house minority inmates and is dominated now by African Americans and Latinos.

PHYSICAL LAYOUT

Sing Sing is located about 35 miles north of downtown Manhattan, in Westchester County. The entire facility, which began as a single cellhouse constructed from locally quarried stone, now covers 56 acres in a hillside on the east bank of the Hudson River.

The modern facility also houses the Tappan medium-security unit with a capacity of housing 550 inmates. Across a commuter railroad track and up the hill are maximum-security section A and B cellblocks and accompanying yards. They are classic rectangular, tiered cellblocks, stacked four and five stories high respectively, both more than 500 feet long. They hold more than 1,300 prisoners and are reputed to be the largest free-standing cellblocks in the world.

The complex has two exercise yards, a baseball field, chapel, gym, powerhouse, laundry, hospital, and a special housing unit for extremely dangerous inmates. Sing Sing's location on the river, and the dread the prison inspired, led to the use of if the slang phrase "up the river," meaning a person was never to be seen again. Sing Sing is also thought to be the source of the euphemism "the big house," referring to the massive A and B cellblocks but

in wider parlance alluding to any maximum-security institution.

HISTORY

Early in its history, Sing Sing used a variety of means to discipline its inmates, including floggings, solitary confinement, heavy weights, iron collars, and the ball and chain, as well as cold baths to punish unruly or recalcitrant inmates. Hard labor in nearby marble quarries, in addition to prison industries that produced textiles, tools, clothing, brushes, cooperage, prefabricated windows and doors, and mattresses, were fixtures until the Great Depression. The facility was always expensive to maintain and run, which required the inmates to produce marketable goods to help relieve the economic burden of their own incarceration. However, by the 1930s, businesses in New York began to complain that convict labor produced goods with an unfair cost advantage, and the state restricted production to items for its own consumption.

Photo 3 *Warden examining mail in front of convicts in the Sing Sing State library.*

IMAGE

Sing Sing became infamous as the archetypal U.S. penitentiary after Warden Lewis Lawes (1914–1940) opened the facility to Warner Brothers film studio for a number of feature-length movies in the 1930s. James Cagney's *Angels With Dirty Faces* (1938), *Each Dawn I Die* (1939), *Castle on the Hudson* (1940), and others all used prison as a set. Studio head Jack Warner contributed the present gymnasium to the prison as a token of his gratitude. Lawes was in many ways an innovative and tolerant administrator who encouraged inmate input into the running of the institution, even while he frowned on the idea of a democratically managed facility. He invited outsiders into the institution; encouraged major league baseball teams to visit and play games against an inmate squad known as the Black Sheep, which was very good for some years; and generally pushed an ideology of moral responsibility as a means to rehabilitation. Lawes's long tenure at Sing Sing was atypical of superintendents. During his career he became a high-profile administrator, publishing five nonfiction books during his tenure; advocated education as the means to keeping young men from committing crimes; and took a strong stance against the death penalty.

More recently, Sing Sing has come to be an informal training facility for correctional officers within the larger New York penal system. Ted Conover's recent book, *New Jack* (2000), paints a picture strangely similar to the 19th-century depiction of a facility without a clear mission or goal that follows a complex and often self-defeating set of rules.

THE DEATH PENALTY

By 1916, Sing Sing had become the state's central execution site. A new execution facility was built at a cost of $268,000 and isolated from the rest of the institution, equipped with its own kitchen,

infirmary, and a morgue for autopsies connected to death row. New York would execute more people than any other state in America during that time, claiming the lives of 614 inmates between 1891 and 1963, and, as such, became the flagship for capital punishment in the Western world. Many high-profile criminals were put to death at Sing Sing, including gangster Louis "Lepke" Buchalter and Ethel and Julius Rosenberg. The death house, designated "15-Building," also witnessed the executions of Edward Haight and Norman Roye, both age 17, two of a dozen teenaged men electrocuted at Sing Sing between 1940 and 1959.

CONCLUSION

New York's Victorian-era penitentiaries, although slated for deactivation several times, have all been pressed back into service as empty prison beds in New York State have become rare, despite the construction of 50 new prisons in the state since 1975. While Sing Sing's status was downgraded in 1973, making it a reception center for classification and transport of new inmates to their permanent locations, by 1982 it was reinstated as a maximum-security institution in hopes of relieving the crush of inmates coming into the Department of Corrections. Overcrowding has in large part been due to the draconian "Rockefeller Drug Laws," which have increased prison populations nearly 600% during the past 20 years. Sing Sing has become the repository for many of those inmates.

Sing Sing's inmates throughout the 1990s and into the new century are overwhelmingly nonwhite, roughly 30% Latino and 60% African American, with the remaining 10% Caucasian. By contrast, the correctional staff is largely white, drawn from the semirural setting of the town of Ossining and the greater New York City area, but has a larger percentage of nonwhites than the other maximum-security units. The facility has since 1980 experienced its worst period of gang activity and violence to date, with a major riot in 1983. The effects of the Rockefeller drug statutes and the increase in African American and Latino incarceration rates in New York have increased the power of street gangs within Sing Sing, and as of 2003, the major rivals are the Latin Kings and the Bloods. The long-range plans of the New York Department of Corrections include keeping Sing Sing open and functioning as a maximum-security facility well into the 21st century. Although no location has to date been selected for the resumption of executions, lawmakers in Albany have indicated that due to New York's reinstatement of the death penalty in 1996, Sing Sing may again be a site for lethal injections.

—David Keys

See also Attica Correctional Facility; Auburn System; Bedford Hills Correctional Facility; Capital Punishment; Death Row; History of Prisons; Labor; San Quentin State Prison; Telephone Pole Design; War on Drugs

Further Reading

Conover, T. (2000). *New Jack: Guarding Sing Sing.* New York: Random House.

Inspectors of State Prisons. (1853). *Fifth annual report, made to the legislature.* Furnished by Roberta Arminio of the Ossining Historical Society.

Lawes, L. (1932). *Twenty thousand years in Sing Sing.* New York: Long & Smith.

New York State Department of Correction. (1949). These are your N.Y. State correctional institutions. *Correction. Newsletter of the New York State Department of Correction, 16,* 2–4.

Ossining Historical Society. (1878). Sing Sing Prison: The life of state prison convict—how they are treated and cared for. *Frank Leslie's Illustrated Newspaper,* February 16.

Squires, A. (1935). *Sing Sing doctor*. Garden City, NY: Doubleday.

SLAVERY

Understanding the history of slavery may help explain the current overrepresentation of African American women and men in U.S. prisons. Scholars like Loic Wacquant and David Oshinsky point to continuities in the treatment of African Americans from slavery to the present, identifying the prison as a modern version of the "peculiar institution" that serves to criminalize color. The connections are, of

course, not entirely direct or linear, but rather exist in cultural ideas of race and economic inequalities that shape the wider U.S. society.

OVERVIEW

Native Americans were the first slaves in the United States before factors such as the lucrative nature of the African slave trade, the unsuitability of Native Americans for the labor-intensive agricultural practices, their susceptibility to European diseases, and the proximity of avenues of escape led to the transition to an African-based institution. Between 1450 and 1900, between 10 and 20 million Africans were uprooted from their homes and shipped across the Atlantic Ocean—the notorious "Middle Passage." As the name suggests, the Middle Passage was the middle leg of a three-part voyage that began and ended in Europe. The first leg between Europe and Africa's "slave coast," cargo (such as iron, cloth, brandy, firearms, and gunpowder) were exchanged for Africans. The ship then set sail for colonies in North America, South America, and the West Indies, where slaves were exchanged for sugar, tobacco, or some other product. The final leg brought the ship back to Europe.

Though many of the first colonies in America initially depended on the work of indentured laborers, a system of "perpetual servitude" utilizing slaves was soon adopted to ensure a reliable labor force. Virginia and Maryland were the first states to legalize slavery, in 1661 and 1663, respectively. With the success of tobacco planting, African slavery soon became the foundation of the Southern agrarian economy. In 1672, the king of England chartered the Royal African Company to bring the shiploads of slaves into trading centers like Jamestown, Hampton, and Yorktown.

There are important distinctions to be made between Euro-American and African slavery. Under slavery in Africa, slaves retained some social and individual rights like marriage and the freedom to raise a family. Rarely were the children of those prisoners placed into slavery. They were also usually allowed to speak their language and to worship their gods. In contrast, efforts were made to strip Africans captured and taken into the New World of all their personality and humanity—they could not even bear their own names. Another characteristic that set American slavery apart was its racial basis. Although there were black, mulatto, and American-born slave owners in some colonies in the Americas, and many whites did not own slaves, chattel slavery was fundamentally different in the Americas from other parts of the world because of the racial dimension. By the mid-18th century, in America all slaves were Africans, and almost all Africans were slaves. The Atlantic slave trade was different from African slavery insofar as it was the first form of slavery motivated solely by commercial incentives. It was a highly profitable capitalist invention to provide cheap labor.

Ultimately, the African slave trade and slave labor transformed the world. In Africa, for example, the slave trade stimulated the expansion of powerful West African kingdoms. In the Islamic world, African slave labor on plantations, in seaports, and within families expanded the commerce and trade of the Indian Ocean and Persian Gulf. In the Americas, slave labor became the key component in trans-Atlantic agriculture and commerce supporting the booming capitalist economy of the 17th and 18th centuries, with the greatest demand in the Americas coming from Brazil and the sugar plantations of the Caribbean.

Throughout most of the colonial period, opposition to slavery among white Americans was rare. Settlers in the 17th and early 18th centuries came from sharply stratified societies in which the wealthy savagely exploited members of the lower classes. Lacking later generations' belief in natural human equality, they saw little reason to question the enslavement of Africans. Early attempts to curtail slavery in the national capital failed. In 1805, Congress defeated a resolution to achieve gradual emancipation in the district. This law would have designated the territory's slave children free when they reached maturity. This would have major consequences for the future of the city. In 1808, when the external slave trade became illegal, the domestic slave trade assumed new economic importance. However, while slave importation was outlawed,

some 250,000 slaves were illegally imported from 1808 to 1860.

In January 1865, Congress passed the Thirteenth Amendment, which ended slavery forever. It became part of the Constitution in December 1865. The Thirteenth Amendment reads as follows:

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
2. Congress shall have power to enforce this article by appropriate legislation.

Other rights of blacks were also recognized. During Reconstruction (from 1865 to 1877), Republican legislators passed ambitious laws and approved major constitutional amendments. The Civil Rights Act of 1865 recognized the citizenship of blacks, their right to sue and be sued, to make contracts, to testify in court, and to own and dispose of property. The provisions of this act were incorporated into the Fourteenth Amendment because of fears that the Supreme Court would declare it unconstitutional. In 1868, the Fourteenth Amendment to the Constitution was ratified, granting citizenship to any person born or naturalized in the United States and thus making slaves citizens. In effect, the Fourteenth Amendment provided blacks protection by the federal government from the abrogation of rights by the Southern states. The most significant changes enfranchised African American men; in 1870, the Fifteenth Amendment was ratified, granting African American men the right to vote.

THE CONTROL OF SLAVES AND FREED BLACKS

Slavemasters gave a great deal of attention to molding the character of the "ideal" slave. Some elements included imposing strict discipline and instilling a sense of the slave's own inferiority, a belief in the master's superior power, acceptance of the master's standards, and, finally, a deep sense of helplessness and dependence. To mold a docile labor force, planters resorted to harsh, repressive measures

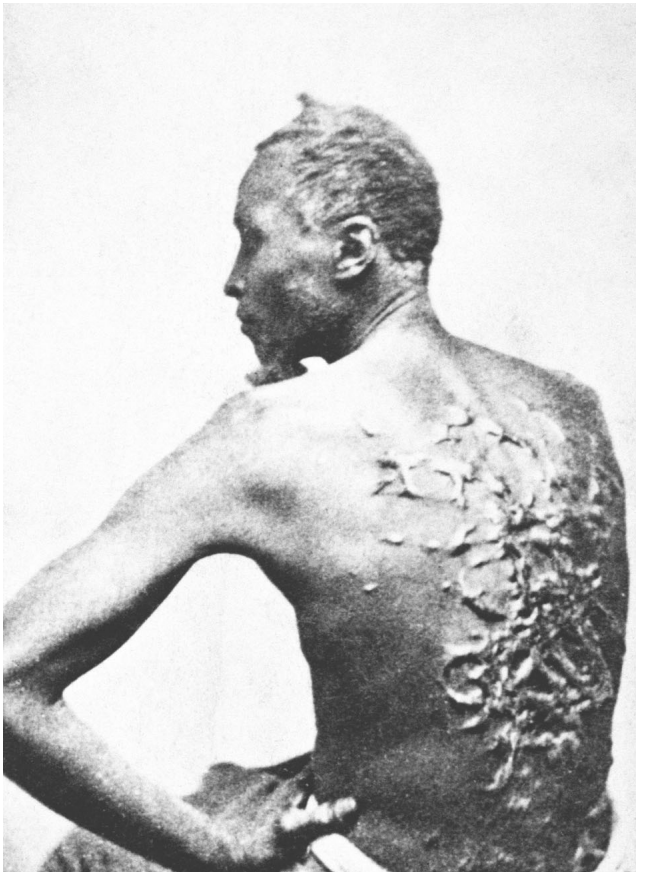

Photo 4 *The scars from a whipping on a slave's back, Baton Rouge, Louisiana, 1863*

that included liberal use of whipping and branding. The lives of enslaved persons were severely circumscribed by not only plantation owners and slavemasters but also the law.

Slave Codes and Slave Patrol

Citizenship in America was granted to people by the Constitution based upon their status as human beings. The U.S. Constitution considered the slave to be three-fifths of a human, and thus neither human nor citizen. Instead, slaves were considered chattel, or movable property. Similarly, women in America were considered the property of their husbands or fathers. White women were considered human and property, but black women were considered property but less than fully human.

"Slave codes" refer to an extensive body of state law developed from the 1660s to the 1860s. Slave codes defined the life of the slave from birth

until death. They also articulated the criminal law and procedures to be applied against enslaved persons. The purpose of the codes was to uphold chattel slavery and define the socially accepted boundaries for slave behavior. These codes made slavery a permanent condition that was inherited through the mother.

Considered property themselves (similar to real estate), slaves could not own land nor be party to a contract. Since marriage is a form of a contract, no slave marriage had any legal standing. Free white women who married black slaves could be treated as slaves during the lives of their spouses, although in some states children born of these unions were regarded as free. The slave codes also regulated the movements and employment of free blacks and often required them to leave the state after emancipation. The slave codes also empowered white slave owners to exercise their own form of plantation-style justice.

The slave codes also established slave patrols. Slave patrols in the United States can trace their roots to the Caribbean, where every island had laws for the pursuit, capture, and punishment of runaway slaves. Virginia established slave patrols as early as 1727. South Carolina adopted the first comprehensive slave code after the 1739 Stono Rebellion, the first major rebellion by slaves in South Carolina and the deadliest one on American soil in the 18th century. By 1750, every Southern colony had a slave patrol.

Slave patrols (which were precursors to the American police force system) were charged with enforcing the slave code and were given the authority to stop, search, whip, maim, and even kill any slave who violated the slave code. In the beginning, slave patrols were made up of people from all walks of life in the South, including wealthy land- and slave-owning aristocrats. Later they were comprised of groups of largely poor and uneducated white men who were organized and operated as paramilitary organizations. Service in the patrols was required by law. As Southern cities grew, some replaced the slave patrols with police groups, while others had the slave patrols take on the duties of police groups, which included breaking up nighttime gatherings, hauling in suspicious characters, and capturing lawbreakers.

Slaves charged with crimes in Virginia were tried in special non-jury courts created in 1692. The purpose of the courts was not to guarantee due process but to set an example speedily. The courts could resort to hideous punishments to reassert white authority. Offending slaves were hanged, burned at the stake, dismembered, castrated, and branded, in addition to the usual whippings.

The slave code and laws at the time also offered little protection to black women who were raped. If a white man raped a black female slave, it was not considered a crime, nor was the murder of a woman who was enslaved. If a black man who was enslaved raped a black enslaved woman, it was not considered a crime. He could, however, be exiled or put to death if the slave was the mistress of the white slave owner or was valuable to the productivity of the plantation. Hence, the physical and emotional trauma associated with the rape of an enslaved person was of no consequence. If a white female victim was raped by a white male, the law allowed 10 to 20 years in prison, whipping, or death if the victim was a minor. If a white woman was raped or if an attempted rape occurred by a black male, the punishment was death or castration.

The Black Codes of 1865

After slavery was abolished in 1865, white Southerners created the "black codes" to replace the slave codes and establish a means of controlling and restricting the freedom of former slaves, and to compel African Americans to work. Laws differed across the post–Civil War South but embodied similar kinds of restrictions. Blacks found without lawful employment or business could be arrested and charged with vagrancy. Black codes also dictated the conditions of employment, dictating blacks hours of labor, duties, and choice of occupation. Blacks who unlawfully assembled themselves or went to places specifically reserved for whites could be subject to imprisonment and fines. The black codes, which threatened punishment, including incarceration, could be seen as another means of legally reenslaving newly freed slaves. Laws under the black codes criminalized gun possession, voting, assembly after sunset, and desertion from work. They regulated blacks' civil and legal rights,

from marriage to the right to hold and sell property. By 1866, federal officials, deciding that the codes were too harsh and that blacks should be subject to the same penalties and regulations as whites, suspended the black codes.

Jim Crow Laws

As noted earlier, after 1865, African Americans gained some rights through the addition of the Thirteenth, Fourteenth, and Fifteenth Amendments. However, when Reconstruction ended in 1877, whites in the North and South became less supportive of blacks' civil rights. Furthermore, several Supreme Court decisions overturned Reconstruction legislation by promoting racial segregation, thus setting the stage for Jim Crow laws. Most significantly, in *Plessy v. Ferguson* (1896), the Supreme Court ruled that "separate but equal" accommodations were constitutional. This paved the way for Southern states to pass laws that restricted African Americans access to schools, restaurants, hospitals, restrooms, and other public places. By 1915, Jim Crow laws began to lose their strength, and several Supreme Court rulings that undermined segregation (such as *Brown v. Board of Education* [1954], which established that separate could not be equal) began to provide the momentum for the civil rights movement.

SLAVERY AND THE CREATION OF PRISONS

As soon as slavery was abolished, the locus of control and labor of former slaves moved to the criminal justice system. Before the Civil War, blacks were overrepresented in prisons everywhere except the South; in the South, slavery was the preferred means of controlling black people rather than imprisonment. After the Civil War, the Jim Crow laws made newly freed blacks vulnerable to incarceration for minor offenses. Consequently, the black imprisonment rate rose dramatically in Southern states. Throughout the country, virtually all women held in reformatories (intended to be more benevolent and therapeutic institutions) were white. By contrast, the population of women held in custodial institutions (known for their degrading conditions) or prison camps was overwhelmingly black.

Sociologist Loïc Wacquant (2000) contends that not one but several "peculiar institutions" have successively operated to define, confine, and control African Americans in the history of the United States after the abolition of slavery. The first historic form of oppression for Africans was *chattel slavery.* Slavery was the backbone of the Southern economy (and arguably, the American economy), sustained by the plantation. This created the matrix of racial division from the colonial era to the Civil War.

The second "peculiar institution," the *Jim Crow system*, legally enforced discrimination and segregation. Jim Crow anchored the predominantly agrarian society of the South for a full century, from the close of Reconstruction to the civil rights revolution. Thus, while slavery had been abolished, the enslavement of the "freed" men and women continued through legislation that impeded their ability to enjoy the full benefits of citizenship in America.

America's third "peculiar institution" for containing the descendants of slaves in the Northern industrial metropolis is the *ghetto*. The Great Migration of 1914–1930 and ongoing migration from then into the 1960s caused the urbanization and proletarianization of African Americans, rendering them partially obsolete. The obsolete status was caused primarily by the concurrent transformation of economy by the protest of blacks against continued caste exclusion that climaxed during the urban riots. The reaction to the acts of liberation through rioting caused blacks to once again be placed on a plantation in the form of the prison industrial complex. In fact, after the riots of the 1960s, prison populations rose by 200%; prison occupants were disproportionately male and of African descent.

The fourth institution Wacquant identifies is the *prison industrial complex* that was formed by the remnants of slavery, Jim Crow, and the ghetto. Wacquant suggests that slavery and mass imprisonment are "genealogically" linked. One cannot understand the latter—its timing, composition, and onset along with the ignorance or acceptance of its detrimental effects on those it targets—without

returning to the former as historic starting point for the creation of the prison industrial complex.

CONCLUSION

The history of slavery may help explain the current overrepresentation of African American women and men in U.S. prisons. Following emancipation, the prison became the new locus of control of former slaves. Though certain aspects of race relations have undoubtedly improved since then, due to civil rights and affirmative action laws, then as now, laws serve to perpetuate social and economic differences that disproportionately affect minorities. Consequently, those interested in racial issues in contemporary penal issues need to consider the ongoing legacy of slavery today.

—Ramona Brockett and Jeanne Flavin

See also African American Prisoners; Convict Lease System; Felon Disenfranchisement; History of Prisons; Parchman Farm; Plantation Prisons; Prison Industrial Complex; Prison Music; Racial Conflict Among Prisoners; Racism; Violence; War on Drugs

Further Reading

Blackburn, R. (1988). *The overthrow of colonial slavery*, 1776–1848. London: Verso.

Conneau, T. (1976). *The slaver's log book*. Englewood Cliffs, NJ: Prentice Hall.

Higginbotham, A. L., Jr., and Jacobs, A. (1992). The "Law Only as Enemy": The legitimization of racial powerlessness through colonial and ante-bellum criminal laws of Virginia. *North Carolina Law Review 70,* 969, 1059.

Oshinsky, D. M. (1997). *"Worse than slavery": Parchman Farm and the ordeal of Jim Crow justice*. New York: Free Press.

Patterson, O. (1982). *Slavery and social death*. Cambridge, MA: Harvard University Press.

Patterson, O. (1998). *Rituals of blood: Consequences of slavery in two American centuries*. Washington, DC: Civitas.

Robinson, D. L. (1971*). Slavery and the structure of American politics, 1765–1820*. New York: Harcourt, Brace Jovanovich.

Sellin, T. (1976). *Slavery and the penal system*. New York: Elsevier.

Wacquant, L. (2000). The new "peculiar institution": On the prison as surrogate ghetto. *Theoretical Criminology*, *4*(3), 377–387.

Legal Cases

Brown v. Board of Education, 347 U.S. 483 (1954).

Plessy v. Ferguson, 163 U.S. 537 (1896).

SNITCH

The term *snitch* refers to individuals who supply information to government agents and prison officials in the furtherance of criminal investigations and prosecutions. Also known as informers, there are two basic types: the "incidental" informer and the recruited "confidential" informer. *Confidential informants* are those who have an ongoing relationship with policing agents and who provide information on a variety of criminal activity over an extended period of time in return for payment. Confidential informants are recruited due to their ability to provide details as a result of their access to criminal activity. *Incidental informants* are those who work with authorities on one particular incident. They may receive compensation, but many provide information out of a sense of justice and they usually do not provide ongoing assistance to authorities.

While snitches exist both in and outside of jails and prisons, the correctional setting is unique in its opportunity to host snitching for several reasons. First, jails and prisons are places where high concentrations of criminal offenders have been gathered. Thus, the opportunity to learn about or observe illegal activity is high. Second, individuals who are incarcerated have an increased incentive to provide information to authorities in order to receive early release or special treatment by correctional staff in exchange for their assistance. Third, snitches can provide valuable information to correctional administrators by alerting them of situations that may lead to rioting or otherwise serve to threaten facility security.

HISTORY

Government authorities have used snitches in varying capacities throughout history. By 1275, an organized use of informants was in place throughout England. An early "approver system" allowed those accused of a felony or treason to come forth and provide information on others in return for pardon. This system was eventually abandoned due to abuse and frequent corruption. Those accused had little to lose by coming forth, and many provided false implications against others in hopes of gaining freedom. The

approver system also provided opportunity for blackmail when individuals threatened to make false accusations unless they were paid to be silent.

In place of the approver system, a "common informer system" was adopted that allowed any person, not just those charged with a crime, to come forward to provide information to authorities. Those assisting authorities were entitled to a portion of any fine imposed on the wrongdoer. But soon this system too experienced problems of false accusations and blackmail.

By the end of the 19th century, professional police forces were in place throughout most of Western Europe and the United States. In all systems, informants became an integral part of police investigations. In both France and England, the establishment of specialized criminal investigative units carried forward government reliance on snitches. Today, the use of snitches in the United States is more common than ever. With increasing complexity of criminal activity and the unique insight snitches provide, their use has become commonplace in contemporary criminal justice systems.

SNITCHES AND THE PRISON SUBCULTURE

In most incarcerated populations, those who snitch are despised and occupy a low status within the inmate subculture. Names such as "rats," "stool pigeons," "stoolies," or "finks," given to snitches by other prisoners, symbolize this disdain. The repercussions for those identified as snitches can be severe. Some are placed in special custody by correctional staff to prevent violent attack from other inmates. In extreme cases where the threat to the inmate and his or her family is likely to be carried out, the snitch may be relocated and enrolled in a witness protection program with a new identity.

PREVAILING PROBLEMS

One of the ways offenders may reduce their term of incarceration is to provide information to authorities in exchange for a sentence reduction. Those who possess no useful details sometimes fabricate evidence about others. Some gather evidence by researching newspaper and magazine articles, while others receive information from other inmates. Jail informants may also enlist other snitches to corroborate their manufactured tales so as to enhance the credibility of their testimony for the government. Barry Scheck and colleagues (2000) provide illustration of this in a letter that a snitch had written to a fellow inmate stating,

> Go for the jugular—you're going to have to be bullshitting a little bit, . . . You're sitting on a smoking row—used properly, you could cut your time way down. . . . Make sure you call me. I'll do your research.

They also discuss the culture of snitches in the jailhouse scene, citing jokes common among snitching circles, such as, "Don't go to the pen—send a friend" and "Trouble? You better call 1-800-HETOLDME" (p. 129).

CONCLUSION

The practice of snitching has existed since the earliest forms of organized correctional and judicial systems. For authorities, the benefits of using snitches are many: they provide agents the ability to understand and forecast criminal activity, identify culprits, and streamline the investigative process. However, the use of snitches has long been plagued by abuse and corruption. From the beginning, the benefits of informant systems have often been undermined by participants who have extorted the process for self-gain, and contemporary systems provide no exception. In spite of this, correctional and other justice authorities have become dependant on the unique form of insight that snitches provide and their continued use appears certain.

—Rob T. Guerette

See also Deprivation; Governance; Importation; Prison Culture; Joseph E. Ragen; WITSEC

Further Reading

Akerstrom, M. (1988). The social construction of snitches. *Deviant Behavior*, *9,* 155–167.

Bloom, R. M. (2002). *Ratting: The use and abuse of informants in the American justice system.* Westport, CT: Praeger.

Corriden, M. (1995, March). The informant trap. *National Law Journal*, 20.

Faulkner, P., & Faulkner, W. (1997). Effects of organizational change on inmate status and the inmate code of conduct. *Journal of Crime and Justice, 20*(1), 55–72.

Guerette, R. T. (2000). *Substantial assistance departures: Unintended consequences of Sections 3553 (E) and 5k1.1 of the United States Sentencing Guidelines.* Unpublished master's thesis, University of North Carolina, Charlotte.

Scheck, B., Neufeld, P., & Dwyer, J. (2000). *Actual innocence: Five days to execution, and other dispatches from the wrongly convicted.* New York: Doubleday.

Yaroshefsky, E. (1999). Cooperation with federal prosecutors: Experiences of truth telling and embellishment. *Fordham Law Review, 68*, 917.

SOLITARY CONFINEMENT

Inmates are placed in solitary confinement for one of three reasons: (1) as a punishment for violating an institutional rule, (2) to protect the security of the institution, or (3) to protect inmates from others in the institution who may wish to harm them. Over the decades, various terms, such as "segregation," "special handling units," "supermax units," "treatment centers," and "dissociation," have been used to label solitary confinement. Solitary confinement is also commonly referred to as "the hole," a euphemism created by inmates.

Placing inmates in solitary is always controversial, since research suggests that it may be detrimental to the physical and mental health of inmates. The constitutionality of solitary confinement, with respect to the Eighth Amendment against cruel and unusual punishment, has also been questioned. However, other studies indicate that solitary confinement does not harm individuals and can be a useful tool for prison management.

HISTORY

The roots of solitary confinement may be found in the Pennsylvania prison system of the late 18th century. The Pennsylvania system required that all prisoners were kept in total isolation from one another for the duration of their confinement, in contrast to the Auburn system, in which individuals worked together all day but were not permitted to talk to or to contact one another. The Pennsylvania system was created by Quakers who felt that criminal reform could best occur through isolation from bad influences and time spent alone in penitence. Thus, prisons were created in which each inmate was housed in a separate cell large enough for a bed and workspace. All prisoners had their own walled yard for solitary exercise, and meals were served to them alone in their cells. Communication among the prisoners or between prisoners and guards was forbidden.

Although the Pennsylvania system was created with good intentions, the Quakers' solitary system had many troubling effects. Insanity and suicide rates were high among those held in the solitary cells, and prisons built along this model were expensive to operate. Such difficulties eventually led to its abandonment in North America in favor of the Auburn system of imprisonment. Prisons today are a mixture of the two systems. While they are primarily run like the Auburn penitentiary, allowing for communication and contact between prisoners, the use of solitary confinement as a punishment and managerial tool remains.

CURRENT USES

As stated, solitary confinement these days is generally used for one of three purposes. First, it is utilized as a punishment for the violation of an institutional rule, in what is usually known as *disciplinary* or *punitive segregation*. Second, prisoners may be placed in solitary confinement to ensure order in the institution. When this happens, the confinement is usually referred to as *administrative segregation*. Finally, inmates may request to be placed in solitary confinement for their own protection. This practice is called *protective custody*. In the U.S. federal system, regulations have been set in place by the Federal Bureau of Prisons (BOP) to govern the use of these three forms of solitary confinement. Similar legislation exists in Canada under the Corrections and Conditional Release Act. Strategies governing this practice vary in the different states of the United States.

Disciplinary Segregation

If a prisoner violates institutional rules or commits a criminal offense while in prison, such as the assault of a member of the prison staff or another inmate, he or she may be sent to solitary confinement for punitive segregation. Individuals facing this punishment have the right to a hearing to determine their guilt and the suitability of their treatment, similar to a criminal trial on the outside. They are entitled to representation by a staff member in such a hearing or they may represent themselves. They may also call witnesses to testify in the matter on their behalf. Hearings for minor offenses are presided over by an assigned staff member, who may be the warden or a senior officer. Hearings for serious disciplinary offenses must be conducted by an independent disciplinary hearing officer (DHO). The DHO is trained to conduct disciplinary hearings and is neither a member of the institutional staff nor a warden. If the inmate is found guilty of the offense, the DHO will impose a sanction from a list of options outlined by the BOP. Solitary confinement, in the form of disciplinary segregation, is one of the available sanctions.

The time for which an inmate can be sent to punitive segregation is limited to a specific number of days set out by the BOP, which vary according to the severity of the offense committed. There are four levels of institutional offenses: greatest, high, moderate, and low moderate. Greatest level offenses may be subject to up to 30 days in disciplinary segregation. Prisoners found guilty of a high-level offense may also receive 30 days, while those who are convicted of a moderate-level one can receive 15 days solitary confinement. Low moderate offenses are not subject to segregation as a sanction unless the offense is the second committed within six months. Repeated low moderate offenses may result in a punishment of seven days in segregation. Upon expiration of the "sentence," inmates must be returned to the general prison population unless they have committed further offenses for which they have been given a sanction of segregation.

A segregation review official (SRO) is required to review the status of prisoners confined in disciplinary segregation every seven days and to hold a formal review hearing every 30 days they are confined in segregation. The SRO has the power to suspend the segregation sanction if it is found that such confinement is no longer necessary to punish or deter the inmate or to protect the security of the institution. However, if a prisoner's time in segregation is drawing to a close and it is found that returning him or her to the general population would pose a threat to the security of the institution, the SRO may remand the inmate to administrative segregation following release from disciplinary segregation. Institutional staff must conduct a psychological or psychiatric assessment of the segregated inmate every 30 days to ensure his or her fitness to remain so confined. Inmates found to be suffering from psychological or psychiatric illness are removed from segregation and referred to the mental health unit of the institution.

Administrative Segregation

Administrative segregation, while governed by similar policies, tends to be used much more liberally in practice than disciplinary segregation. It may be used (1) to confine an inmate who has committed a disciplinary offense and is awaiting a hearing, (2) to confine an inmate who is considered to be a threat to the security and order of the institution, or (3) to protect an inmate from other individuals in the institution who may harm him or her, were he or she to remain in the general population. While an inmate is confined in administrative segregation, the inmate's case is reviewed by the SRO every seven days, and a formal review hearing is held every 30 days. Prisoners in administrative segregation, like disciplinary segregation, are assessed every 30 days for psychological or psychiatric illness. Administrative segregation is generally limited to a maximum of 90 days, but it may be extended in special circumstances by the warden or the SRO.

CONDITIONS

The Federal Bureau of Prisons has established regulations for the conditions of solitary confinement units. Inmates in both disciplinary and administrative

segregation units are expected to receive the same minimum standards of cleanliness, hygiene, and nourishment that are granted to the general population. They are entitled to a minimum of five hours of exercise time per week, as well as the opportunity to use the showers at least three times per week. Unfortunately, reports from inmates, legal representatives, and even institutional staff have confirmed that these requirements often are not met. Inmates in solitary confinement are often kept in substandard conditions and are denied their rights to exercise time, adequate food, warmth, clothing, and hygiene supplies.

Prisoners held in administrative segregation are also entitled to participate in the same programs, religious celebrations, and visitation as the general prison population. These privileges are often denied them by prison officials who cite the threat to institutional security or lack of staff as the reason. It appears that there is some disparity between the BOP regulations regarding solitary confinement and the reality. The conditions of solitary confinement in U.S. prisons have recently become a topic of debate, in light of the Eighth Amendment right to be protected from "cruel and unusual" punishments.

SOLITARY CONFINEMENT AND THE EIGHTH AMENDMENT

The Eighth Amendment of the U.S. Constitution states that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted" (U.S. Constitution, Amendment VIII). The use of solitary confinement has long been challenged as a violation of the constitutional rights of prisoners. Solitary confinement has been challenged in Canada under the auspices of the Charter of Rights and Freedoms, which also contains a provision against "cruel and unusual" punishment. Cases brought in the United States in particular have been based on the notion that solitary confinement may be detrimental to inmates' mental health, causing hallucination, depression, hypersensitivity, and suicidal tendencies.

The courts have generally held that solitary confinement does not, per se, constitute cruel and unusual punishment, but in specific cases the conditions in which inmates are held have been deemed to violate constitutional or charter rights. The official criteria for determining the constitutionality of prison conditions were established by the U.S. Supreme Court in *Rhodes v. Chapman* (1981). According to this case, (1) the punishment must be proportional to the infraction; (2) the conditions cannot involve "wanton and unnecessary" infliction of pain; and (3) the conditions must be sufficient to provide prisoners "the minimal civilized measures of life's necessities." Even given these criteria, shocking conditions, such as lack of proper clothing, food, and opportunities for personal hygiene, have been deemed not to constitute a violation of the Eighth Amendment.

PSYCHOLOGICAL IMPLICATIONS

There have been relatively few studies of the effects of solitary confinement on inmates. However, the federal government's requirement that all inmates housed in solitary confinement be assessed every 30 days for psychological deterioration is implicit recognition that solitary confinement may be expected to have some negative repercussions. In the late 1970s, Stuart Grassian, M.D., interviewed 15 inmates who had been housed in solitary confinement at the Massachusetts Correctional Institution at Walpole. The interviews were conducted as testimony for a suit that was being brought against the conditions in which these inmates were held. Grassian (1983) reported that the use of solitary confinement carried risks to the mental health of the inmates, and he found evidence that time spent in solitary confinement resulted in perceptual distortions, hallucinations, hypersensitivity, paranoia, difficulties with thinking, concentration, and memory, problems with impulse control, and other psychopathological symptoms.

However, a similar study conducted by Peter Suedfeld et al. (1982) found that solitary confinement, as it is practiced in U.S. and Canadian prisons, was not detrimental to the psychological health of inmates. Suedfeld et al. (1982) did acknowledge that "individuals who were completely unable

to adapt to [solitary confinement] and became psychotic were obviously not included" (p. 335). Despite this significant omission in their sample, they report that their findings show that the ability to adapt to periods of solitary confinement differs among individuals, and that solitary confinement is not universally aversive. And so, the debate over solitary confinement continues. It is clear that further research into the psychological implications of solitary confinement is needed.

WOMEN

The use of solitary confinement in women's prisons is governed by the same regulations that apply to men's prisons. However, it appears that both administrative and disciplinary segregation are used more liberally with women than with men, often for incidents of a minor nature that would not generally merit time in solitary confinement. This may occur because there are fewer women in prison and therefore more space is available in confinement units, or because incidents that take place in women's prisons are generally qualitatively less severe than in men's prisons. Whatever the reason, feminist criminologists have criticized the apparent overuse of solitary confinement in women's prisons as an exercise of power over the female inmates. Claims of sexual abuse and harassment by male guards while in solitary confinement are common, suggesting that the opportunity for abuse is increased by separating women from the others and confining them in cells that are often under constant surveillance.

CONCLUSION

Virtually every prison in North America is equipped with a segregation or special handling unit for the administration of solitary confinement. In recent years, however, entire supermax prisons have sprung up dedicated to segregation principles. Pelican Bay State Prison in California was built in 1990 and is entirely automated, so inmates have no contact with the guards or other prisoners. At the touch of a button, guards can eavesdrop on or talk to an inmate in any cell via intercom. The inmates are confined to their cells for 23 hours a day, the other hour spent alone in a small, concrete-walled exercise pen.

Facilities similar to Pelican Bay have also been built in New York, Oklahoma, Illinois, and other U.S. states. Solitary confinement is slowly becoming a mainstream rather than an alternative form of imprisonment. Prison administrators and guards who favor the use of segregation as a prison design argue that the use of solitary confinement makes prison management easier and more cost effective. Psychologists, on the other hand, claim that imprisonment in special handling units and supermax facilities can have serious, psychologically destructive consequences. Remembering the abject failure of the Pennsylvanian solitary system, it seems that the use of solitary confinement in North America has come full circle.

—Stacey Hannem-Kish

See also ADX: Florence; Auburn System; Control Units; Disciplinary Segregation; Discipline System; Federal Prison System, Lexington High Security Unit; Marion, U.S. Penitentiary; Pennsylvania System; Protective Custody; Quakers; Special Housing Units; Supermax Prisons

Further Reading

Federal Bureau of Prisons. (1987). *Inmate discipline and special housing units* (Program Statement S5270.07). Washington, DC: U.S. Department of Justice. Retrieved from http://www.bop.gov

Franke, H. (1992). The rise and decline of solitary confinement. *British Journal of Criminology*, *32*(2), 125–143.

Grassian, S. (1983). Psychopathological effects of solitary confinement. *American Journal of Psychiatry, 140*(11), 1450–1454.

Irwin, J., & Austin, J. (1994). *It's about time: America's imprisonment binge*. Belmont, CA: Wadsworth.

Rogers, R. (1993). Solitary confinement. *International Journal of Offender Therapy and Comparative Criminology, 37*(4), 339–349.

Shaylor, C. (1998). It's like living in a black hole: Women of color and solitary confinement in the prison industrial complex. *New England Journal on Criminal and Civil Confinement, 24*(2), 385–416.

Suedfeld, P., et al. (1982). Reactions and attributes of prisoner in solitary confinement. *Criminal Justice and Behavior, 9*(3), 303–340.

Walton, B. B. (1997, Spring). The Eighth Amendment and psychological implications of solitary confinement. *Law and Psychology Review, 21*, 271–288.

SPECIAL HOUSING UNITS

Special housing units (SHU) are parts of prisons where inmates can be held in solitary confinement away from the general population. Prisoners are placed in SHU for many reasons. They may be moved into SHU as a punishment or as a means to safeguard those who are a danger to themselves or to others. They may also be placed there if they are too vulnerable to remain in the general prison population. SHU is sometimes referred to as "solitary confinement," "administrative segregation," "isolation," or "the hole." Most inmates in SHU have extremely limited contact with other human beings, and many can expect to serve their entire sentences away from the general population.

SHU can be used to curtail privileges, preserve order and control, safeguard inmates, modify insubordinate behaviors, and hinder escapes. Inmates housed in SHU are confined 23 hours out of the day in a small, dark cell that is usually windowless. One hour per day is allotted for recreation in a caged or concrete area of approximate size. The cells are sparsely furnished with a mattress (no bed frame), sink, and toilet. SHU inmates are under the surveillance of officers at all times, either through windows in their cell doors or through closed-circuit cameras. Research has shown that SHU may lead to psychological deterioration, particularly for those with preexisting mental illness.

HISTORY

Solitary confinement was a common form of punishment in the beginning of the 19th century and was a major component of the reformist ideas of the Quakers. Reformers and prison administrators alike commonly believed that inmates in isolation would reflect on their misdeeds, repent for their behavior, and transform themselves into productive human beings. At that time, prisoners served their entire sentences in complete isolation.

Auburn Correctional Facility in New York State was the first facility to change to a "work by day" and "solitary by night" prison. This new model of prison management arose in response to problems inmates suffered in solitary confinements. Some, after living in complete isolation, committed suicide and self-harmed; many others appeared to suffer from mental breakdowns. Occurrences like these were enough to cause many countries to reject solitary confinement as a form of discipline. Between 1854 and 1909, German studies also showed that psychotic disturbances (i.e., delusions, hallucinations, violent behavior, and amnesia) were associated with the mandatory segregation of inmates.

Even though many facilities abandoned complete isolation for all of its prisoners, solitary confinement continued to be used to segregate specific inmates from the rest of the prison population. In the 1980s, Marion, a federal prison for men in Illinois, became the first prison comprised entirely of SHU inmates. This confinement design then served as a model for all other prison systems.

RESEARCH

Most studies have found that solitary confinement has profound psychological effects on the incarcerated. Isolation can lead to anger, hostility, aggression, destructive behavior, high levels of anxiety and tension, lack of self-insight, submissiveness, fatigue, limited ability to communicate and concentrate, difficulty thinking or remembering, violent fantasies, emotional and cognitive impairments, hypersensitivity to external stimuli (overly sensitive to smells and noises), suicidal ideations, paranoia, perceptual disorders (hallucinations and delusions), and other forms of mental illness. Many inmates become totally dependent on the prison structure. They do not know how to set limits for themselves, because they are not allowed to make any of their own decisions. Many are no longer able to initiate behavior of any kind. Inmates may also leave SHU more violent then when they entered. Others may leave more passive but unable to initiate behavior or communicate effectively with others. Solitary confinement has also been found to create abnormal effects on the

brain (limited cognitive functioning), the nervous system (increased sensitivity to stimuli), and the endocrine gland response system (an increased biochemical response producing adrenaline, which can cause aggressiveness or anxiety). Similarly, inmates held in SHU are generally more distrustful, self-centered, manipulative, and socially immature than those who are not placed under these conditions.

Despite such findings, many studies on the effects of solitary confinement have been criticized for serious methodological weakness, including the use of voluntary subjects, time limitations, reactivity, and small sample sizes. It is apparent that more research still needs to be conducted to assess the severity of both long-term and short-term effects of solitary confinement. Moreover, some inmates housed on SHU units may already be suffering from mental illnesses that contributed to their behavioral problems. Similarly, negative symptoms associated with solitary confinement appear to increase with time, suggesting that brief spells in isolation may not harm individuals. The length of time in isolation for inmates is a considerable factor in determining the psychological impact of SHU.

WHAT HAPPENS TO INMATES?

Many prisons have SHU units that are designed especially for disciplinary problems. Individuals placed in these housing units have usually committed serious rule infractions, and as a form of punishment, they are sentenced to SHU for a determined amount of time by the prison's administration. If an inmate is repeatedly in trouble or has committed a very serious infraction like assaulting correctional staff, he or she may be forced to serve his or her entire sentence in SHU. However, some inmates have been placed in SHU for trivial reasons such as speaking up against injustices, filing grievances, or being a jailhouse lawyer.

SHU units are typically separated from the rest of the prison population. Some prisons may have an entire building devoted to SHU, while others house SHU inmates in the basements of existing correctional buildings. Still others have created prisons comprised entirely of SHU inmates (known as "supermax" facilities). These SHU facilities are supposed to be reserved for the most dangerous prisoners (typically known gang members or members of organized crime families) that prison officials, for safety reasons, cannot afford to place within the confines of general population. Even so, research suggests that most supermax facilities in fact hold a range of offenders, many of whom may not be dangerous at all. Individuals in these places are isolated all day, every day, either until their sentences are completed or until they are transferred back to a mainline institution. These prisoners are deprived of virtually all human contact, touch, or affection for years.

Despite numerous concerns over the long-term effects of supermaximum secure prisons, the security measures they utilize are being adopted in SHU units in an increasing number of locations. Thus, some departments of corrections like New York State have added more SHU cells to already existing facilities in an attempt to create supermax units inside the larger prison structure.

All inmates in SHU for disciplinary reasons are severely restricted in their daily activities. Many will have limited contact with others. Indeed, some SHU units have been specifically created to avoid almost all human contact. Most SHU inmates are locked in very small cells (approximately 14 feet by 18 feet), with no windows, for 23 out of 24 hours a day. They are allowed one hour of recreation per day, by themselves, in a caged or concrete area, and most are only allowed to shower three times per week. The cells are very sterile in appearance, consisting only of a mattress, a toilet, and a sink. Some inmates may be allowed to have writing and/or reading materials, but most are not allowed to hang anything on their walls, including pictures and family photographs.

Inmates in SHU may be allowed to make phone calls home on a limited basis; some may have no phone privileges. They are usually not allowed to shop in commissary or eat in the mess hall; instead, their meals are served to them daily through a slot in the cell door. Often they may not watch television, listen to the radio, or participate in any facility activities, including special events, educational or vocational programming, support groups, or employment.

The only time they are allowed out of their cells is for recreation, showers, or medical visits. Whenever SHU inmates leave their cells, they must be escorted. They are usually subjected to strip searches and/or naked visual checks.

In New York State, inmates in SHU who misbehave (e.g., throw feces, urine, blood, semen, or food or refuse to follow direct orders) may be punished further through dietary restrictions by being fed "the loaf." The loaf consists of whole wheat, flour, potatoes, cabbage, milk, yeast, sugar, salt, and margarine, and is considered by dietitians to be very nutritious. Before inmates are placed on this dietary restriction, they are evaluated medically. They cannot be fed the loaf for more than one continuous week. It is reserved for a very small percentage of prisoners who are housed in SHU and refuse to comply with prison rules and regulations.

There is no time limit in New York for how long an inmate can remain in SHU. Other facilities may have committees that periodically review SHU sentences, but essentially the length of a person's SHU sentence is determined solely by prison officials. Since SHU inmates are completed isolated, they are at the mercy of prison staff. Prisoners have reported that they have been mistreated and brutalized by the officers, often for petty offenses.

PROTECTIVE CUSTODY

Inmates placed on protective custody may be housed on special housing units. This type of segregation can be mandated or voluntary and is typically used for protective purposes, such as inmates who are targets for sexual assaults, are snitches, or are mentally disturbed. These inmates may be placed in SHU because they are too vulnerable to remain in the general population. Facilities that do not have SHU units may be able to provide protective custody only for a limited period of time. Once this time period has passed, if the inmate still wishes to remain segregated from the mainline population, he or she may be transferred to larger facility that has the capacity for SHU housing.

In men's facilities, openly gay, bisexual, transgendered, and transsexual inmates may be housed on special units to prevent their being physically and sexually abused by other prisoners. These individuals could be in danger if they were forced to live in the general population. Other inmates may request to be administratively segregated because they have an enemy in the facility, have a problem with a particular correctional officer, or are facing retaliation by one or several gang members.

Most inmates in protective custody are allowed to receive mail, shop, and engage in some outside recreation. Nonetheless, they are usually not allowed to work, participate in educational or vocational programs, or partake in group therapy sessions. Like all SHU inmates, they must be escorted everywhere they go, and they must follow a restricted shower schedule. Some facilities allow these inmates to associate with others housed on the unit, but due to safety concerns, most of these inmates are also locked in their small cells 23 hours per day.

Research on inmates residing in protective custody has shown that many experience nervousness, nightmares, sleep disturbances, depression, talking to self, hallucinations and delusions, irrational anger, apathy, and a reduction in emotional abilities. Other studies have found that protective custody inmates have a higher risk for recidivism, lower IQ, more anxiety, and more problems with social adjustments.

SEXISM AND RACISM

People of color are disproportionately represented in the U.S. prison system. Hence it is no surprise that they are also disproportionately represented in SHU populations. For example, more than 80% of SHU inmates in California, the nation's largest prison system, are people of color. It appears that this trend is mirrored in other prison systems across the country. These inmates, who entered prison as socially and economically disadvantaged, are released back into economically depressed communities without the means to successfully reintegrate into conventional society, since most of those who are held in SHU are not given vocational or educational programming, are mentally ill, and have been deprived of human contact for years.

Women prisoners confined to SHU may face additional issues of sexism. Some female facilities have SHU housing within their prison system. Other states, like California, have a prison—Valley State Prison for Women (VSPW)—that is specifically devoted to housing female SHU inmates. Their SHU population is more than 60% women of color. In VSPW, the women must be in full view of the officers at all times, even while they are using the toilet. They are strip searched whenever they leave or reenter their cell, even if they have not had contact with another individual. Most women in prison have a history of sexual and physical abuse, and since male officers are almost always present during these searches, many inmates complain that they are forced to relive traumatic experiences. Research has shown that women are placed in SHU for far less serious offenses than their male counterparts, including suicide attempts, becoming pregnant and refusing to have an abortion, and claims of sexual or physical abuse by staff.

CRUEL AND UNUSUAL PUNISHMENT?

Some may argue that the conditions of solitary confinement and, by extension, special housing units constitute cruel and unusual punishment, but so far the courts have not agreed. Typically, courts will consider only physical and hygienic conditions for an Eighth Amendment claim. Most have left discipline up to the discretion of prison officials, and they will only step in when there are constitutional issues at stake. The question still remains whether solitary confinement leads to psychological deterioration that, in turn, amounts to cruel and unusual punishment. Courts have held the following solitary confinement conditions constitutional: being confined naked or with only underwear; being confined without toiletries or personal articles; being confined with raw sewage and human excrement covering the cell floor. In *McCord v. Maggio* (1990), an inmate was forced to sleep in a solitary cell in which human waste seeped through the pipes onto the floor and onto his mattress. A federal court decided that this issue was security related, and they failed to find it unconstitutional.

It usually takes an extreme case for the courts to find a constitutional violation. A federal court found a possible constitutional violation in one case when an inmate who was denied medical care was kept naked in a cell without light, water, bedding, or a mattress. He was constrained in leg irons, belly chains, and handcuffs. During mealtime, his food was thrown on the floor of his cell, which was strewn with human waste, bugs, and broken glass. In a similar case, another federal court found a constitutional violation when a male inmate was housed in solitary without a mattress or lights, in a cell that had dirty blankets, rats, roaches, lice, and human waste.

The Supreme Court has said that solitary confinement is deemed to be cruel and unusual if the circumstances of solitary confinement produce a significant harm or danger, and that prisons officials are aware of this danger and choose to ignore it. This is often a very difficult case to prove; most of the guidelines set forth by the court deal with the physical conditions of solitary confinement, not the psychological conditions of it. Without proper guidelines, psychological abuses are basically left unattested.

CONCLUSION

If the courts are to rule in favor of inmates in SHU who claim that they are suffering from psychological problems as a result of their confinement, researchers will need to conduct studies that are more methodically sound. Most studies on solitary confinement conducted little if any follow-up on subjects released from SHU units. There were no results reporting the long-term effects of isolation. Studies that did show psychologically damaging factors associated with solitary confinement failed to address the duration of these effects. Will SHU cause the newly released to develop long-term problems that will inhibit their successful reentry into the community? The research does not answer this question.

Furthermore, many samples were not divided into subgroups. Voluntary and involuntary solitary confinement groups, first timers and repeat offenders, those with a previous history of mental health

problems and those without—all need to be accounted for independently in order to conduct an in-depth and worthwhile analysis. Since solitary confinement differs from one facility to another (e.g., with different privileges, different treatment by correctional officers, and so on), comparison studies can also produce spurious results.

It is evident that better studies, taking these factors into account, need to be conducted to reach any substantial conclusions. This may be asking for an impossible task. The literature suggests that solitary confinement inmates do experience different psychological symptoms than do nonsolitary confined inmates. It is difficult to say, however, if these symptoms are directly related to solitary confinement or SHU. SHU also appears to be used as a dumping ground for the mentally ill who are unable to adhere to prison rules. As a result, their functioning deteriorates even further. Alternative treatments, focusing on mental health disorders, are probably a more viable option than solitary confinement if rehabilitation is to be a likely outcome.

We need to know how long and under what conditions SHU will produce psychologically damaging effects those with a history of mental illness and in those who have sound mental health. Confinement to SHU could effect an inmate's successful reintegration back into the community, and it could significantly effect rates of recidivism. If solitary confinement produces more embittered and hostile inmates, this makes them more dangerous when released. How can inmates who may have served many years in isolation successfully transition back into the community? The gaps in the research still leave many questions unanswered. Until there is consensus in the field and a focus on different contributing factors, we may not know these answers. Until there is hard empirical data, the courts may still refuse to address this issue.

—Kimberly Collica

See also Control Units; Disciplinary Segregation; Lexington High Security Unit; Maximum Security; Medium Security; Minimum Security; Pelican Bay State Prison; Riots; Self-Harm; Solitary Confinement; Suicide; Supermax Prisons; Violence

Further Reading

Benjamin, T. B., & Lux, K. (1977). Solitary confinement as psychological punishment. *California Law Review, 13*, 265–296.

Brodsky, S., & Scogin, F. (1988). Inmates in protective custody: First data on emotional effects. *Forensic Reports, 1*(4), 267–280.

Commissioner tells viewers of need for the loaf as staff detail experience with inmate assault. (2002, November). *DOCS Today*, 6–7.

Grassian, S. (1983). Psychopathological effects of solitary confinement. *American Journal of Psychiatry, 140*(11), 1450–1454.

Haney, C. (1993). "Infamous punishment": The psychological consequences of isolation. *The National Prison Project Journal, 8*(2), 3–7, 21.

Kaufman, E. (1980). The violation of psychiatric standards of care in prisons. *American Journal of Psychiatry, 137*(5), 566–570.

Shaylor, C. (1998). It's like living in a black hole: Women of color and solitary Confinement in the prison industrial complex. *New England Journal on Criminal and Civil Confinement, 24*(2), 385–416.

Walton, B. (1997). The Eighth Amendment and psychological implications of solitary confinement. *Law and Psychology Review, 21*, 271–288.

Zinger, I., Wichmann, C., & Andrews, D. (2001). The psychological effects of 60 days in administrative segregation. *Canadian Journal of Criminology, 43*(1), 47–84.

Legal Case

McCord v. Maggio, 910 F.2d 1248, 1249 (5th cir, 1990).

STAFF TRAINING

As with most other jobs, new correctional staff undergo period of training before they enter the institutions where they will work. As attempts have been made to professionalize the career of corrections, training has become more detailed and continuous. These days, most officers are expected to participate in job-skills sessions throughout their tenures. The effectiveness and level of such courses, however, are often contentious.

HISTORY

Little attention was given to correctional training in the United States until the 1960s. As late as 1966,

more than half the correctional systems had no organized training, and most correctional agencies had no central unit for planning and implementing it. It was not until Congress established the Law Enforcement Assistance Administration (LEAA), with primary responsibility for administering a massive grant program to support state and local criminal justice training, that a national effort began to provide instruction for line staff in correctional institutions and prisons.

By the end of the 20th century, correctional staff training was being provided in every state and the Federal Bureau of Prisons. Classes are offered by state and local correctional agencies, state academies, multistate academies, The Federal Bureau of Prisons' Management and Specialty Training Center, the National Institute of Corrections, the National Academy of Corrections, the Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Assistance.

Often, private contractors conduct direct training programs and market self-training packages. Professional associations also play an important role in developing and implementing staff courses for corrections. These associations include the American Correctional Association, National Sheriffs' Association, American Probation and Parole Association, American Jail Association, International Association of Correctional Training Personnel, and Training Resource Center at Eastern Kentucky University.

TRAINING PROGRAM STANDARDS

The American Correctional Association (ACA) published the first standards for staff instruction in late 1970s. These standards addressed three areas: administration and management, physical plant, and academy operations. They set out the requirements for standardized competency-based curriculum training of at least 120 hours during the first year of employment, plus an additional 40 hours each subsequent year. Finally, they mandated preservice, inservice, and specialized training, with courses responsive to position requirements, professional development needs, current correctional issues, and new theories, techniques, and technologies.

The ACA policy for corrections adopted in 1991 call for correctional agencies to provide ongoing instruction, because it is essential to maintain work standards, refine skills, expand knowledge, avoid burnout, and keep up to date with changes in correctional philosophy, policies, and procedures. The policy supported "providing opportunities for, and encouraging participation in training and education that promotes personal and professional growth [for] maximizing agency productivity and employee satisfaction" (Morton, 1991, p. 77).

GOALS AND OBJECTIVES

Increasingly the emphasis in staff courses is placed on the development of the whole person who is capable of contributing significantly to the accomplishment of organizational goals and objectives while at the same time satisfying personal needs. Modules include developing knowledge and skills for critical thinking, cognitive behavior, problem solving/decision making, stress management, conflict resolution, negotiation, arbitration, and relapse prevention. Lessons often address a range of learning styles and prepare correctional staff for roles as leaders, planners, team players, facilitators, organizational change agents, motivators, coaches, and mentors. Recognizing the impact of rapid changes in society, international relations, technology, and the rising mix of diverse populations in American corrections institutions, correctional organizations are also implementing programs on diversity and technological innovations.

The Federal Bureau of Prisons has a wide range of course offerings, including comprehensive programs in all disciplines and job specialities within the bureau. Preservice training is offered in specialized areas, including self-defense and firearms, interpersonal communications, supervision, correctional law, inmate personality profiles, suicide prevention, managing diversity, female offenders, and stress management. In addition, the National Academy of Corrections offers special programs for correctional personnel, addressing both job-specific needs and areas such as cognitive approaches to changing offender behavior, special

needs offenders, cultural diversity, and stress management. The academy has also developed and implemented special initiatives to help smaller correctional agencies build the capacity to conduct in-house training. Finally, states also offer a number of training options.

PROGRAM DELIVERY

Correctional training programs are implemented in a variety of ways. For example, by 1993, all 50 states had installed some form of videoconferencing equipment in their criminal justice programs. The National Institute of Corrections (NIC) makes wide use of distance learning programs, interactive training programs combining satellite teleconferencing with local on-site training activities managed by NIC-trained facilitators. In addition to traditional lecture-discussion, instructional strategies include videotaped lessons, audiotaped lessons, self-study programs, videoconferencing, teleconferencing, computer conferencing, and interactive video. Automated systems capable of translating written or spoken words to facilitate training non-English-speaking staff, as well as virtual reality techniques, also exist to help train correctional officers and others to respond to escapes, medical emergencies, and disturbances. The Internet, DVDs, CD-ROMs, and the interactive video disk (IVD) round out the use of technological innovations. All have transformed the learning process into a more interactive one.

CONCLUSION

These days, training of staff employed in correctional institutions and prisons is an integral component of correctional systems at local, state, and federal levels in the United States. Preservice and in-service instruction of all correctional staff is based on standards and policies adopted and monitored by the American Correctional Association and International Association of Correctional Training Personnel. Such an emphasis on learning ensures that staff will be kept abreast of changing views about punishment and treatment and encourages staff to take pride in their jobs, leading to an increased sense of professionalism.

—T. A. Ryan

See also Accreditation; American Correctional Association; Correctional Officers; Correctional Officer Pay; Correctional Officer Unions; Federal Prison System; History of Correctional Officers; Managerialism; Professionalization

Further Reading

American Correctional Association. (1993). *Standards for correctional training academies*. Laurel, MD: American Correctional Association.

American Correctional Association. (1996). *Standards supplement*. Lanham, MD: American Correctional Association.

Boyles, C. A. (1996, Spring). Trainers' newest challenge. *Journal of Correctional Training*, 16–18.

Carter, D. (1992, Winter). The status of education and training in corrections. *Journal of Correctional Training*, 6–9.

Dooley, M. J. (1998, Spring). Integrating technology and training. *Journal of Correctional Training*, 23–25.

Gengler, W., & Riley, C. (1995). Two states' training programs lead the way to the 21st century. *Corrections Today*, *57*(3), 104–107.

Hahn, P. H. (1996). Standardized curriculum for correctional officers. *The Keepers' Voice*, *15*(4), 6.

Johnson, R. (1993, Spring). History of correctional training: A national perspective. *Journal of Correctional Training*, 12–17.

Khan, E. (1993, Spring). Correctional workforce diversity and multiculturalism in the USA. *The Correctional Trainer*, 16–21.

Lear, G. E., Jr. (1997, Winter). A look at using technology to train. *Journal of Correctional Training*, 27–29.

Morton, J. B. (Ed.). (1991). *Public policy for corrections* (2nd ed., pp. 76–78). Laurel, MD: American Correctional Association.

President's Commission on Law Enforcement and Administration of Justice. (1967). *Task force report on corrections*. Washington, DC: U.S. Government Printing Office.

Ryan, T. A. (1996, Winter). Correctional staff training: A vision for the future. Journal of *Correctional Training*, 6–11.

STATE PRISON SYSTEM

Prisoners in the United States may be held in county jails, state prisons, or federal facilities. County jails are used primarily to hold defendants

during court proceedings and those who have been sentenced to a period of less than a year. State prisons usually house people who have been found guilty of state felonies and are sentenced to prison to serve a year or more. Federal prisons incarcerate persons found guilty of violating federal or military law. State prisons are also sometimes referred to as "penitentiaries," "correctional institutions," "reformatories," "detention centers," or "work camps."

HISTORY

In 1790, the Walnut Street Jail in Philadelphia provided the first separate housing of long-term prisoners in a cellblock called the "penitentiary house." The Pennsylvania legislature then authorized two new prisons: the Eastern State Penitentiary (also called Cherry Hill) in Philadelphia and the Western Penitentiary in Pittsburgh. Western opened in 1826, while Eastern began accepting prisoners in 1829. In the Pennsylvania system, prisoners entered and exited the prison wearing hoods to conceal their identities. They were isolated in large "outside" cells where they worked, ate, and slept alone, doing penance for their crimes. The prisons had interior corridors or gangways with the cells on the outside walls, each with a door to a small exercise area.

The state of New York developed the "Auburn" or "congregate" system with the opening of Auburn Penitentiary in 1817. In contrast to the segregation of prisoners in the Pennsylvania system, the Auburn system housed prisoners in small "inside" cells arranged on tiers with corridors along the outside walls. The convicts were marched every day to the mess hall for meals and to work sites. Auburn was infamous for enforcing strict and harsh discipline. The prisoners wore striped uniforms and were required to walk in lockstep, with each man holding the shoulder of the convict in front of him while maintaining absolute silence. Convicts were disciplined with flogging, beatings, and confinement in "the hole"—in solitary confinement.

The Auburn system was widely adopted across the country because of the economic efficiency it provided to house more prisoners in less space. Large penitentiaries were built in which hundreds of prisoners were concentrated in huge cellblocks. This allowed for prisons to develop vocational and industrial work programs at which the convicts would spend their day hours and then return to their cells.

States developed specialized prisons to incarcerate different populations. The first reformatory for young men was Elmira Reformatory, opened in 1876 in New York. The idea of separating young from older men spread, as 17 more states opened reformatories between 1876 and 1913. At the same time, many states opened separate prisons for women.

Following the Civil War, Southern states did not build Pennsylvania- or Auburn-style penitentiaries. Instead they developed a brutal convict lease system in which former slaves were imprisoned and then rented back to plantation owners. Convicts were also kept on large prison farms (e.g., Angola in Louisiana) and used as labor in mines and on chain gangs to drain swamps and build roads.

In the 20th century, Northern states built large industrial prisons where convicts worked in factories. During the Great Depression (1929–1940), federal and state government passed legislation prohibiting state prisons from producing merchandise that competed with free labor. The Federal Bureau of Prisons retained an exception whereby prisoners could produce items for government use. Federal prisoners manufactured and assembled goods for the military during World War I and II.

Today, states operate prisons of various design and security level. Over the years many of these prisons have been the scenes of riots and uprisings, for example, California's Folsom Penitentiary (1927 and 2002), New York's Attica Correctional Facility, (1971), Michigan's Jackson Penitentiary (1953 and 1983), the West Virginia Penitentiary (1986), the New Mexico Penitentiary (1993), and the Lucasville, Southern Ohio Correctional Facility (1993). Despite the new designs and correctional philosophies, the violence continues unabated.

POPULATION CHARACTERISTICS

At year-end 2003 there were more than 1,500 state prisons in operation across the country, with more than 1.2 million prisoners confined within them.

A closer examination of prison statistics shows that the likelihood of being confined is not distributed evenly among the population. Thus, 12% of African American males in the United States are incarcerated, compared to 4% of Hispanic males and 1.7% of white males. These percentages mean that there are approximately 5,000 African American prisoners per 100,000 in the community, compared to 1,700 Hispanics per 100,000 and 700 whites per 100,000. For men age 30, the rate of incarceration for African Americans is nearly nine times that of European Americans.

State prisons vary greatly, ranging from "big house" or "mainline" penitentiaries that incarcerate several thousand convicts to minimum-security camps with a few hundred men or women. California and Texas operate the largest state prison systems, together making up nearly 25% of the national state prison population. As of 2003, for example, the California Department of Corrections had more than 180,000 persons in prison. This included 32 state prisons ranging from maximum to minimum custody, 37 camps, 12 community correctional facilities, and 5 prisoner mother facilities. The prisoner population is 94% male, 6% female; 29% white, 29% black, 36% Hispanic, and 6% "other." One year earlier, in 2002, the Texas Department of Criminal Justice incarcerated more than 130,000 prisoners. The state of Texas operates or funds more than 100 prisons, state jails, private, and psychiatric facilities. Nine of these institutions are reserved for women, while the state jails may hold both males and females.

WOMEN IN PRISON

Women are the fastest growing segment of the prison population. At present, they comprise approximately 6% of the state prison population. A number of states, including Connecticut, have only one penal facility for women. These establishments hold all females under sentence and awaiting trial. Other states with large populations may have many different types of penal facilities. California has five prisons for convicted female felons, and Texas has nine prisons for women. Whereas in the past all women's facilities were small, a number of new penal institutions now have populations of more than 3,000 women.

Wherever they are located, the experiences of female prisoners are often very different from those of male prisoners. For example, most women are incarcerated in prisons that include minimum-, medium-, and maximum-security classifications. The majority of women in these facilities live in dormitories, a smaller number in cellblocks, with a few in solitary confinement or on death row. Security level is usually decided by institutional behavior rather than criminal offense or length of sentence. For example, younger prisoners may be assigned higher security classifications, regardless of sentence. Older women, even those with violent offenses, may be in minimum-security dormitories.

California, Texas, and New York have some women's prisons with separate security classifications. For example, California has new medium-security prisons for women with security features identical to those in men's prisons. New York has long operated a maximum-security prison for women at Bedford Hills. Though studies suggest women are less violent than men while in prison, this may change. As more female prisoners serve longer sentences, and larger and more secure prisons are constructed, their conditions of confinement, including levels of stress and violence, may come to resemble those experienced by male prisoners.

Depending upon the state, female prisoners generally have less access than males to prison rehabilitation programs, since states have been less inclined to fund programs for females. Traditionally, women have had only highly gendered programming, such as family, clerical, and domestic servant vocational programs. Today, a number of facilities have expanded programs to include construction trades and factory work.

PRISON CELLS, SECURITY, AND CONSTRUCTION FEATURES

Most state correctional systems are overcrowded. As a result, their prisons currently hold more men or women than their legal population capacities

allow. In such institutions, prisons officials often double-bunk cells, move four prisoners into two-person rooms, or install beds or simply mattresses on the floor along cellblock corridors or hallways. They also turn recreational and program space into ad hoc dormitories, with beds placed in gymnasiums and classrooms. In some prisons, with the hallways lined with beds, there may be no space for prisoners to exercise indoors or participate in education, vocational training, counseling, or prerelease programs.

Depending on the level of overcrowding, prisoners may be confined in cells alone or with one or more cellmates. In maximum- (e.g., San Quentin State Prison in California) and medium-security prisons (e.g., Racine Correctional Institution in Wisconsin), the cells may range from approximately 40 to 80 square feet. Each cell may have beds, a combination toilet and sink, foot lockers for personal possessions, and a small desk or table and chair. Cells are constructed of cement and steel. They may be rooms with concrete walls and steel doors, or cages with bars. In minimum-security prisons, prisoners may live in dormitory-style rooms with one or many prisoners. Some dormitories are constructed of concrete blocks with steel security doors, with hundreds of prisoners sleeping on bunk beds. The prisoners use communal showers and are locked in at night.

The dramatic increase in the numbers of people incarcerated in the United States has created a boom in prison construction. Hundreds of new prisons have and are being built. These correctional facilities, both urban and rural, range from minimum to supermaximum security. Traditionally, "minimum security" refers to camps with no fences. In comparison, medium-security facilities have heavy razor wire fences, and maximum-security facilities feature both fences and a wall.

Today, even people who have been convicted of nonviolent offenses have been sentenced to longer sentences. Many of these prisoners, some of them serving their first prison sentence, begin serving 1- to 10-year sentences in minimum-security facilities. As prison sentences lengthen, many camps have been fenced in to stem the increasing problem with escapes, called "walk-aways." Convicts who violate minimum-security regulations are transferred to medium security.

Medium-security prisons, traditionally known as "reformatories" (e.g., Kentucky State Reformatory) for young adult prisoners, and as "gladiator schools" by prisoners, have added security features including double fences, gun towers, and internal control architecture that resembles higher-security institutions. The old reformatories, built in the early 1900s, were built to be "junior penitentiaries" with cellblocks of cages, industrial workshops, and some vocational and educational programs.

There are two styles of new construction medium-security institutions. The first style (e.g., Green River Correctional Complex in Kentucky) is built of steel and concrete, with a yard and separate buildings for administrative offices, factories, recreation and programs, and housing convicts. The housing units are separate buildings, with individual "pods" that house a few hundred prisoners each and are usually one or two floors tall. These units organize prisoners into disciplinary steps, with each building representing a different level of privilege. For example, there may be a building for reception and departure (R&D), a unit for new prisoners, and additional units for ascending levels of good behavior. In addition, each prison may have special cellblocks, called "administrative segregation" or "special housing units" (SHU) for disciplinary violators ("the hole"), protective custody (PC), medical prisoners, gang isolation, or drug therapy. Prisoners are moved from one unit to another as they are evaluated, disciplined, or isolated as decided by the prison administration.

The second style is a cheaper version built with minimal consideration for the daily needs of prisoners. Many states are attempting to save on construction costs by building new medium-security prisons of fabricated steel and concrete, with little stone or brick. The buildings may resemble large farm sheds or large metal pole barns with few windows on a concrete foundation. These penal facilities act as human warehouses, consisting of little more than security perimeters and housing units. The institution may have no recreational yard or gym, factories, or programs. The prisoners live in vast dormitory-style

housing units with hundreds of men sleeping on bunk beds stacked two high and arranged a few feet apart. Prisoners refer to these hastily constructed institutions as "bus stops," "pig pens," or "dog kennels," because of the chaotic confusion of living for years in huge open dormitories. Many medium-security prisoners are transferred to maximum-security institutions for disciplinary infractions.

Maximum-security prisons can be divided into three separate categories: the old "big house" penitentiaries (e.g., Kentucky State Penitentiary), New Generation facilities (e.g., California State Prison, Corcoran), and supermaximum institutions (e.g., Wisconsin Secure Program Facility). The big house penitentiaries (e.g., Attica in New York, Jackson in Michigan, Joliet and Statesville in Illinois, Waupun Correctional Institution in Wisconsin), many of them built in the late 19th or early 20th century, are fortress-like structures, enclosed by walls 30 to 50 feet high, with buildings made of stone, brick, concrete, and steel, containing massive cellblocks, some five tiers high. These ancient prisons are still operating, even as they are supplemented by the construction of modern penitentiaries.

The New Generation penitentiaries may appear, from a distance, like factories, except they are enclosed by heavy security fences and gun towers. There are no tall walls. The double or triple chain-link perimeter fence is layered with rolls of razor wire that may carry an electric current and includes remote sensors and video cameras to alert the guards of attempted escapes. Inside, these correctional institutions may have a dining hall and "yard," and limited space designated for convict employment, recreation, or education. The housing units, like the first style of medium-security prisons, are "pod" construction, which is expensive and requires separate structures, each with its own staff offices. Some of these pods may have separate rooms for one or two convicts, each with a metal door, half-bath, and communal showers at the end of each tier. Trustee prisoners may have keys to their rooms. In comparison, disciplinary prisoners may be locked in their rooms and fed meals through the door slot (*wicket*). Unit construction of concrete block walls and cement floors is generally considered by prisoners to be an improvement over traditional cellblocks of multiple iron cages.

In addition, medium- and maximum-security prisons may have special cellblocks, units, or dormitories for prisoners with chronic or acute problems, for example, the elderly, medical or mentally disabled, or sexually deviant. Some prison systems have separate hospital prisons (e.g., California Medical Facility) for elderly or ill convicts. Some prisons have entire cellblocks occupied by prisoners who have HIV or AIDS, are mentally retarded or mentally ill, or are homosexual. Nationally, there appears to be a trend to incarcerate homeless and vulnerable populations that local governments no longer want to provide with community medical or mental health services.

Virtually every secure facility has an isolation unit or disciplinary cellblock in which disruptive, difficult to manage, aggressive, or escape-risk prisoners are kept, sometimes for months or years. Many of these convicts are men who have served many years in prison. Typically, this population, many of them prisoners serving long sentences, represents less than 1% of the total population but can have a major impact on the prison system in general. Within this population is a small subset of prisoners who are the most violent and difficult to manage, even in the confinements of a secure segregation unit. The management of this relatively small number of prisoners has consumed a tremendous amount of resources and effort due to the serious potential threat they pose to staff and other prisoners.

States have recently turned to "supermax" units or institutions (e.g., Pelican Bay State Prison in California) to control the most disruptive or potentially troublesome prisoners. The conditions of confinement in these prisons are more restrictive than death row. Supermax prisons have no educational or vocational programs, with prisoners provided only limited visiting time with family, phone communication, and access to the law library and confined for the duration of their stay in austere 60–80-square-foot cells. These are lockdown facilities, with no convict movement; prisoners are kept locked in their cells 23 to 24 hours a day. Inside these correctional dungeons, prisoners are kept as "isolated

animals," subject to severe sensory deprivation. The convicts are expected to deteriorate over time, be systematically broken, and in the end, surrender what secrets they may know to prosecutors, become informers, moderate their resistance to imprisonment, or have mental breakdowns.

LENGTH OF SENTENCES

In all state prison classification systems, the time to be served, not the crime committed, is the most important factor for deciding where a person will be housed: maximum, medium, or minimum security. The first lesson a new prisoner learns is that he or she must do distinct stretches of time differently. Depending upon the length of sentence and the security level, the prisoner must modify his or her demeanor and daily behavior and adapt to the specific cultural requirement of each institution. As they are moved from one security level to another, prisoners experience dramatic changes in administrative rules, regulations, attitudes toward prisoners, and operational procedures. The convict code, culture, and prisoner attitude toward prison administrators changes according.

JOBS

Prisoners do not have a choice in determining what jobs they will do or whether they will work at all. Recent reports suggest that one-quarter of the entire prison population is idle and is not participating in any meaningful work or education programs. Typically, those who are employed work at menial labor for little or no "prison pay." Some of the jobs include kitchen work, barbering, working as dorm or cellblock orderlies, maintenance, laundry, or prison industries. The bulk of prisoners are occupied doing field, cafeteria, maintenance, or factory labor. Some prisons have hog or dairy farms, canneries, furniture shops, computer repair shops, or factories that manufacture prison apparel.

Most state prisons reserve clerical jobs for trustee prisoners with at least some college education. Generally, they are at least expected to know how to type, file, write correspondence, and keep records. Convicts may work as clerks in prison administrative, medical, or educational, vocational, or industrial offices. These "inmate clerks" may also manage laundry, commissary, or kitchen services.

In some southern states, prisoners labor in large agricultural and road repair operations. Other convict work crews are used to pick fruit, cotton, or sugarcane on farms or clean highway rest areas. They may be guarded by correctional officers on horses or in pick-up trucks. If prisoners try to flee, officers have permission to use deadly force. Some states still use chain gangs, where prisoners are chained together, wear striped suits, and are forced to perform hard labor.

EDUCATION AND VOCATIONAL PROGRAMS

Prisoners may participate in the few programs designed to assist or enhance their ability to succeed upon release, such as education, vocational training, prison industry, substance abuse treatment, or counseling programs. All state prisons provide limited educational programs to prisoners, including adult basic education (8th grade) and general equivalency diploma/GED (12th grade) programs. Since the abolition of Pell grants for prisoners in 1994, very few prisons offer college courses. Vocational training is usually closely related to work performed for the prisons, for example, car repair, welding, carpentry, brick masonry, painting, electrical, or plumbing. Only a few convicts in each prison are assigned to these maintenance and training programs.

SERVICE ORGANIZATIONS

Some prisons allow convicts to organize service clubs such as Alcoholics Anonymous, Narcotics Anonymous, Toastmasters, Kiwanis, Ice Breakers, or Lifers. These clubs may serve noble purposes and allow prisoners to feel that they are contributing something positive to the outside world. Individuals in these organizations may raise money for charity, purchase gifts for orphans, and contribute free labor

to church construction and repair. State prisons may also have religious organizations that enable prisoners to participate occasionally in community and service activities.

RELIGIOUS AFFILIATIONS

All state prisons offer various religious services for prisoners. No prison is allowed to discriminate against an established religious affiliation. Prisons usually have a chapel where services are held on different days. Some prisons may have a "no pork" or kosher food menu available for Muslim or Jewish prisoners. Local religious groups may provide volunteers who enter the prison to attend services and visit with prisoners.

RETURNING HOME

People leaving prison are usually released empty-handed, with little or no "gate money." They attempt reentry to the free world with few prospects for success. As ex-convicts, they may have difficulty finding employment. Many return to communities that are blighted by high rates of crime and unemployment. A large percentage of released prisoners will violate technical parole rules and be returned to prison during the first three years on the street. Some number of former state prisoners who served long sentences or multiple stretches behind bars will become derelicts who live in homeless shelters, cheap hotels, or under bridges and suffer from alcoholism, drug addiction, or mental illness. A smaller number who may receive support from families or friends will serve out their parole successfully and never return to prison.

CONCLUSION

State prisons now incarcerate more than 1.2 million men and women. Life inside these penal institutions is generally harsh, brutal, and dull. Many states devote few resources to rehabilitation or reformation of prisoners while in prison, or reintegration of ex-felons when they return home to the community. Given that approximately 97% of those currently incarcerated will one day be released, the problems within the nation's state correctional facilities are destined to be passed onto the broader community.

—Tracy Andrus and Stephen C. Richards

See also Auburn Correctional Facility; Bedford Hills Correctional Facility; Convict Criminology; Contract Facilities; Corcoran, California State Prison; Deprivation; Eastern State Penitentiary; Elmira Reformatory; England and Wales; Federal Prison System; Food; History of Prisons; Importation; Labor; New Mexico State Penitentiary; Overcrowding; Parchman Farm; Pelican Bay State Prison; Prison Culture; Prisoner Reentry; Privatization; Protective Custody; Racial Conflict Among Prisoners; Religion in Prison; San Quentin State Prison; Women's Prisons; Work-Release Programs

Further Reading

Austin, J., & Irwin, J. (2001). *It's about time* (3rd ed.). Belmont, CA: Wadsworth.

Austin, J., Marino, A. B., Carroll, L., Mc Call, P. L., & Richards, S. C. (2001). The use of incarceration in the United States. American Society of Criminology National Policy Committee. *Critical Criminology: An International Journal, 10*(1), 17–41.

Belknap, J. (1996). *The invisible woman: Gender, crime, and justice.* Belmont, CA: Wadsworth.

Burton-Rose, D., Pens, D., & Wright, P. (Eds.). (1998). *The celling of America: An inside look at the U.S. prison industry.* Monroe, ME: Common Courage.

Chesney-Lind, M. (1997). *The female offender: Girls, women and crime*. Thousand Oaks, CA: Sage.

Clear, T. R., & Cole, G. (2003). *American corrections* (6th ed.). Belmont, CA: Wadsworth.

Irwin, J. (1970). *The felon*. Englewood Cliffs, NJ: Prentice Hall.

Jones, R. S., & Schmid, T. J. (2000). *Doing time*. Stamford, CT: JAI.

Owen, B. (1998). *"In the mix": Struggle and survival in a women's prison*. Albany: State University of New York Press.

Richards, S. C., & Ross, J. I. (2003). Convict perspective on the classification of prisoners. *Criminology and Public Policy*, *2*(2), 243–252.

Rideau, W., & Wikberg, R. (Eds.). (1992). *Life sentences: Rage and survival behind bars*. New York: Times Books.

Ross, J. I., & Richards, S.C. (2002). *Behind bars: Surviving prison*. New York: Alpha.

Ross, J. I., & Richards, S. C. (2003). *Convict criminology.* Belmont, CA: Wadsworth.

Terry, C. M. (2003). *The fellas: Overcoming prison and addiction*. Belmont, CA: Wadsworth.

Tewksbury, R. A. (1997). *Introduction to corrections*. New York: Glencoe.

Useem, B., & Kimball, P. (1991). *States of siege: U.S. prison riots 1971–1986*. New York: Oxford University Press.

Welch, M. (2004). *Corrections: A critical approach.* New York: McGraw-Hill.

STATEVILLE CORRECTIONAL CENTER

Stateville Correctional Center in Lockport, Illinois, about 60 miles southwest of Chicago, is the best-known, most visible, and most violent prison in the state. During its 80-year history, it has housed such infamous criminals as Nathan Leopold, Richard Loeb, and Richard Speck, was the execution site of John Gacy, and has provided the backdrop for many movies scenes, including *Weeds, Bad Boys,* and *Natural Born Killers*. The imposing limestone Level 1 (or maximum security) facility takes up 26 walled acres in the middle of well-manicured grounds. Stateville's notoriety stretches beyond Illinois because of its unusual architectural design. "The 'Ville," as prisoners call it, or "Statesville," as outsiders tend to mispronounce it, is often confused with the much older but smaller Joliet maximum-security facility 5 miles away on the west side of the city of Joliet.

Stateville also has a Level 7 (or minimum security) "honor farm" about 1 mile from the main structure. Although the unwalled farm no longer produces agricultural products, it was a primary source of prison food in Stateville's early years, making the institution nearly self-sufficient. According to Stateville historians, Illinois Governor Dan Walker eliminated the agricultural, dairy, and pig-raising activities after wondering why the prison should be teaching farming when most of the prisoners came from the inner city of Chicago. Later, Walker was himself indicted for fraud and served time in federal prison. In the recent past, the farm offered programs such as auto body repair and education, but currently it houses low-security inmate workers for the main institution.

The combined daily population of the Level 1 and Level 7 units is about 2,596. The maximum-security unit, with a rated housing capacity of 1,506, houses about 2,200, with the remainder in the level 7 honor farm. In 2004, a new reception and classification center opened adjacent to the main compound, replacing Joliet.

HISTORY

At the turn of the century, Illinois's three maximum-security prisons—Joliet (opened in 1858, closed in 2002), Pontiac (1871), and Menard (1878)—and the medium-security institution in Vandalia (1921) were no longer sufficient to house a growing male prisoner population. Stateville was the product of the Illinois Penitentiary Commission, appointed in 1907 to develop a maximum-security prison near Chicago.

The architect of Stateville, W. Carlzo Zimmerman, visited the larger prisons in the United States and Europe. In his design, he was impressed especially by Jeremy Bentham's 19th-century Panoptical model. The Panopticon prison, a circular, multitiered, open structure with a guard tower in the center, was designed to provide a single officer with visual access into every cell and prisoner. Systematic surveillance of prisoners was thought to make prison control more effective and efficient by increasing discipline. At the same time, the architectural design meant that the prison required minimal numbers of staff to run it.

Construction, using mostly inmate labor, began in August 1916, and the facility was opened on March 9, 1925. The 33-foot-high walls with nine original guard towers were build on 64 acres, surrounded by another 2,200 of what was then farmland and prairie. The original buildings were comprised of an administration building in the front, connected a dining hall, four four-tier Panopticon units (C house, D house, E house, and F house), and one long, four-tier cellhouse (B house) divided lengthwise into two separate units, each of five tiers. According to prison historians, the long cellhouse replaced a planned fifth Panopticon structure because the state ran out of money.

Photo 5 *Inside view of prison area and guard station, Stateville, 1954*

VIOLENCE

While it may not be "the world's toughest prison" as Joe Ragen (1962), Stateville's notorious warden, called it, the institution earned a reputation for violence against both staff and inmates. Although there have been no officer fatalities in the past decade, eight correctional officers were murdered by prisoners between 1920 and 1992. During this time, fights, riots, and "hits" have taken the lives of dozens of prisoners. Violence and corruption by staff toward prisoners, once relatively common, have been dramatically reduced in the past two decades. Today, such incidents are extremely rare. When it does occur, the officers are prosecuted. In 2002, for example, two officers were indicted for beating an inmate, and in 2003, three staff were indicted for smuggling drugs and cell phones and for trading sex for drugs.

Stateville was also the site of various medical experiments on prisoners. In the most infamous example, during World War II antimalarial drugs were tested by infecting inmates. The efficacy of the drugs was determined by the degree of the prisoners' recovery. While there is no public record of how many prisoners became ill or died, it is clear that there was significant long-term sickness, even among those who were "cured" (Alving et al., 1946, p. 5).

THE DEATH PENALTY

Between 1928 and 1962, Stateville housed one of the state's three electric chairs and executed 13 of the 98 prisoners condemned during that period. Although there were no executions in Illinois between 1962 and 1990, Stateville become the only death chamber in Illinois until a new supermaximum facility in Tamms was opened. After executions were resumed in Illinois in 1990, 11 prisoners were executed in the institution before the execution chamber was moved to Tamms.

ESCAPES

Although escapes from Stateville were fairly common in the first decade of its existence, they have been relatively rare in the past 60 years. The most notorious, in 1942, occurred when gangster Robert Touhy and six companions drove a garbage truck through the walls. Since then, the bulk of the escapes have been "walk-aways" or escaping while in transit from the prison to another location. However, in the early 1980s, four prisoners scaled the wall on New Year's Eve, concealed by construction, when guard towers were understaffed. The most creative escape occurred in 1987 during the filming of the movie *Weeds*, when a prisoner disguised himself as a movie technician and rode out with movie personnel. Nonetheless, Stateville generally remains secure.

ARCHITECTURE

Stateville was originally designed to hold five Panopticon cellblocks, but financial constraints limited construction to four, with the fifth replaced by a long rectangular cellhouse. During massive renovations in the early 1980s, the state tore down all but one of the massive Panopticon roundhouses in 1982, preserving one, F House, as part of the institution's history. It is the last remaining Panopticon cellhouse in the United States, and reputedly the last one functioning in the world.

As more efficient technological advances continue to influence prison design and operation to

control prisoners, Stateville has shifted from the "big house" model of large cellblocks to smaller structures. The former B house, five tiers within a 420-foot structure, was once reputedly the longest cellhouse in the world (a claim disputed by Jackson, Michigan's similar structure). However, in the 1990s, as a means to control prisoners' movement and keep them more closely confined, the building was remodeled, transforming the building into four units, Units B and E (145 cells each) and Units C and D (140 cells each).

TRANSFORMATIONS

In his classic book on Stateville, Jim Jacobs (1977) traces the dramatic organizational and other changes occurring in the prison that resulted from broader social influences. The first, *anarchy* (1925–36), reflected the early days in which there was considerable chaos, no administrative leadership, poorly trained staff, idle inmates, and routine violence. Following public and political criticism, an era of *charismatic dominance* (1936–61) emerged under the authoritarian leadership of Joe Ragen. A strict disciplinarian of both staff and prisoners, Ragen imposed control, formality, and enforced staff professionalism. His ability to "keep the lid on" resulted in near-total institutional autonomy, and he was subject to virtually no external pressures or oversight. Although this model of administration may have been effective for the time, it was not appropriate for the changing social and political climate of the 1960s.

When Ragen left the institution in 1961 to become Illinois Director of Public Safety, the forerunner to the Department of Corrections, he created a leadership vacuum that Jacobs labels *drift* (1961–70). The decade of the 1960s was characterized by lack of vision, bureaucratic confusion, and dramatic social changes outside the walls. Ironically, in Ragen's new position as Director of Illinois Prisons, he contributed to the institutional autonomy that he had created at Stateville by attempting to gain centralized control over the five adult institutions that comprised the Illinois system at that time. Ragen's style was unworkable in the era of civil rights, changing racial consciousness, and changing prisoner demographics. The dramatic emergence of prisoner litigation, which allowed prisoners to sue their keepers in federal court for poor conditions, mistreatment, or violations of constitutional rights, further eroded administrative authority. The introduction of a more formally bureaucratic and rehabilitation-oriented ethos further conflated the problems of how to bring Stateville into line with the changing times. Jacobs describes this era as a phase in which Ragen's patriarchal style, based on traditional authority, was moving toward the more rational-legal style that characterizes formal organizations. But, despite a succession of wardens, Stateville's administrative drift led to a period of *crisis* (1970–75) characterized by low staff morale, the intrusion of outside forces, the strong influence of street gangs, and a lack of mission. However, these problems were endemic to the Illinois Department of Corrections (IDOC) in general, and Stateville simply typified the extremes of the problems.

From 1975 to 1982, a period of what Jacobs called *restoration* emerged. This time was characterized by an attempt to regain control of the institution by increasing security, developing a more professional and trained staff, and increasing a variety of educational, vocational, and other programs. However, restoration was inhibited by the continued highly politicized nature of IDOC and the tenuous nature of wardens' job security. The leadership problems came to a head in 1980, when the warden was replaced after a chop-shop scandal with roots in the prison's auto repair program.

Between 1982 and 1985, Stateville began to modernize, beginning with architecture and a shift to a form of unit management. Two new K-style units were opened, housing primarily inmates in protective and disciplinary custody. Inmates are also housed in Unit G, a medium-security building. Once called "the honor dorm" before the term *honor* fell out of favor among administrators, Unit G houses up to 205 prisons in rooms with two to five beds.

Over the next decade, three of the four Panopticon roundhouses were torn down. In 1996, a graphic tape of mass murderer Richard Speck was

released to the media, which showed Speck having sex with an inmate and snorting what appeared to be cocaine. Although what was revealed in the tape led to public outrage and legislative hearings, it also led to dramatic changes in laws and policies, resulting in the building of a supermaximum prison, reduction in inmate privileges in all institutions, and a revamping of Stateville's mission. Educational, vocational, and other programs were eliminated, and Stateville became an institution designated primarily for warehousing long-term violent felons.

FUTURE

The future mission of Stateville remains uncertain. Over the short term, it will presumably continue to house long-term inmates. The closing of the old Joliet prison reduces space available for maximum-security inmates, and as of this writing a new maximum-security prison in Thompson remains unused because of budget cuts. The costs to continue to renovate a nearly century-old prison are becoming prohibitive, and it may well be that Stateville will eventually be closed and replaced with a more modern institution.

—Jim Thomas

See also Jeremy Bentham; Escapes; Michel Foucault; Governance; Legitimacy; Managerialism; Panopticon; Joseph E. Ragen; Riots; Sing Sing Correctional Facility; Violence

Further Reading

Alving, A. S., Graige, B., Jr., Pullman, T. N., Merrill Whorton, C., Jones, R., Jr., & Eichelberger, L. (1946, December). Procedures used at Stateville Penitentiary for the testing of potential antimalarial agents. *Journal of Clinical Investigation*, *27*, 2–5.

Illinois Department of Corrections. *Fiscal year 2001 annual report* (FYAR). (2001). Springfield: Illinois Department of Corrections.

Jacobs, J. B. (1977). *Stateville: The penitentiary in mass society*. Chicago: University of Chicago Press.

O'Connor, M. (2000). 2 guards at Stateville are charged in inmate beating. *Chicago Tribune*, November 29, Metro Section, p. 7.

O'Connor, M. (2003). 3 guards charged in aiding inmates. *Chicago Tribune*, August 22, Metro Section, p. 8.

Parsons, C. (1996). Politicians, media crowd speck hearing. *Chicago Tribune*, May 16, p. 5.

Ragen, J. E. (1962). *Inside the world's toughest prison*. Springfield, IL: Charles C Thomas.

Recktenwald, W. (1987). Convict casts himself as escapee inmate; rides movie truck from Stateville to freedom. *Chicago Tribune*, February 23, p. 3.

Stateville Correctional Center. (2002). *Visitor Pamphlet: Stateville Correctional Center*. Lockport, IL: Stateville Correctional Center.

Stateville. (n.d.). *Illinois Department of Corrections*. Retrieved from http://www.idoc.state.il.us/subsections/facilities/information.asp?instchoice=sta

Whiteside, J. (2001). *Maximum security is no match*. Retrieved from http://www.suburbanchicagonews.com/heraldnews/history/chapters/chapter_34.htm

STATUS OFFENDERS

Within the juvenile justice system there is a category of offenses known as *status offenses*. These are offenses that apply to youths; that is, if they were to be committed by an adult, they would not be considered criminal. The following offenses are usually included within the status offense category: (1) running away, (2) truancy, (3) curfew violation, and (4) a catch-all category of behavior known variously as "incorrigible," "unmanageable," "beyond control," and the like. In some states, offender categories like PINS (persons in need of supervision) and CHINS (children in need of supervision) are substituted for the offense categories.

Some states, such as Montana, have statutes where incorrigibility is subsumed under YINS (youth in need of supervision), which is defined as a child who "habitually disobeys the reasonable and lawful demands of his [or her] parents or guardian, or is ungovernable and beyond their control" (Bortner, 1988, p. 96). In other states, a child who "is in danger of leading an idle or immoral life," who is a "wayward child," who "endangers the morals of himself or others," or "who associates with vagrant, vicious or immoral persons" can be brought before the juvenile court (Bortner, 1988, pp. 98–100).

Status offenders are often treated more harshly than their more delinquent counterparts. Throughout the history of the juvenile justice system, a large

percentage of those detained and committed to institutions have been status offenders, often reaching as many as one-fourth or more of the total population. Recent figures show that while the percentages of those detained and committed to juvenile training schools who are status offenders has declined in recent years, these offenders nevertheless constitute a significant proportion of the incarcerated youth in the United States.

Status offenses have generated a great deal of debate over the years. Many have charged that they should be ruled unconstitutional on the grounds of "void for vagueness." It is, after all, difficult to determine precisely the meaning of "habitual disobedience," "lawful parental demands," or "being in danger of leading an idle or immoral life." More specifically, many feel that these laws violate the Eighth Amendment, because punishment ensues from status rather than behavior. Still another argument is that such laws deny children equal protection because they apply only to children. Further, it is proposed that status offenders are denied due process in that they are deprived of liberty "in the name of treatment" (Bearrows, 1987, pp. 184–185).

GENDER

The early history of the juvenile court reveals a large discrepancy between the treatment of status offenders and those who committed regular crimes, especially when the offenders were girls. Studies of early juvenile court activity reveal that nearly all of the girls who appeared in these courts were charged with the specific status offenses of "immorality" or "waywardness." The sanctions for such misbehavior were extremely severe. For example, the Chicago Family Court sent half the girl delinquents but only a fifth of the boy delinquents to reformatories between 1899 and 1909. In Milwaukee, twice as many girls as boys were committed to training schools. In Memphis, females were twice as likely as males to be committed to training schools.

In Honolulu during 1929–1930, more than half the girls referred to juvenile court were charged with "immorality," which meant there was evidence of sexual intercourse; 30% were charged with "waywardness." Evidence of immorality was vigorously pursued by both arresting officers and social workers through lengthy questioning of the girls and, if possible, with males with whom they were suspected of having sex. Other evidence of "exposure" was provided by gynecological examinations that were routinely ordered in most girls' cases. Doctors, who understood the purpose of such examinations, would routinely note the condition of the hymen. Girls were twice as likely as males to be detained for their offenses, and on average spent five times as long in detention as their male counterparts. They were also nearly three times more likely to be sentenced to the training school. Indeed, half of those committed to training schools in Honolulu well into the 1950s were girls. These trends continued into the 1970s, after which the movement toward the deinstitutionalization of status offenders began, reducing some of these discrepancies.

PARENS PATRIAE

This "double standard" within the juvenile justice system is not a recent phenomenon, for it dates back as far as the 19th century, when females were consistently committed to "houses of refuge," "reform schools," and "training schools" at rates far in excess of their male counterparts. This tendency stemmed from the philosophy of *parens patriae*, which requires the state to act as a "substitute parent" if the actual parents or guardians were unable or unfit to take care of their children. *Parens patriae* originated in early English society as a means for the king to intervene on behalf of children whose parents had died, mostly among the well-to-do. In America, the practice shifted to the state intervening in cases of mostly poor and/or minority youth. The doctrine was challenged in the case of *Ex Parte Crouse*.

Filed in 1838, *Ex Parte Crouse* arose from a petition of *habeas corpus* filed by the father of a minor, Mary Ann Crouse. Without her father's knowledge, Crouse had been committed to the Philadelphia House of Refuge by her mother on the grounds that she was "incorrigible." Her father argued that the incarceration was illegal because the young woman

had not been given a jury trial. The justices of the supreme court of Pennsylvania rejected the appeal, saying that the Bill of Rights did not apply to juveniles. Based on the *parens patriae* doctrine, the ruling asked, "May not the natural parents, when unequal to the task of education, or unworthy of it, be superseded by the *parens patriae* or common guardian of the community?" (Pisciotta, 1982, p. 411).

The ruling assumed that the Philadelphia House of Refuge (and presumably all other institutions like it) had a beneficial effect on its residents. It "is not a prison, but a school," and because of this, not subject to procedural constraints (Sutton, 1988, p. 11). Further, the aims of such an institution were to reform the youngsters within them "by training . . . [them] to industry; by imbuing their minds with the principles of morality and religion; by furnishing them with means to earn a living; and above all, by separating them from the corrupting influences of improper associates" (Pisciotta, 1982, p. 411). The only evidence cited were statements by those in charge of the refuge. Subsequently, evidence came forth that contradicted such claims, and houses of refuge were eventually closed.

THE SITUATION TODAY

The Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) required that states receiving federal delinquency prevention money begin to divert and deinstitutionalize status offenders. Despite erratic enforcement of the provision and considerable resistance from juvenile court judges, girls were the beneficiaries of the reform effort. Incarceration of young women in training schools and detention centers across the country fell dramatically.

Nonetheless, there is considerable evidence that status offenders are still being harshly sanctioned. Even more disturbing are recent efforts to roll back the modest gains made in more equitable and appropriate treatment of status offenders or—even worse—to repeal the whole initiative. Just how deep the anti-deinstitutionalization sentiment among juvenile justice officials was became manifest during House hearings on the extension of the act in March 1980. Judge John R. Milligan, representing the National Council of Juvenile and Family Court Judges, cited extreme worst-case scenarios and said that

> the effect of the Juvenile Justice Act as it now exists is to allow a child ultimately to decide for himself whether he will go to school, whether he will live at home, whether he will continue to run, run, run, away from home, or whether he will even obey orders of your court. (Chesney-Lind & Shelden, 1998, p. 140)

The juvenile justice officials were successful in narrowing the definition of status offender in the amended act, so that any child who had violated a valid court order would not be covered under the deinstitutionalization provisions. The change, never publicly debated in either house, effectively gutted the act by permitting judges to reclassify a status offender who violated a court order as a delinquent. This meant that any girl who ran away from a court-ordered placement (a halfway house, foster home, or the like) could be relabeled a delinquent and locked up. Critics called this practice "bootstrapping," where status offenders were magically turned into "delinquents" when they were issued criminal contempt citations, referred or committed to secure mental health facilities, or referred to "semi-secure" facilities after they committed a second status offense.

One study of the impact of these contempt proceedings in Florida described them as disadvantageous to female status offenders. While they found only a weak pattern of discrimination against female status offenders compared with male status offenders, when considering "contempt citations," the pattern did not hold. Females referred for contempt were more likely than those referred for other criminal offenses to be petitioned to court, substantially more likely to be petitioned to court than males referred for contempt, and far more likely than males to be sentenced to detention. The typical female offender in the study had a probability of incarceration of 4.3%, which increased to 29.9% if she was held in contempt, a

circumstance that was not observed with the males. The researchers concluded that

> the traditional double standard is still operative. Clearly neither the cultural changes associated with the feminist movement nor the legal changes illustrated in the JJDP Act's mandate to deinstitutionalize status offenders have brought about equality under the law for young men and women. (Frazier & Bishop, 1990, p. 22)

CONCLUSION

Despite some gains since the passage of the Juvenile Justice and Delinquency Prevention Act (such as a decline in the number of girls in detention centers and training schools), studies of juvenile courts show that juvenile justice is far from gender blind, particularly in the treatment of status offenders. As juvenile courts begin their second century, it is unfortunately still all too easy to find evidence that girls coming into the system are receiving a special, discriminatory form of justice. According to the latest survey of youths in correctional institutions, while a total of 7% of all those committed are status offenders, female status offenders constitute 23% of all females committed, compared to only 4% of all males committed. Within private facilities, the percentage of females who are status offenders is even higher at 45%, compared to only 11% of the males; for public facilities, these percentages are 1% and 9% respectively. In other words, females are about eight times more likely than males to be committed for a status offense in all facilities, nine times more likely to be found in public facilities, and about four times more likely to be committed to private institutions (U.S. Department of Justice, 1999, p. 199). They are even found, in disproportionate numbers, in adult jails.

—Randall G. Shelden

See also Meda Chesney-Lind; Child Savers; Eighth Amendment; Gerry Gault; Juvenile Justice System; Juvenile Justice and Delinquency Prevention Act; Juvenile Offenders: Race, Class, and Gender; *Parens Patriae; Anthony Platt*

Further Reading

Bearrows, T. (1987). Status offenders and the juvenile court: Past practices, future prospects. In F. Hartmann (Ed.), *From children to citizens. Vol. 2: The role of the juvenile court.* New York: Springer-Verlag.

Bortner, M. A. (1988). *Delinquency and justice: An age of crisis.* New York: McGraw-Hill.

Chesney-Lind, M., & Shelden, R. G. (1998). *Girls, delinquency and juvenile justice* (2nd ed.). Belmont, CA: Wadsworth.

Frazier, C. E., & Bishop, D. (1990). *Gender bias in juvenile justice processing: implications of the JJDP Act.* Paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Denver.

Odem, M. E. (1995). *Delinquent daughters: Protecting and policing adolescent female sexuality in the United States, 1885–1920.* Chapel Hill: University of North Carolina Press.

Pisciotta, A. W. (1982). Saving the children: The promise and practice of Parens Patriae, 1838–1898. *Crime and Delinquency, 28*, 410–425.

Shelden, R. G. (2001). *Controlling the dangerous classes: A critical introduction to the history of criminal justice.* Boston: Allyn & Bacon.

Sutton J. R. (1988). *Stubborn children: Controlling delinquency in the United States, 1640–1981.* Berkeley: University of California Press.

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (1999). *Juvenile offenders and victims: 1999 national report.* Washington, DC: U.S. Department of Justice.

″STOP PRISONER RAPE″

"Stop Prisoner Rape" (SPR) is a nonprofit human rights organization that seeks to end sexual violence against men, women, and youths in all forms of detention. Founded by survivors of prisoner rape in 1979, SPR has worked to shed light on the dangers of sexual abuse in prison and has helped survivors to access resources and connect with one another.

Through advocacy, education, and outreach, SPR seeks to address the systemic causes of prisoner rape. As the only nationwide organization focused solely on sexual violence in correctional facilities, SPR shoulders a great responsibility to help lead the efforts to end this widespread human rights abuse.

CONSTITUENCY

SPR's constituency includes the more than 2 million men, women, and minors incarcerated in the United States in prison, jail, and INS detention, a population drawn disproportionately from low-income groups

and marginalized racial and ethnic minorities. SPR opposes all forms of sexual violence in detention, including the much-neglected problem of prisoner-on-prisoner rape in men's facilities as well as the sexual abuse of women that is typically committed by guards and other corrections officers. Children in detention are also extremely vulnerable to abuse, and as states try growing numbers of juveniles as adults, the risk of sexual abuse becomes much greater. With survivors of prisoner rape on its board of directors, SPR remains in close contact with its constituency, and its work seeks to address their concerns.

SPR believes that prisoner rape affects society beyond prison. Upon release, rape survivors may bring with them emotional scars, sexually transmitted infections, and learned violent behavior that continues the cycle of harm.

PROGRAMS

In the course of its work, SPR has identified several systemic problems that create or exacerbate conditions that promote sexual violence inside prisons: widespread indifference, a code of silence that allows abuse to go unchecked, few guidelines or incentives for sound policy, and a lack of posttrauma services for survivors. SPR's current programs are designed to address these serious systemic problems through advocacy, education, and outreach.

SPEAKING OUT

For more than 20 years, SPR has been an outspoken voice for reform when few others have had the courage. In 1993, SPR submitted an amicus brief in the case of *Farmer v. Brennan* (1994), now the controlling U.S. Supreme Court precedent on prisoner rape. SPR has also helped survivors file damage claims, provided referrals for expert testimony, and encouraged class action suits against negligent institutions. Through the Prison Rape Education Project, SPR has distributed prevention material to inmates as well as corrections staff.

RECENT ACCOMPLISHMENTS

- *Federal Legislation Advocacy Project.* For the Senate Judiciary Committee's hearing on the Prison Rape Reduction Act of 2002, SPR pushed legislators toward admitting the oral testimony of Bob Dumond, an expert from SPR's Board of Advisors, and Linda Bruntmyer, a mother of a victim of prisoner rape. In response to a request from Senator Edward Kennedy's office, SPR submitted analysis of early drafts of the legislation as well as written testimony to the Senate Judiciary Committee once the act was drafted.

- *The 7Up campaign.* SPR made national headlines by succeeding to convince 7UP to pull a multimillion dollar ad campaign that made jokes about rape in prison.

- *"Not Part of the Penalty: Ending Prisoner Rape" conference.* Along with Amnesty International, Human Rights Watch, the ACLU National Prison Project, and others, SPR hosted the first national conference on prisoner rape, attended by nearly 100 lawyers, academics, and activists. There SPR built a listserv, which provides more than 200 subscribers with relevant, up-to-date information about rape in detention.

- *www.spr.org.* SPR's expanded Web site now generates more than 100,000 page views each month and hosts a legal research tool, press page, news articles, survivor stories, and appeals for action.

- *Legal research tool.* SPR created a comprehensive catalog of federal case law, law review articles, and legislation, as well as a nationwide listing of the correctional systems' policies on sexual abuse.

CONCLUSION

For more than 20 years, SPR has provided information and encouragement to survivors of prisoner rape and has worked to publicize the fact that sexual assault plagues numerous detention institutions. SPR will continue to employ education, outreach, and advocacy to combat the systematic horror of prisoner rape.

—Lara Stemple

See also Stephen Donaldson; HIV/AIDS; Rape; Self-Harm; Sex—Consensual; Suicide; Violence; Women Prisoners; Women's Prisons

Further Reading

Amnesty International. (1999). *"Not part of my sentence": Violations of the human rights of women in custody*. New York: Amnesty International.

Human Rights Watch. (1996). *All too familiar: Sexual abuse of women in U.S. prisons*. New York: Human Rights Watch.

Human Rights Watch. (2001). *No escape: Male rape in U.S. prisons*. New York: Human Rights Watch.

Terry K. (1999). *Prison madness: The mental health crisis behind bars and what we must do about it*. San Francisco: Jossey-Bass.

Legal Case

Farmer v. Brennan, 511 U.S. 825 (1994).

STRIP SEARCH

Authorities in most U.S. prison systems force inmates to submit to *strip searches* when they arrive at correctional facilities and when they return from contact visits, or from being transported to or from court. Some even insist on this procedure when prisoners move from one section of a penal institution to another. Most institutions also require inmates to strip for full body searches when officials "shake down" their cells for contraband. During such searches, inmates are made to remove their clothing, bend over, spread their buttocks, and expose their genitals. Officers may also look into their ears, mouth, hair, and underarms. Officers, wearing plastic gloves, may inspect any body cavity when suspecting the concealment of contraband. Uncircumcised inmates may also be asked to peel back the foreskins on their penises for inspection.

For obvious reasons, strip searches can be used for purely vindictive or punitive reasons, and correction officials around the country have been accused of using them to humiliate, demean, or violate the personal privacy and modesty of inmates. Recent research suggests that strip searches are overutilized in many prisons and jails and that their use makes little difference to the levels of contraband that end up inside correctional facilities. Despite this evidence and adverse legal judgments, corrections administrators persist in requiring strip searches on a general and systematic scale.

ARE STRIP SEARCHES CONSTITUTIONAL?

State and federal courts have diverged widely on the constitutionality of prison strip searches and body cavity searches. The U.S. Supreme Court, in *Bell v. Wolfish* (1979), upheld by a split decision the use of strip and body cavity searches to preserve institutional security among inmates charged with or sentenced for serious crimes. The Court placed some limitations on strip searches, however, stating that individuals charged with minor offenses (i.e., misdemeanors and some nonviolent felonies) cannot be strip searched unless officers have reasonable suspicion that they are concealing contraband.

The rules laid down in *Bell v. Wolfish*, rather than settling the law, have generated an immense stream of litigation since 1979. Inmates have sued for being searched by officers of the opposite sex; for being searched in an offhanded, unprofessional, or derogatory manner; and being subjected to full body examinations before and after visiting with lawyers and clergy. State high courts and federal circuit courts have ruled in different and sometimes conflicting ways. Nonetheless, jurisprudence in most jurisdictions clearly prohibits or disfavors strip searches by female officers of male inmates when male officers are present and strip searches of female inmates by male officers under most circumstances. Similarly, strip searches in the presence of more than two officers or in the presence of other inmates, visitors, or staff are disallowed, and those conducted under unprofessional, disrespectful, or demeaning circumstances are also restricted.

STRIP SEARCHES IN JAILS

Federal courts have laid down slightly different rules for jails and prisons, in part because the Due Process Clause of the U.S. Constitution protects pretrial detainees from being punished prior to conviction. Jails and pretrial detention centers also house inmates charged with minor crimes who have

little motivation to smuggle contraband or conceal weapons on their persons. The U.S. Supreme Court's decision in *Bell v. Wolfish*—which continues to define the constitutionality of unclothed examinations—established greater protections for inmates charged with minor offenses. Only when such inmates are reasonably suspected of concealing contraband on their bodies can jail officials force them to undergo strip or body cavity searches.

Despite relatively clear-cut rules regarding detention intake centers, jail officials in many states have persisted in performing systematic strip searches of all arrestees, regardless of charge. Jail administrators across the United States have paid many millions of dollars in settlements and judgments for strip searching inmates booked on minor traffic charges and other misdemeanors. New York City alone has paid some $50 million for sanctioning unconstitutional strip searches.

Although the threat of inmates carrying weapons and other banned materials is very real in some contexts, jail officials have generally discovered that amounts of contraband found inside jail facilities are unchanged when they discontinue strip searches of all arrestees. The obvious implication is that strip searches on such a systematic scale are unnecessary for the preservation of institutional security.

EMERGING CONTROVERSIES

Like other areas of prison law, the constitutional rules governing strip and body cavity searches are constantly shifting. On occasion, prisoners are not the only ones who may be strip searched. Correctional officials and visitors have also been asked to submit to such examinations in a variety of contexts, and controversies involving such searches have found their way into the courts. Visitors have challenged rules at some institutions requiring them to submit to body examinations before or after contact visits with inmates. In general, most courts have indicated that visitors retain greater expectations of privacy and Fourth Amendment protections than inmates have, and that correctional officials seeking to strip search them must first obtain a search warrant or have probable cause to believe they are concealing or smuggling contraband.

Other emerging controversies involve the rights of correctional workers to work around inmates of the opposite sex. Both male and female guards have argued that the Constitution's Equal Protection Clause establishes their right to be employed in assignments that include conducting strip searches of both male and female inmates. Decisions emerging from these questions have yet to be settled into a well-defined rule of law.

CONCLUSION

Most authorities, including the U.S. Supreme Court, have expressed discomfort when deciding on issues of nudity and exposure of body parts to examination by prison officials. Long-standing traditions of strip searching inmates as part of prison socialization continue, however, and there are no signs that either correctional institutions or the courts are inclined to drastically limit their use in the near future. Nonetheless, courts have increasingly recognized that inmates' privacy rights can outweigh the interests of correctional administrators in some circumstances. Strip search policies are becoming increasingly controversial as America's transition to a mass incarceration society draws a growing percentage of the population into correctional institutions.

—Roger Roots

See also Cell Search; Correctional Officers; Fourth Amendment; Increase in Prison Population; Prison Litigation Reform Act 1996; Prisoner Litigation; Visits

Further Reading

Birnmaum, G., et al. (2001). Hizzoner: $50M strip-search deal not set in stone. *New York Post*, January 11.

Cripe, C. (1997). *Legal aspects of corrections management*. Gaithersburg, MD: Aspen.

Grossman, W. (2001). Naked sham. *Houston Press*, June 28, p. 19.

Male inmate wins strip search charge against female CO. (2001). *Corrections Professional*, April 6, p. 14.

Rudovsky, D., et al. (1983). *The rights of prisoners: The basic ACLU guide to a prisoner's rights*. New York: Bantam.

Tewksbury, R., & Clement, M. H. (1999). Should female correctional officers be used in male institutions? In C. B. Fields (Ed.), (1999), *Controversial issues in corrections* (pp. 187–202). Needham Heights, MA: Allyn & Bacon.

Legal Cases

Bell v. Wolfish, 441 U.S. 520 (1979).
Forts v. Ward, 621 F.2d 1210 (2d Cir. 1980).
Kennedy v. Los Angeles Police Department, 887 F.2d 920 (9th Cir. 1989).

SUICIDE

Suicide, the act of intentionally killing oneself, in jail typically occurs within the first 24 hours of detention. In prison it may occur at any time. Victims often are under the influence of drugs or alcohol and are placed in isolation. They are usually young and often have been arrested for nonviolent, alcohol-related offenses. Most suicides are by hanging and occur at night. Suicides are far more common among jail (remand) inmates than those who have been sentenced.

EXTENT

Not all jurisdictions in the United States report the number of suicides committed by inmates housed in prisons and jails. Further, official figures that are based on the outcomes of coroners' inquests may be inadequate and underestimate the true occurrence of deaths in custody, since not all fatalities are ruled as suicide. With these limitations in mind, based on the most recently available reported figures, suicide is the second leading cause of death in jails and the third leading cause of death in prisons throughout the United States. Suicide rates in jails and prisons are at least four times higher than those in the free population. In 1998, 176 inmates housed in state and federal correctional facilities killed themselves. In 1999, 324 inmates housed in the nation's federal and state prisons did the same. Despite this increase in raw numbers, the actual rate of deaths due to suicide in both jails and prisons has declined over time. In 1997, for jails the rate was 54 per 100,000 inmates, and for prisons the rate was 17.8 per 100,000 inmates.

In the United States, suicide rates are higher among inmates housed in control units or special housing units than those housed in the general population. Rates of suicide in state prisons also vary widely. States with smaller inmate populations and the seven jurisdictions with dual systems, where pretrial and sentenced inmates are combined, reported higher rates of suicide than elsewhere.

To put the U.S. figures in perspective, it is useful to examine suicide in other penal systems. To that end, in 1999 Greek prisons reported 112 suicides per 100,000 prisoners, while in Canadian prisons the rate was 40 suicides per 100,000. Italian prisons reported a suicide rate of 93.5 per 100,000 inmates for 1996 and 112 per 100,000 inmates for 1997. In England and Wales, for 1996 the average suicide rate was 116 per 100,000 inmates, while in Scotland in 1993 it was 128 per 100,000. Finally, in Australia in 1996 the average suicide rate was 155 per 100,000.

GENDER

Canada in 1996 surveyed its remand population and found that 20.7% of the males and 30.4% of the females reported a history of suicide attempts. Those attempting suicide were likely to be suffering from a mental illness and/or have a substance abuse problem. Great Britain surveyed its inmate population in 1998 and found that 27% of the male remand prisoners and 44% of the female remand prisoners claimed to have tried killing themselves during their lifetimes. Further, 7% of male sentenced prisoners and 15% of female sentenced prisoners reported having attempted to kill themselves in the 12 months immediately preceding the interview.

As these figures suggest, women tend to self-injure at disproportionately high rates in prison. Paradoxically, scholars suggest that the rate of suicide among female prisoners may be seriously underestimated because coroners assume that women are less likely than men to attempt suicide and conclude that the deaths were accidental. That is, while it is recognized that more women "cut up"

or otherwise injure themselves, this activity is not usually interpreted as a serious attempt to take their own lives.

SUICIDE RATES IN JUVENILE FACILITIES

National data regarding the incidence of suicide in juvenile facilities is insufficient. The Juvenile Residential Facility Census collected by the Office of Juvenile Justice and Delinquency Prevention reported 30 deaths of youth in custody in 2000. Of these, 7 (23%) were suicides. The most recent nationwide survey on juvenile suicides in secure custody facilities was conducted in 1989 and concluded that rates of youth suicide in juvenile detention facilities and correctional facilities were four times greater than they were in the general population. Clearly more research needs to be done in this area.

SUICIDE AND SELF-HARM

Rather than regarding attempted suicide and self-injury as different from completed suicides, current belief is that they should be viewed as part of a continuum, since their motivation, causes, and prevention are commonly shared. Indeed, the profile of the suicide attempters and completers is similar. A disproportionate number are male, between the ages of 20 and 34, and single. About one-third have a prior history of psychiatric treatment, but most evidence serious drug and alcohol problems, personality disorders, and self-reported anxiety and depression. Those serving life sentences are overrepresented, as are those with prior convictions. Not surprisingly, many have a history of prior suicide attempts or self-injury.

Current researchers caution against the use of a single profile of the "suicidal prisoner." They suggest using a typology that includes prisoners sentenced for (or facing) life in prison, the psychiatrically ill, and prisoners with poor coping abilities. The profiling of individuals with these characteristics, however, does not identify all suicidal prisoners. The suicidal prisoner's profile varies depending on the correctional environment and the inmate population.

CAUSES

The causes of jail suicide are due partly to the environment of the institution itself and the state of crisis that a person brought to the jail for detention is experiencing. Jails themselves often induce feelings of fear, shame, uncertainty, and isolation. Persons arrested and held in jail may be under the influence of drugs and alcohol or may be experiencing extreme guilt or shame over their arrest or the crime they have committed. They may have a current mental illness or a prior history of suicidal behavior.

The causes of prison suicide are believed to be somewhat different. Three main reasons prisoners take their own lives include a lack of strong social bonds and support, lack of meaning, and suffering. Several features of prison life may be crucial for the onset of suicidal thoughts for prisoners. These include bullying, boredom and lack of activity, isolation, and the breakdown of relationships. Those who take their own lives often have feelings of uncontrollability, helplessness, and powerlessness. Suicide and attempts at suicide are extreme forms of poor coping evidenced by vulnerable prisoners.

PREVENTION

The National Commission on Correctional Health Care has proposed standards to reduce the levels of suicide in U.S. jails and prisons. A plan for suicide prevention should include identification, training, assessment, monitoring, housing, referral, communication, intervention, notification, reporting, and review. A primary and consistent recommendation for preventing suicide occurrence is to avoid isolating inmates. Suicide attempts and rates are higher among inmates who are segregated from others, especially those housed on death row and in control units.

Another important tool in suicide prevention is to have comprehensive suicide screening procedures in place. Several suicide screening instruments are available and include the Suicide Risk Scale, Emotional and Suicidal Tendency Scale, Suicide Probability Scale, Hopelessness Scale, and the Scale for Suicide Ideation. There is some criticism

that these scales yield significant numbers of false positives (inmates wrongly identified as at risk) and false negatives (inmates who were not identified but are at risk).

It is imperative that correctional, medical, and mental health staff be provided with suicide prevention training. Better communication among these same staff can reduce suicide. The success of efforts to prevent deaths in prisons and jails will ultimately depend upon the ability of staff in correctional institutions to identify those who are vulnerable. They must then be trained in providing these individuals with adequate supervision and ways to reduce the emotional distress vulnerable inmates experience. This will enable officers to help prisoners enhance their coping abilities.

CONCLUSION

Rates of suicide are higher among jail and prison inmates than they are in the free population. More specifically, rates of suicide are higher for those housed in control units than among those housed in the general population. Rates of suicide are lower in correctional facilities in Canada and the United States compared to European nations. The causes and motivations of self-harm and suicide are increasingly thought to be the same and to include feelings of shame and fear, isolation, lack of meaning, and suffering. To prevent suicide and self-harm, it is recommended that inmates not be isolated, that screening tools be used to identify suicide risks among inmate populations, and that correctional and medical staff be trained in suicide prevention.

—Mary A. Finn

See also Health Care; Mental Health; Protective Custody; Psychiatric Care; Psychological Services; Rape; Self-Harm; Women Prisoners

Further Reading

Hayes, L. M. (1995). Prison suicide: An overview and a guide to prevention. *The Prison Journal, 75*(4), 431-456.

John Howard Society of Alberta. (1999). *Prison and jail suicide.* Alberta, CAN: John Howard Society.

Liebling, A. (1999). Prison suicide and prisoner coping. In M. Tonry & J. Petersilia (Eds.), *Crime and justice: A review of research. Vol. 26: Prisons* (pp. 283–359). Chicago: University of Chicago Press.

Memory, J. (1989). Juvenile suicides in secure detention facilities: Correction of published rates. *Death Studies, 13,* 455–463.

Sickmund, M. (2002). *Juvenile residential facility census, 2000: Selected findings* (NCJ 196595). Washington, DC: U.S. Department of Justice.

Spinellis, C. D., & Themeli, O. (1997). Suicide in Greek prisons. *Crisis, 18,* 151–156.

Stationery Office. (1999). *Non-fatal suicidal behaviour among prisoners.* Norwich, UK: HMSO.

Stephan, J. J. (2001). *Census of jails, 1999* (NCJ 186633). Washington, DC: U.S. Department of Justice.

Tatarelli, R., Mancinelli, I., Taggi, F., & Polidori, G. (1999). Suicide in Italian prisons in 1996 and 1997: A descriptive epidemiological study. *International Journal of Offender Therapy and Comparative Criminology, 43*(4), 438–447.

U.S. Department of Justice. (2002). *Correctional populations in the United States, 1998* (NCJ 192929). Washington, DC: U.S. Department of Justice.

SUPERMAX PRISONS

Supermaximum secure prisons, commonly referred to as *supermax,* are used to hold those individuals whom prison authorities regard as the most dangerous and troublesome in the penal system. The last decade of the 20th century saw an increasing use of such facilities, which merge the 19th-century practice of long-term solitary confinement with 21st-century technology. This combination subjects prisoners to unparalleled levels of isolation, surveillance, and control and has the potential to inflict significant amounts of psychological harm.

Different prison systems employ different terminology to refer to supermax-like conditions. For example, the program at the Marion Federal Penitentiary, regarded by some as having given rise to the supermax design, was referred to as the "control unit." The new federal supermax facility in Florence, Colorado, is known as "ADX" (for "administrative maximum"). Arizona's supermax units are called "special management units" or "SMUs"; in California they are known as "security housing units" or "SHUs"; Florida has labeled its units "close management" or "CMs"; in Texas they are "high security units"; and Washington State

employs the term "intensive management unit" or "IMU." Although penologist Chase Riveland (1999) correctly concluded that "there is no universal definition of what supermax facilities are and who should be in them" (p. 4), these units have enough distinctive features in common to be analyzed as a separate penal form.

At the start of the 1990s, Human Rights Watch (1991) identified the rise of supermax prisons as "perhaps the most troubling" human rights trend in corrections in the United States and estimated that some 36 states either had completed or were in the process of creating some kind of "supermaximum" prison facility. By the end of the decade, the same organization estimated that there were approximately 20,000 prisoners confined to supermax-type units in the United States and expressed even more pointed concerns about their human rights implications. Most experts agree that the use of such units has continued to increase significantly and that the number of supermax prisoners is considerably higher than these early estimates.

HISTORY

Supermax confinement represents a modern version of the long-standing practice of placing prisoners in solitary confinement or punitive segregation. The earliest prisons employed solitary confinement on a widespread and long-term basis. Yet, this practice was abandoned in virtually all jurisdictions by the last decade of the 19th century. In 1890, U.S. Supreme Court Justice Miller summarized the preceding hundred years of experience with this kind of punishment by noting, "There were serious objections to it . . . and solitary confinement was found to be too severe." The severity of this form of imprisonment included the "semi-fatuous condition" into which many prisoners fell, "after even a short confinement" in solitary, and the fact that some prisoners "became violently insane, [and] others still committed suicide." Miller noted that even those prisoners who had withstood the ordeal often "did not recover sufficient mental activity to be of any subsequent service to the community" once they were released (*In re Medley*, 1890, p. 168).

By the late 19th and early 20th centuries, most jurisdictions in the United States had restricted their routine use of solitary confinement to relatively brief periods of punishment—often measured in days or weeks—that were imposed in response to specific infractions of prison rules. Prisoners in solitary or isolation continued to be physically segregated from the rest of the prison population and, typically, to be excluded from most or all of the normal programming, routines, opportunities, and collective activities available in the mainline institution. But in expectation and in practice, prisoners eventually were to be moved back into mainline prison populations once their term in solitary had been completed.

Two specific developments—both in the federal prison system in the United States—served as precursors to the modern supermax prison form. The first occurred in the 1930s, when Alcatraz Island was converted into a highly isolated facility where the most notorious and presumably most dangerous prisoners were confined, many for the duration of their sentences. Alcatraz lasted for 30 years, until it was closed in 1963, amid controversy. In the early 1970s, Marion Federal Penitentiary created a highly restrictive "control unit" in response to prisoner disruptions. Although the control unit failed to abate the problems at the prison, it was retained. Eventually, control unit-like conditions were extended to the entire institution in the form of a permanent "lockdown" at Marion. The control unit, and eventually the Marion Penitentiary itself, in some ways, filled the role that Alcatraz had played earlier. The control unit was significant also because of the more advanced security and surveillance mechanisms that were introduced to achieve higher levels of institutional control over prisoners.

In the late 20th century, however, a number of changes in correctional policies and overall conditions of confinement led to the more widespread use of the emerging supermax prison form, not just at Marion but in the much more populous state prison systems as well. For one, dramatic increases in the incarceration rate and the length of typical prison sentences combined with the abandonment of the rehabilitative ideal to create a "corrections crisis" in

the United States. Many prison systems—especially those in the United States—were beset with unprecedented levels of overcrowding and widespread prisoner idleness. A deemphasis on programming meant that prison administrators lacked positive incentives to manage the inevitable tensions and conflicts that were created within their institutions. In addition, the punitive political and correctional agenda that had achieved prominence in the waning decades of 20th century supported the use of harsh and forceful mechanisms of social control. Supermax prisons emerged in this context—as punitive mechanisms implemented to buttress what were perceived as increasingly tenuous forms of institutional control.

SUPERMAX CONDITIONS

Supermax conditions are marked by the totality of the isolation, the intended duration of the confinement, the reasons for which it is imposed, and the technological sophistication with which it is achieved. Supermax facilities house prisoners in virtual isolation and subject them to almost complete idleness for extremely long periods of time. These prisoners rarely leave their cells, with at most one hour a day of out-of-cell time the norm. They eat all of their meals alone in the cells, and typically no group or social activity of any kind is permitted. When prisoners in these units are escorted outside their cells or beyond their housing units, they typically are first placed in restraints—chained while still inside their cells (through a food port or tray slot on the cell door)—and sometimes tethered to a leash that is held by an escort officer.

Prisoners in supermax are rarely if ever in the presence of another person (including physicians and psychotherapists) without being in some form of physical restraints (e.g., ankle chains, belly or waist chains, handcuffs). They often incur severe restrictions on the nature and amounts of personal property they may possess as well as their access to the prison library, legal materials, and canteen. Their brief periods of outdoor exercise or "yard time" typically take place in caged-in or cement-walled areas that are so constraining they are often referred to as "dog runs." In some units, prisoners get no more than a glimpse of overhead sky or whatever terrain can be seen through the tight security screens that surround their exercise pens.

Supermax prisoners are often monitored by camera and converse through intercoms rather than through direct and routine interaction with correctional officers. In newer facilities, computerized locking and tracking systems allow their movements to be regulated with a minimum of human contact (or even none at all). Some supermax units conduct visits through videoconferencing equipment rather than in person; there is no immediate face-to-face interaction (let alone physical contact), even with loved ones who may have traveled great distances to see them. In addition to "video visits," some facilities employ "telemedicine" and "telepsychiatry" procedures in which prisoners' medical and psychological needs are addressed by staff members who "examine" and "interact" with them over television screens from locations many miles away.

Supermax prisons routinely keep prisoners in this near-total isolation and restraint for extremely long periods of time. Unlike punitive segregation in which prisoners typically are isolated for relatively brief periods of time for specific disciplinary infractions, supermax prisoners may be kept under these conditions for years on end. In addition, many correctional systems impose supermax confinement as part of a long-term strategy of correctional management and control rather than as an immediate sanction for discrete rule violations.

THE POPULATION

Supermax prisons are usually justified by reference to the alleged dangerousness of the prisoners who are housed there—the "worst of the worst," as correctional administrators like to characterize them. Thus, the increased use of this distinctive prison form is linked to the contention that an especially dangerous or "new breed" of disruptive prisoner now inhabits the modern maximum-security prison. In fact, there is little or no data to support these contentions. Instead, many prisoners are placed in supermax not specifically for *what* they have done but rather on the basis of *who* they are judged to be

(e.g., "dangerous," "a threat," or, especially, a member of a "disruptive" group).

In many states the majority of supermax prisoners have been given "indeterminate" terms, usually on the basis of having been officially labeled by prison officials as gang members. An indeterminate supermax term often means that these prisoners will serve their entire sentences in isolation unless they "debrief" by providing incriminating information about other alleged gang members. These practices have resulted in a significant overrepresentation of racial and ethnic minorities in supermax prisons, and what analysts have described as an "overclassification" of supermax prisoners.

In addition, the percentage of mentally ill prisoners in supermax appears to be much higher than in the general prison population, with scholars estimating that approximately 30% of them suffer from "severe mental disorders." This overrepresentation of the mentally ill likely results from the fact that some mentally disturbed prisoners engage in disruptive behavior that prison officials punish rather than treat. It may also indicate that supermax conditions themselves are severe enough to exacerbate and perhaps even create psychological disturbances in persons subjected to them.

Because women constitute a relatively small percentage of the prisoner population, and because separate supermax prisons are extremely costly to construct and operate, there are few if any women's supermax prisons per se. However, many women's prisons do operate supermax-like units, where prisoners are subjected to the same unprecedented levels of social isolation, deprived conditions of confinement, and restricted movement. The same is true for juveniles, with the additional concern that, as increasing numbers of juveniles are processed by the adult criminal justice system and incarcerated in adult correctional facilities, their numbers in adult supermax units and prisons will undoubtedly increase.

EFFECTS OF SUPERMAX CONFINEMENT

Numerous empirical studies have documented the harmful psychological consequences of living in supermax facilities. The evidence is substantial and comes from personal accounts, descriptive studies, and systematic research on solitary and supermax-type confinement, conducted over a period of four decades, by researchers from several different continents who have diverse backgrounds and a wide range of professional expertise. Specifically, case studies and personal accounts of mental health and correctional staff who work in supermax units indicate a range of similar adverse symptoms to occur in prisoners, including appetite and sleep disturbances, anxiety, panic, rage, loss of control, paranoia, hallucinations, and self-mutilations. Moreover, direct studies of prison isolation have documented an extremely broad range of harmful psychological reactions. These effects include increases in the following potentially damaging symptoms and problematic behaviors: negative attitudes and affect, insomnia, anxiety, withdrawal, hypersensitivity, ruminations, cognitive dysfunction, hallucinations, loss of control, irritability, aggression, and rage, paranoia, feelings of hopelessness, lethargy, depression, a sense of impending emotional breakdown, self-mutilation, and suicidal ideation and behavior. Self-mutilation and suicide are also more prevalent in isolated prison housing like supermax confinement, as are deteriorating mental and physical health (beyond self-injury) and other-directed violence such as stabbings, attacks on staff, property destruction, and collective violence. In fact, many of the negative effects of solitary confinement are analogous to the acute reactions suffered by torture and trauma victims, including posttraumatic stress disorder (PTSD).

In addition to the serious nature and wide range of adverse symptoms that have been repeatedly reported in a large number of empirical studies, it is important to estimate their *prevalence* rates—that is, the extent to which prisoners who are confined in supermax-type conditions suffer its adverse effects. One study found that three-quarters or more of a representative sample of supermax prisoners reported suffering from ruminations or intrusive thoughts, an oversensitivity to external stimuli, irrational anger and irritability, confused thought processes, difficulties with attention and often with

memory, and a tendency to withdraw socially, to become introspective and avoid social contact. An only slightly lower percentage of prisoners reported a constellation of symptoms that appeared to be related to developing mood or emotional disorders—concerns over emotional flatness or losing the ability to feel, swings in emotional responding, and feelings of depression or sadness that did not go away. Finally, sizable minorities of supermax prisoners reported symptoms that are typically only associated with more extreme forms of psychopathology—hallucinations, perceptual distortions, and thoughts of suicide.

A number of significant transformations occur in many long-term supermax prisoners that, although they are more difficult to measure, may be equally if not more problematic for their future health and well-being and the health and well-being of those around them. Many prisoners gradually lose the ability to initiate or to control their own behavior or to organize their personal lives. Others may begin to lose the ability to *initiate* behavior of any kind—to organize their own lives around activity and purpose—because they have been stripped of any opportunity to do so for such prolonged periods of time. Chronic apathy, lethargy, depression, and despair often result.

The absence of regular, normal interpersonal contact and any semblance of a meaningful social context leads prisoners to report a feeling of unreality in supermax confinement. Because individual identity is socially constructed and maintained, the virtually complete loss of genuine forms of social contact and the absence of any routine and recurring opportunities to ground thoughts and feelings in a recognizable human context leads to an undermining of the sense of self. For some prisoners, total social isolation leads, paradoxically, to social withdrawal. That is, some prisoners recede even more deeply into themselves than the sheer physical isolation of supermax requires. They move from initially being starved for social contact to eventually being disoriented and even frightened by it. Finally, the deprivations, restrictions, totality of control, and prolonged absence of any real opportunity for happiness or joy fills many prisoners with intolerable levels of frustration that, for some, turns to anger, and then even to uncontrollable and sudden outbursts of rage.

LEGAL REGULATION

Because supermax prisons are of relatively recent origin, their constitutionality—the question of whether the conditions of confinement in this new prison form represent "cruel and unusual punishment"—has been tested in only a few important legal cases. The first of these cases, *Madrid v. Gomez* (1995), addressed conditions of confinement in California's Pelican Bay Security Housing Unit. Although the judge found that overall conditions in the supermax units were "harsher than necessary to accommodate the needs of the institution" (p. 1263), he concluded that he lacked any constitutional basis to close the prison or even to require significant modifications in many of its general conditions. Instead, he barred certain categories of prisoners from being sent there because of the tendency of the facility to literally make them mentally ill or to significantly exacerbate preexisting mental illness. Those who were already mentally ill and others who were at an unreasonably high risk of suffering a serious mental illness as a result of these extreme conditions (including prisoners diagnosed as chronically depressed, brain damaged, and developmentally disabled) were not allowed to be sent to Pelican Bay. Finally, the judge emphasized that the record before him pertained to prisoners who had been in supermax for no more than a few years, and that longer-term exposure might lead to a different result.

In the second significant case to examine conditions of confinement in supermax-like settings, *Ruiz v. Johnson* (1999), a federal district court reached even more sweeping legal conclusions than the judge had in *Madrid*. The court ruled that its administrative segregation units were operating at below constitutionally required minimum standards. In particular the judge found that the "extreme deprivations and repressive conditions of confinement" in the administrative segregation units constituted cruel and unusual punishment "both as to the plaintiff class generally and to the subclass of mentally ill inmates housed in such confinement" (p. 861).

Indeed, he concluded that "more than mere deprivation," the prisoners in these units "suffer actual psychological harm from the almost total deprivation of human contact, mental [stimulation], personal property and human dignity" (p. 913).

The third and most recent case, *Jones 'El v. Berge* (2001), presented a somewhat narrower issue but resulted in a similarly strong ruling. In this case, a federal district court in Wisconsin granted a prisoner's motion for injunctive relief on the grounds that seriously mentally ill prisoners were at risk of irreparable emotional damage if the state continued to confine them in its supermax facility. The court concluded that the "extremely isolating conditions" of the prison could cause an adverse psychiatric reaction in relatively healthy individuals who had suffered from mental illness in the past, "as well as prisoners who have never suffered a breakdown in the past but are prone to break down when the stress and trauma become exceptionally severe" (pp. 1101–1102). The judge ordered several prisoners to be removed from the supermax facility. In addition, she required mental health professionals to evaluate several categories of prisoners among those who remained and, if any one of them were determined to be seriously mentally ill, ordered that they be transferred out of supermax.

CONCLUSION

Despite a range of academic studies documenting the serious and potentially long-lasting psychological harm it may inflict, and several judicial opinions criticizing the risks it entails and significantly limiting its use, the supermax prison form persists. The legal threshold for finding conditions of confinement unconstitutional has been set especially high in the United States during the last several decades. Supermax prisons per se continue to come very close to this threshold and, in the case of mentally ill prisoners (and, in *Ruiz*, for prisoners in general), to have crossed it. As the empirical record about the psychological effects of this kind of confinement continues to be augmented, and the consequences of long-term confinement in these units becomes clearer, other courts may reach different and perhaps even more sweeping conclusions about the legality of supermax. To be sure, these cases are litigated in terms of particular conditions of confinement that exist at specific institutions—rather than being directed at "supermax" as an abstraction or in general. But the particular conditions are always understood in the larger context of knowledge about effects and consequences. As that knowledge is more widely disseminated and its implications are more fully appreciated, other courts, confronted with different sets of supermax conditions, may decide to issue more detailed orders that require even more elaborate levels of regulation and reform.

—Craig Haney

See also ADX: Florence; Alcatraz; Control Units; Death Row; Deprivation; Disciplinary Segregation; Importation; Lexington High Security Unit; Marion, U.S. Penitentiary; Maximum Security; Medium Security; Minimum Security; Pelican Bay State Prison; Prison Culture; Security and Order; Solitary Confinement; Special Housing Units; Violence

Further Reading

Grassian, S. (1983). Psychopathological effects of solitary confinement. *American Journal of Psychiatry*, *140,* 1450–1454.

Haney, C. (2003). Mental health issues in long-term solitary and "supermax" confinement. *Crime and Delinquency*, *49*, 124–156.

Haney, C., & Lynch, M. (1997). Regulating prisons of the future: The psychological consequences of solitary and supermax confinement. *New York University Review of Law and Social Change*, *23*, 477–570.

Hodgins, S., & Cote, G. (1991). The mental health of penitentiary inmates in isolation. *Canadian Journal of Criminology*, *33*, 177–182.

Human Rights Watch. (2000, February). Out of sight: Supermaximum security confinement in the United States. *Human Rights Watch*, *12*(1), 1–9.

King, R. (2000). The rise and rise of supermax: An American solution in search of problem? *Punishment and Society*, *1*, 163–186.

Kurki, L., & Morris, N. (2001). The purposes, practices, and problems of supermax prisons. *Crime and Justice*, *28*, 385–424.

Riveland, C. (1999). *Supermax prisons: Overview and general considerations*. Washington, DC: U.S. Department of Justice.

Shaylor, C. (1998). "It's like living in a black hole": Women of color and solitary confinement in the prison industrial complex. *New England Journal of Criminal and Civil Confinement*, *24*, 385–416.

Tachiki, S. (1995). Indeterminate sentences in supermax prisons based upon alleged gang affiliations: A reexamination of procedural protection and a proposal for greater procedural requirements. *California Law Review*, *83*, 1117–1149.

Legal Cases

In re Medley, 134 U.S. 160 (1890).
Jones 'El v. Berge, 164 F. Supp. 1096 (2001).
Madrid v. Gomez, 889 F. Supp. 1146 (1995).
Ruiz v. Johnson, 37 F. Supp. 2d 855 (1999).

SYKES, GRESHAM

Gresham Sykes is remembered largely because of his classic study, *The Society of Captives* (1958), in which he examined the social system of the prison environment. This book was one of the first comprehensive attempts to study the role of the prison from a sociological perspective. In it, Sykes expanded the body of knowledge surrounding prison research to include not only the role of authority but also that of the incarcerated in the creation of an "operating social system" (Sykes, 1958, p. vii).

THE SOCIETY OF CAPTIVES

The Society of Captives is based on Sykes's study of the New Jersey State Maximum Security Prison in Trenton, in which he sought to establish how social order was created and maintained from the perspective of the administrators as well as the inmates. Sykes examined the underlying philosophical goals of imprisonment, as well as how these beliefs translated into the social organization of the prison. In researching the social structures created and maintained by inmates, Sykes identified certain deprivations that inmates suffer when incarcerated in prisons. According to him, these "pains" are a direct result of the imprisonment of inmates. While society's goal is to separate and punish the offenders for their actions, the mere act of imprisonment itself inflicts pain upon the incarcerated individual. Sykes is careful to point out that these "pains" involve a psychological reaction to the deprivations experienced during incarceration.

In all, Sykes (1958, pp. 65–77) identified five "deprivations" that all inmates suffer during their incarceration: losses of liberty, goods and services, heterosexual relationships, autonomy, and security. The deprivation of *liberty* involves not only the physical loss of freedom but also the psychological loss of contact with family, friends, and the community. The loss of *goods and services* again extends beyond the mere restriction of inmates to certain physical items to encompass the feelings associated with the loss of control over the selection and utilization of such goods and services. When access to *heterosexual relationships* is halted, Sykes argued, inmates often experience an identity crisis, become more aggressive, and begin to internalize feelings of worthlessness. The fourth deprivation identified by Sykes involves issues of *autonomy*. Inmates are expected to adhere to a number of rules governing conduct without questioning them. The loss of control and freedom leads to an increased loss of self-identity, which can have a tremendous psychological impact on the inmates. The last deprivation that Sykes discusses involves *personal security*. The simple placement of inmates in a prison often makes them arguably susceptible to victimization, either by fellow inmates or by correctional officers (Sykes, 1958, pp. 65–77).

SOLIDARY OPPOSITION

Sykes furthered his ideas about the "pains of imprisonment" in a joint effort with Sheldon Messinger in "The Inmate Social System" (1960). In this work, Sykes and Messinger examined how inmates deal with the "pains of imprisonment." They suggest that, in an effort to alleviate the effects of incarceration, inmates turn to each other to form a type of "solidarity." They termed this response "solidary opposition." In their view, as inmates collectively form a cohesive unit, governed by inmate codes of conduct, the effects of imprisonment become "less severe" (Sykes & Messinger, 1960, p. 11). Sykes expanded his research to address how inmates react to the deprivations they experience in prison. The exploration of the possible methods used by inmates to mitigate the effects of incarceration is an important contribution to the study of prisons. The idea of solidary opposition has lead to the further studies regarding the

methods utilized by inmates to mitigate the effects of prisonization, especially those that involve inmate cohesiveness.

CORRUPTION OF AUTHORITY

In addition to concentrating on how inmates cope with incarceration, Sykes was one of the first researchers to address the influence of corruption in authority in the prison system, which he did in several of his works. Specifically, in an article entitled "The Corruption of Authority and Rehabilitation" (1956), he argues that correctional officers do not always abide by the prison organization's rules. In fact, through their interactions with inmates, they are often compelled to break or bend these rules. Underlying the actions of these officers, Sykes notes, is the inherent inconsistencies of the prison. Correctional officers are charged with the task of upholding the primary goals of prison: punishment of the offender and protection of the public. However, the officers are somehow expected to effect a moral change in their prisoners, despite the fact that these individuals are unwilling residents. Furthermore, they are expected to interact with these individuals on a daily basis without forming personal relationships with the prisoners. The inherent inconsistencies of the social reality of the prison and the expectations of correctional officers often result in the deviations from the rules of the prison by officers in order to achieve social order within the institution. Such deviance, according to Sykes, can be classified into three types: friendship, reciprocity, and default. These types of corruption occur in the relationships that exist between correctional officers and inmates. The recognition that those in authoritative possessions within a prison oftentimes do not follow the organizational structure set forth by their rules and regulations has been a fundamental concept in the study of prisons.

CONCLUSION

The contributions that Sykes has made to prison research continue to shape this field even today. While his achievements are notable, Sykes's research into the social realities of prisons is not without limitations, especially when considered in light of contemporary issues. Specifically, his research focused exclusively on males, meaning that is it not feasible to generalize his findings to cover all prisoners. Sykes's research is also dated. Much of the fieldwork upon which Sykes based his theory was conducted several decades ago. Thus, the conditions in prisons that facilitated the corruption of authority or the use of solidary opposition do not necessarily exist in today's correctional institutions. Due to the "Get tough" measures that have permeated correctional institutions during the past 20 years, modern prisons have implemented much stricter regulations, regulations that have dramatically reduced the opportunities for inmates to form "solidary opposition." Finally, much of the solidarity that is achieved in today's prisons falls along racial or gang-related, lines a topic that is missing from his analysis. Nonetheless, much of Sykes's work, particularly his 1958 study *The Society of Captives,* continues to be read today.

—Lisa Hutchinson Wallace

See also Donald Clemmer; Deprivation; Rose Giallombardo; Incapacitation; John Irwin; Prison Culture; Prisonization; Racial Conflict Among Prisoners; Resistence; Women's Prisons

Further Readings

Brown, S., Esbensen, F., & Geis, G. (2001). *Criminology: Explaining crime and its context.* Cincinnati: Anderson.

Reisig, M. D. (2001). The champion, contender, and challenger: Top-ranked books in prison studies. *The Prison Journal, 81*(3), 389–407.

Sykes, G. (1956). The corruption of authority and rehabilitation. *Social Forces, 34*(3), 257–262.

Sykes, G. (1958). *The society of captives: A study of a maximum prison.* Princeton, NJ: Princeton University Press.

Sykes, G. (1995). The structural-functional perspective on imprisonment. In T. G. Blomberg & S. Cohen (Eds.), *Punishment and social control* (pp. 77–84). Hawthorne, NY: Aldine de Gruyter.

Sykes, G., & Messinger, S. (1960). The inmate social system. In R. A. Cloward, D. R. Cressey, G. H. Grosser, R. McCleery, L. E. Ohlin, G. M. Sykes, & S. L. Messenger (Eds.), *Theoretical studies in the social organization of the prison* (pp. 5–19). New York: Social Science Research Council.

T

TATTOOING

Prisoners have tattooed themselves for centuries. They used to be forcibly tattooed as well. For example, in the 17th and 18th centuries New Hampshire officials branded or tattooed criminals, and in 1818 the Massachusetts legislature passed a law that required all repeat offenders to be tattooed to indicate their status as habitual criminals. Other countries have used similar measures. England, for instance, practiced tattooing as punishment for centuries. By the early 19th century, authorities in imperial Russia routinely tattooed the harshest criminals to identify them visibly for law enforcement authorities.

In prison, as in society at large, most tattoos take on symbolic meaning as expressions of identity. The criminal seizes on the tattoo's original intention as a deviant identifier used by the authorities and, through inversion and transgression, inverts the mark to designate association with an antisocial subculture that asserts and symbolizes power and control over its own identity. The tattoo, in effect, becomes a strategy of resistance for the convict against the hegemony of the state and its surrogate, the prison. The outlaw thus transforms the negative meaning of the tattoo and makes it a source of status, power, and pride.

Whereas a tattoo artist in the free world creates his or her work with the most sanitary and up-to-date machinery, the prison tattooist relies on handmade machines, needles, and sometimes even glass. As a result, the prison tattoo tests the individual's pain threshold, once again raising his or her status. Finally, many convict tattooists will not tattoo another prisoner who has not already been marked, especially if that person is a short-termer—that is, someone who will get out of prison in the near future. Convict tattooists recognize the symbolic identity commitment of their artwork and frequently refuse to contribute to other convicts' acceptance of self- and group definitions of deviance.

GANG TATTOOS

Before the advent of prison gangs, prison tattoos usually signified a generalized deviant subculture. Following the emergence of ethnic gang cultures in prison in the last half of the 20th century, the meanings of prison tattoos became much more complex. Gang tattoos usually indicate membership in subgroups of the prison and are frequently used as a secret language understood only by the initiated. In some instances, such tattoos can indicate a sequence of career moves within the gang organization. For instance, certain Hispanic gangs in California prisons

have a strict hierarchical structure that mimics military rankings. A specific tattoo, recognized immediately by members of the gangs and others who have been socialized to the prison culture, illustrates each rank. Through these nonverbal body art expressions, convicts can tell a gang member's status in the gang, criminal specialty, and number of kills. For these convicts, tattoos are visual proof of a firm commitment to convict status and to the deviant self-identity.

ICONOGRAPHY

Scholars have not conducted extensive study of the iconography of prison tattoos in the United States, as has been done in some other countries, such as Russia. Yet a number of conventional tattoos—or "flash," in the parlance of tattoo parlors—are common among U.S. prisoners. These include designs featuring eagles, panthers, crucifixes, hearts with women's or men's names, dragons, snakes, and skulls and crossbones. Convict and gang-related tattoos often have specific meanings. Tears under the left eye, for example, can symbolize either the number of murders committed or time served. Many prisoners of Mexican descent have tattoos of the Virgin of Guadalupe on their backs as a defense against sexual assaults. Prison gangs such as the Aryan Brotherhood and their offshoots (e.g., the National White People's Socialist Party and Aryan Warriors) sport a variety of "white power" symbols, including the swastika. These tattoos bind gang members by ideology and kinship both in prison and after release.

HEALTH AND SAFETY ISSUES

Prison tattooing poses a serious public health problem. Most prison tattoos are created using methods that are primitive at worst and only satisfactory at best. For example, in the "hand plucking" technique of tattooing, the tattooist wraps a sewing needle in a string and dips it into ink. He or she then sticks the needle into the skin over and over until a line and finally an image is formed. To be sure, more advanced tattooing technology is available in prison, but few tattooists guarantee sanitary or bleach-disinfected instruments. Therefore, the chance that tattooing will spread diseases such as HIV and hepatitis is high. Most states prohibit tattooing in prisons because of such public health concerns.

CONCLUSION

Prohibitions, however, have certainly not ended the practice of tattooing in prisons. The overwhelming force of the tattoo as a symbolic affirmation of both group identity and self-identity and as a resistance against the hegemony of state authority continues to override any regulatory prohibitions. Most important, the tattoo communicates status, physical strength, aggressiveness, and toughness. Given the significance that convicts, both male and female, accord such traits, prisoners will likely be decorated with tattoos as long as they can find ink.

—Larry E. Sullivan

See also Aryan Brotherhood; Aryan Nations; Bloods; Crips; Deprivation; Gangs; HIV/AIDS; Importation; Prison Culture; Resistance; Young Lords

Further Reading

Braithwaite, R. L., Stephens, T., Bowman, N., Milton, M., & Braithwaite, K. (1998, April). Tattooing and body piercing: Examining the public health implications of these risky behaviors. *Corrections Today,* 120–121, 178.

Caplan, J. (Ed.). (2000). *Written on the body: The tattoo in European and American history.* Princeton, NJ: Princeton University Press.

DiFrancesco, C. (1990). *"Dermal body language" among prison inmates: The multiple unprofessional tattoo.* Unpublished doctoral dissertation, University of Mississippi.

Fox, J. (1976). *Self-imposed stigmata: A study among female inmates.* Unpublished doctoral dissertation, State University of New York at Albany.

Manuel, L., & Retzlaff, P. D. (2002). Psychopathology and tattooing among prisoners. *International Journal of Offender Therapy and Comparative Criminology, 46,* 522–531.

Parry, A. (1933). *Tattoo: Secrets of a strange art as practised among the Natives of the United States.* New York: Simon & Schuster.

Phelan, M. P., & Hunt, S. A. (1998). Prison gang members' tattoos as identity work: The visual communication of moral careers. *Symbolic Interaction, 21,* 277–298.

Sanders, C. R. (1988). Marks of mischief: Becoming and being tattooed. *Journal of Contemporary Ethnography, 16,* 395–432.

Seaton, E. (1987). Profaned bodies and purloined looks: The prisoner's tattoo and the researcher's gaze. *Journal of Communication Inquiry, 11,* 17–25.

TELEPHONE POLE DESIGN

A prison built according to the *telephone pole design* has several wings or buildings constructed parallel to one another that are connected by a central corridor or passageway that divides the institution into two halves. From above, the layout of such a prison resembles the top of a telephone pole. Each of the parallel buildings houses a different area of the institution. Some of the buildings contain cells, whereas others are dedicated to the facility's school, shops, dining hall, and support programs. This style of prison architecture was most popular in the United States at the end of the 19th century and the beginning of the 20th century, although institutions were built according to this design until the 1970s.

THE DESIGN

Prison architecture always reflects in part larger societal ideas about the purpose of punishment. Thus, as ideas about incarceration change, so too does the design of penal institutions. In the first penitentiaries of the Pennsylvania and Auburn systems, incarceration was thought to lead to personal reform through a combination of solitary religious contemplation and labor. In these early penal institutions, prisoners did not move very far from their cells for the duration of their confinement. In the Pennsylvania system, for example, people spent their entire sentences alone in their cells. In the Auburn system, they labored together in silence in large halls adjacent to their cells. Gradually, however, it became more common for inmates to move from one part of the prison to another for classes, work, or rehabilitation programs. For this to happen, prison architects had to come up with a new design.

The telephone pole design allows inmate movement to occur under strict controls. All traffic from one area of the prison to another must pass through the central corridor, which is continuously monitored. Furthermore, areas within the institution are usually separated from one another by gates that staff members must lock and unlock. Guards control which inmates come into the central corridor and which are permitted in the different areas of the prison.

Because of the level of control over inmate movement that this design offers, as well as the way in which it holds all prisoners indoors, the telephone pole design is commonly used for maximum-security prisons in the United States and other parts of the world. Prisons constructed according to this design are also frequently used to house inmates according to classification levels. Different areas can be designated for those who are under special protection or for those who, as a group, have more privileges than other prisoners.

EXAMPLES

Completed in London in 1891, Wormwood Scrubs Prison in London is believed to be the first telephone pole design prison. It had four parallel buildings containing 1,244 cells. Interspersed between but also parallel to these cell buildings were workshops and a building containing a kitchen and a bathhouse. The workshops, cell buildings, and kitchen-bath building were all connected by means of a narrow passageway that cut through the center of each building. Although Wormwood Scrubs was older, Fresnes-les-Ringis, a French prison built in 1898, is considered to be the inspiration for many of the telephone pole-style prisons built after it. Francisque-Henri Poussin designed Fresnes-les-Ringis to have six five-story buildings with cells to hold a total of 2,000 inmates. As is typical of prisons built in the telephone pole style, the cell buildings were connected by a central hallway that bisected each building. In Poussin's design, the chapel, service facilities, and administration buildings were also connected by corridors, but they were sited away from the buildings containing cells.

Several prisons in the United States that were built in the early 20th century followed the Fresnes

design. For example, the state prison at Stillwater, Minnesota, erected in 1913–1914, had several parallel buildings of cellblocks and a building with dining facilities and a chapel that were connected by a central corridor. However, at Stillwater the main prisoner work buildings were not connected; thus the prison was not built in true telephone pole style.

Other prisons in the United States were built after Stillwater following this basic design, with most or all of the main prison buildings erected parallel to one another with long central passageways between the buildings. Examples include Kilby State Prison, opened in Montgomery, Alabama, in 1922; and Graterford, opened outside of Philadelphia, Pennsylvania, in 1928. Perhaps the most famous, the Federal Penitentiary at Lewisburg, Pennsylvania, which opened in 1932, was designed in the telephone pole style by Alfred Hopkins. Lewisburg was one of the first prisons specifically built to house inmates in different sections according to security level. Maximum-security inmates were held in inside their cells at all times, whereas medium-security inmates could pass through the prison to work and other programs.

The telephone pole design was the most popular prison design for high- and medium-security prisons in the United States and other parts of the world between 1940 and 1970. El Reno, a federal reformatory in Oklahoma, the federal penitentiaries at Terre Haute, Indiana, and at Marion in Illinois are three federal institutions built in the telephone pole design. Dozens of state prisons for men were also built using the telephone pole design, including Soledad in California, the New Mexico Penitentiary at Santa Fe, Somers in Connecticut, Jackson in Georgia, Holman and Mt. Meigs in Alabama, Massachusetts Correctional Institution, Oregon State Correctional Institution, Connecticut Correctional Institution at Osborn, and Marion and Lebanon Correctional Institutions in Ohio.

In the United States, the telephone pole design was not reserved for men's prisons alone. The Women's Institution at Canon City, Colorado, which opened in 1968, and the well-known correctional center for women, opened in 1971, on New York City's Rikers Island were also of this design. Telephone pole-style prisons may also be found in Asian and Latin countries. Yonago Prison opened in Japan in 1923, and the Cidade Penitentiary near Rio de Janeiro, Brazil, was completed in 1942. Other such prisons can be found in Argentina, Ecuador, Paraguay, and Venezuela, although in these countries the design is referred to as "double comb" or "fish spine" (Johnston, 1973, pp. 48–49).

CHALLENGES TO THE DESIGN

Prisons built according to the telephone poll design were originally valued because of their security features and the way in which they enabled the classification and housing of inmates. However, in the 1970s critics began to argue that the design leads to the problem of *overdetermination.* Nagel (1973) describes overdetermination as

> the condition in which everything—decisions, space, movement, and responsibility—is clearly or narrowly defined. All activities are scheduled. Social contacts are predetermined. The physical setting is limited and monotonous. The context is highly, explicitly, predictable, regimented, and offers little real choice. (pp. 40–41)

Critics of the telephone pole design asserted that although the strict controls it offered made it easy for staff to manage inmates and maintain their authority, the monotony and lack of personal accountability for prisoner actions inherent in the design did little to help prisoners prepare for their eventual release.

Similarly, prison reformers pointed out that inmates housed in telephone pole-style prisons tended to be cut off from the world, given that they rarely if ever went outside. They were unable to appreciate seasonal changes, temperature shifts, and other everyday aspects of life, and, as a result, many became deeply institutionalized. When such people were later released, they found it hard to readjust to life outside the facility. Concerns about such effects of the prison design ultimately led to new forms of penal architecture, including campus-style prisons and other New Generation designs.

CONCLUSION

In its most basic form, the telephone pole design has one long corridor that allows inmates to move from one area to another. Cross-arms, or rectangular areas that house prisoner cells, education facilities, shops, dining halls, and support facilities, are built perpendicular to the long corridor. Although the first telephone pole-style institution dates back to Wormwood Scrubs, built just before the 20th century in England, prisons built according to this design proliferated in the United States and other parts of the world between 1932 and 1970. The design is thought to work well for classifying inmates and controlling their movements, but critics argue that it tends to overinstitutionalize inmates, making it difficult for them to adjust to life outside prison when they are released. Nonetheless, many prisons of the telephone pole style still exist at the beginning of the 21st century.

—Kim Davies

See also Auburn System; Campus Style; Classification; Cottage System; Federal Prison System; History of Prisons; Marion, U.S. Penitentiary; New Generation Prisons; Panopticon; Pennsylvania System

Further Reading

Clear, T. R., & Cole, G. F. (1992). *American corrections.* Belmont, CA: Wadsworth.

Johnston, N. (1973). *The human cage: A brief history of prison architecture.* New York: Walker.

Nagel, W. G. (1973). *The new red barn: A critical look at the modern American prison.* New York: Walker.

TERMINATION OF PARENTAL RIGHTS

Depending on the length of their sentences and the nature of their crimes, some prisoners have their parental rights terminated so their children can be put up for adoption. While the termination of parental rights (TPR) is sometimes necessary to ensure that children have stability, consistency, and permanence in their home environments, it is never a simple task. Each decision to terminate parental rights has far-reaching consequences for the parent, the children, and the adoptive family. Juvenile courts and agencies that provide child and family services are often faced with the time-consuming, emotional, and complicated duty of removing children legally from their biological parents and placing them permanently in safe homes.

DEFINITION

When parental rights are terminated, the legal parents' statutory ties to the child are completely dissolved. All rights of the parents to visit, communicate with, make decisions for or about the child, and to obtain information about the child are eliminated. The parents also no longer have any legal responsibility to care for the child medically, physically, emotionally, mentally, or financially. The child becomes the responsibility or ward of the state and is cared for by child welfare agencies through foster care. The goal of the child welfare agencies and the juvenile court shifts from reunification of the child with the biological or legal family to the child's placement with and/or adoption by a new family.

The termination of parental rights may be voluntary or involuntary. Voluntary TPRs happen when the biological or legal parents choose to place their children into the custody of the state and to sever their legal responsibilities to those children. A parent may do this by contacting the local child and family services department or the juvenile court and asking that the child be removed from the home. The parent may then verbally ask that a petition be filed in the juvenile court to terminate parental rights. A parent may also voluntarily terminate his or her parental rights by contacting a private adoption agency and following the agency's procedures for TPR. The private agency will work with the juvenile court to petition for a TPR hearing. In either circumstance, the parent will be required to appear in juvenile court while the court listens to the evidence presented and decides if TPR is in the best interest of the child.

Involuntary TPRs are much more problematic. They typically take place because of abuse or neglect issues and include lengthy involvements by

juvenile courts and agencies providing child and family services. An involuntary TPR may take place if a child welfare agency has made all reasonable efforts to preserve the family and has determined that reuniting the child with the biological or legal family is impossible. Reunification may be impossible if the parent refuses to work with the child welfare agency, when the problems leading up to the child's removal are not curable, and when intensive in-home services cannot be provided or are provided and fail. Federal guidelines require that an involuntary TPR take place if a child has spent 15 of the previous 22 months in foster care. Involuntary TPR is also necessary when a child is subjected to aggravating circumstances such as torture or chronic or severe abuse, when a parent's parental rights over another child have been involuntarily terminated, when a parent has killed or tried to kill another child, or when the court finds that a child is an abandoned infant.

During court proceedings involving an involuntary TPR, the agency pursuing the TPR presents evidence regarding the efforts authorities have made to work with the family, the parents' cooperation, the parents' condition, the current status of the family, the behaviors of the child and/or the parents, the progress made, any significant changes, and the effects of foster care on the child. The parents of the child may hire an attorney and present evidence opposing the termination. Usually the court appoints an attorney for the child (i.e., *guardian ad litem*), to advocate for the child's best interest. Attorneys also represent the juvenile court and the child welfare agency during the court process.

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS OF PRISONERS

In addition to the factors listed, a parent who is incarcerated as the result of a felony conviction may also have his or her parental rights terminated if the juvenile court views the length of the parent's incarceration as detrimental to the child's stability and permanence in a suitable home. If the child's only available provision for care while the parent is incarcerated is in a foster home, the state will often terminate parental rights on the grounds that the parent is deficient in providing adequate care for the child. In such a case, the juvenile court and the child welfare agency do not have to demonstrate that reasonable efforts have been made to reunite the child with the family; rather, they may proceed immediately with a TPR petition.

CONCLUSION

Concerns about the termination of parental rights often center on the problem of identifying exactly whose parental rights need to be terminated. To free a child for adoption, the rights of every person with a direct legal relationship to the child must be terminated. This sometimes includes biological parents, legal parents, named or alleged parents, and unknown parents. A legal parent may be an adoptive parent (mother or father) or a man who was married to the child's mother at the time of the child's conception or birth although he did not impregnate the child's mother. An alleged or putative parent is someone who has identified him- or herself or has been identified by the mother as the parent of the child, whose name is affixed to the birth certificate, who acknowledges the child as his or her own, or who has contributed financially to the support of the child. When unknown parents are involved, the child welfare agency and the juvenile court must publish a public record of the intent to terminate parental rights and must complete a thorough investigation into any records that may identify the child's parents. Identifying all of the parties and successfully terminating the parental rights of each can be difficult for the juvenile court to accomplish. However, successful TPRs and adoptions cannot take place until all legal requirements regarding these individuals are complete.

A second common concern about the termination of parental rights is whether such action is actually in the best interest of the child. The court must determine whether another alternative—such as placement with a relative or continued services to the family—would be sufficient to provide the child with the same level of permanence as TPR. Determining the child's best interest and deciding

on a plan that will ensure the child's overall well-being and healthy mental, physical, moral, and emotional development are the responsibilities of the juvenile justice system.

—Jennifer M. Allen

See also Fathers in Prison; Foster Care; Juvenile Justice and Delinquency Prevention Act 1974; Juvenile Justice System; Mothers in Prison; Prison Nurseries; Race, Class, and Gender of Prisoners; Women Prisoners

Further Reading

Bloom, B. (1995). Imprisoned mothers. In K. Gabel & D. Johnston (Eds.), *Children of incarcerated parents.* New York: Lexington.

Enos, S. (1998). Managing motherhood in prison: The impact of race and ethnicity on child placements. In J. Harden & M. Hill (Eds.), *Breaking the rules: Women in prison and feminist therapy.* Binghamton, NY: Harrington Park.

Hagan, J., & Dinovitzer, R. (1999). Collateral consequences of imprisonment for children, communities, and prisoners. In M. Tonry & J. Petersilia (Eds.), *Prisons.* Chicago: University of Chicago Press.

Jimenez, M. A. (1990). Permanency planning and the Child Abuse Prevention and Treatment Act: The paradox of child welfare policy. *Journal of Sociology and Social Welfare, 17*(3), 55–72.

National Council of Judges and Family Court Judges. (1995). *Resource guidelines: Improving court practice in child abuse and neglect cases* (Grant Document No. 92-CT-CX-0001 and 95-CT-FX-0001 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, and U.S. Department of Justice). Washington, DC: National Council of Judges and Family Court Judges.

Phillips, S., & Bloom, B. (1998). In whose best interest? The impact of changing public policy on relatives caring for children of incarcerated parents. *Child Welfare, 77,* 531–541.

White, P. (1994). Courting disaster: Permanency planning for children. *Juvenile Justice Bulletin, 2*(1), 15–20.

TERRE HAUTE U.S. PENITENTIARY DEATH ROW

The U.S. Penitentiary (USP) in Terre Haute, Indiana, operated by the Federal Bureau of Prisons (BOP), was originally constructed in 1940 and was designated in July 1993 as the site for conducting executions of men sentenced to death under federal law. According to the BOP, Terre Haute was chosen as the site for executions because of its central geographic location and because it is a high-security prison housing the most dangerous federal inmates. Renovation of a wing of the prison to serve as the Special Confinement Unit (SCU) for inmates sentenced to death began in August 1993 and was completed in May 1996. There is no corresponding facility for female inmates, and, as of November 2002, there were no female inmates in the federal system serving federal death sentences.

SPECIAL CONFINEMENT UNIT

The Special Confinement Unit was designed to house a maximum of 50 men, although the number of inmates with federal death sentences has not reached that level. When the SCU was first activated in July 1999, 20 individuals previously housed at various federal and state prisons were moved to the SCU. As of November 2002, 24 men were serving federal death sentences. Each cell in the SCU has a 13-inch television that provides regular television programming as well as educational and religious programming. Inmates have access to medical and psychological services, indoor and outdoor recreation, an industrial workshop for prison jobs, attorney and family visiting rooms, and library services within the unit. A videoconferencing system is available in the unit to provide face-to-face contact between inmates and the courts if necessary. To the greatest extent possible, residents in the SCU have the same privileges as other prisoners at USP Terre Haute, including access to the prison commissary.

EXECUTION FACILITY

The execution facility at USP Terre Haute is a separate building (2,135 square feet) with witness rooms, the execution room, and various utility rooms. Construction of the execution facility started in 1994 and was completed in 1995. It includes four separate witness rooms, one each for community witnesses, government witnesses, media witnesses, and inmate witnesses. Each federal execution is

conducted, on a date and time determined by the director of the Federal Bureau of Prisons, by a U.S. marshal chosen by the director of the U.S. Marshals Service. The designated marshal and the warden of USP Terre Haute select any additional personnel needed to conduct the execution, not necessarily personnel from USP Terre Haute. All Department of Justice employees have the right to decline to participate in an execution if they have moral or religious objections. Lethal injection, the method of execution most commonly employed by U.S. states, is the method used at USP Terre Haute.

HISTORY OF FEDERAL EXECUTIONS

Prior to 2001, the U.S. government had not executed an inmate in 38 years, since Victor Feguer was hanged in 1963 at the Iowa State Penitentiary in Fort Madison. Feguer had been convicted of a federal kidnapping charge. With the establishment of the SCU and the execution facility at USP Terre Haute, the U.S. Department of Justice brought the enactment of death sentences under direct federal supervision. The 34 federal executions of civilians prior to 2001 had occurred at various federal, state, and county facilities, and a variety of execution methods had been employed, including hanging, electrocution, and gassing. The executions that probably received the most media and other attention prior to 2001 were the executions of Julius and Ethel Rosenberg in 1953 for conspiracy to commit espionage. The husband and wife were electrocuted at Sing Sing Prison in New York. Ethel Rosenberg is one of only two women who have been executed by the U.S. government. The other federal execution of a woman also occurred in 1953, when Bonnie Brown Heady was gassed to death at the Missouri State Penitentiary for kidnapping and murder.

RECENT EXECUTIONS AT USP TERRE HAUTE

Timothy McVeigh was the first person executed by the federal government following the reintroduction of the death sentence into federal law in 1993. McVeigh was convicted of bombing the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995. In the explosion, 168 individuals were killed, including 19 children. McVeigh was executed on June 11, 2001. The McVeigh case, and the subsequent execution, attracted massive media coverage. Despite preparations by the Bureau of Prisons and the Department of Justice for a large protest, only 150 or so demonstrators appeared at USP Terre Haute on the day of McVeigh's execution, according to ABC News. About 50 of those demonstrated in support of the execution, whereas the rest opposed it.

The second execution at USP Terre Haute occurred eight days later, on June 19, 2001. Juan Raul Garza, a 44-year-old Mexican American, was executed for his role in three drug-related murders in 1993. The Garza execution did not receive the same level of national press coverage as the McVeigh execution.

CONCLUSION

The execution facility and the Special Confinement Unit at Terre Haute fulfill the current needs of the federal system. No additional facilities are anticipated. The warden who presided over the executions of McVeigh and Garza, Harley Lappin, became only the seventh director of the Bureau of Prisons since 1930 when he was sworn in on April 4, 2003.

Author's Note: The opinions expressed are those of the author and do not necessarily represent the opinions of the Federal Bureau of Prisons or the Department of Justice.

—Scott D. Camp

See also Capital Punishment; Death Row; Deathwatch; Federal Prison System; Timothy McVeigh; Special Housing Units

Further Reading

ABC News. (2001, June 11). *The protesters outside: Demonstrators gather, for and against McVeigh execution.* Retrieved September 12, 2004, from http://abcnews.go.com/sections/us/dailynews/mcveigh_protesters010611.html

Federal Bureau of Prisons, Office of Public Affairs. (2000). *Federal death penalty legislative history and mission of*

USP Terre Haute. Washington, DC: Federal Bureau of Prisons.

Garvey, M. O. (2001). Death in Terre Haute. *Commonweal, 128*(13), 9–11.

Shainin, J. (2001, July 23). Death on the installment plan: In Terre Haute, the effects of one execution are only the beginning. *The Nation, 273,* 30–32.

THERAPEUTIC COMMUNITIES

Therapeutic communities are typically drug-free residential settings that treat drug abuse and addiction in various predetermined stages. They exist in prisons, hospitals, and the community at large. As individuals pass through each level of treatment in a therapeutic community, they attain increased levels of personal and social stability; this, in turn, allows them to learn social norms and improve their social skills.

Therapeutic communities are different from other drug treatment approaches in the range of people involved in the treatment process. Unlike in other kinds of programs, in a therapeutic community the addict, other program members, and staff are thought to be equally important to recovery. Using a reward and punishment system, the participants interact in ways that influence each other's attitudes and behaviors related to drug use. Individuals in treatment are considered to be the main contributors to their own recovery, but they also are required to assume partial responsibility for the recovery of others in the program.

The ultimate goal of a therapeutic community is to help individuals recognize the dangers of addiction by identifying, expressing, and managing feelings while learning personal and social responsibility. In addition to gaining employable skills, this involves creating a lifestyle of drug abstinence and the elimination of violent antisocial behavior. Currently, two-thirds of the persons admitted to therapeutic communities in the United States have ties to the criminal justice system, either because they are on probation or parole or because they are awaiting trial (this figure does not include participants who are currently incarcerated). Some prisons operate on-site therapeutic communities as a drug rehabilitation strategy.

HISTORY

The first therapeutic communities were established in hospitals in England during the 1940s by psychiatrist Maxwell Jones; the programs were established to help war veterans who were having problems locating and maintaining employment. In 1958, recovering alcoholic Charles Dederich adopted the approach in treating narcotics addicts in the San Francisco area, establishing the well-known Synanon drug treatment program. Synanon declined in the late 1970s after critics alleged that religious undertones in the program gave it a cult-like status. Regardless, similar communities continued to emerge for drug abusers and addicts, such as Phoenix House, Odyssey House, and Daytop Village.

In 1975, the Therapeutic Communities of America (TCA), a nonprofit association dedicated to promoting therapeutic communities, was established. Still in existence today, TCA represents more than 400 substance abuse treatment programs. TCA members provide detoxification, residential care, case management, education, vocational services, and medical services. TCA is attempting to increase the effectiveness and efficiency of substance abuse programs. The organization seeks to promote cooperation among therapeutic communities as well as to educate the public about the need for and the benefits of substance abuse treatment. It also seeks to educate policymakers about the value of therapeutic communities.

Officials introduced the first therapeutic community in a U.S. federal prison at the Federal Correctional Facility in Danbury, Connecticut, in 1966. That same year, New York's Clinton Prison started looking into doing the same. However, it was not until the Anti–Drug Abuse Act of 1986, which allocated federal funds for drug treatment from the Bureau of Justice Assistance and other agencies, that interest in therapeutic communities for prisons was really stimulated. In the late 1990s, this interest grew when the Office of National Drug Control Policy and TCA joined forces to develop a set of operating standards for prison-based therapeutic communities. The eventual plan is to put

120 standards across 11 program domains into a format for use by national accrediting organizations.

STRUCTURE OF THERAPEUTIC COMMUNITIES

Therapeutic communities are usually stand-alone institutions that provide residential facilities separate from drug-related environments. The typical day for participants in these types of communities begins at 7:00 A.M. and ends at 11:00 P.M. It includes scheduled house meetings, job assignments, seminars, individual counseling, and some personal time. Individuals in the program must adhere to strict behavioral norms. In line with social learning approaches, these norms are reinforced with rewards and punishments to encourage participants' development of self-control and social responsibility. In a therapeutic community, individuals go through a hierarchy of progressively important roles. As they attain increasingly important roles, they are granted greater privileges. Group sessions focus on altering negative patterns of behavior through confrontation, games, and role-playing.

To highlight the goal of responsibility with a community-centered ideology, therapeutic communities use a specific three-stage process. Stage 1 occurs within the first 30 days of an individual's stay. During this period, staff members gradually introduce the new resident to policies and procedures and try to establish a sense of trust with him or her. Then the new resident makes a personal assessment of self, circumstance, and need. This is the initial point at which the drug user or addict starts to understand the nature of his or her problem and make a commitment to recovery.

Stage 2 is primary treatment. At this point, staff members implement a structured model of prosocial attitudes. Interventions are conducted to alter the individual's behaviors related to drug use. These interventions usually address the individual's social, educational, familial, psychological, and vocational needs.

Stage 3 is reentry. At this point, staff and other participants help the individual to integrate back into larger society. Ideally, a therapeutic community graduate exits the program drug free and enrolled in a school or employed. In order to facilitate readjustment to the community, most programs offer some form of aftercare. Postresidential services include, but are not limited to, individual therapy, family counseling, educational support, and vocational instruction. Aftercare may also include involvement in other programs, such as Alcoholics Anonymous or Narcotics Anonymous.

Therapeutic communities do not have any predetermined length of treatment and, in fact, tend to have a high dropout rate. Participants who complete all three stages achieve the best results. However, even members who do not complete their programs gain some benefit, particularly those who remain in their communities for at least 90 days. In one study, researchers who compared treatment results for cocaine addicts found that in the year following care, participants in therapeutic communities were less likely to return to drug use than those who had taken part in other drug treatment programs.

Many strategies exist to try to encourage people to complete the three stages of treatment offered in therapeutic communities. From family or employer support to court mandates, participants are often pressured to continue. In addition, studies have found that good relationships between participants and staff members and a focus on the education component of the program often inspire people to continue. Likewise, programs try to bolster participants' self-esteem or even to alter their cognitive structures to encourage them to stay. In this strategy, which tends to be most successful with participants who have low education levels, participants take part in intense teaching sessions that emphasize appropriate expectations concerning treatment.

SPECIFIC POPULATIONS

Therapeutic communities provide services to a variety of specific populations with substance abuse problems. As noted, not including those programs in correctional settings, two-thirds of the individuals admitted to therapeutic community programs have some kind of tie to the criminal justice system. Most

have multiple drug addictions and mental health problems ranging from depression and anxiety to posttraumatic stress disorder. Nearly half of those admitted to therapeutic communities are African American. The high level of representation of African Americans in this population relates to their corresponding numbers in the criminal justice system, which refers a large proportion of program prospects.

Nearly one-third of those admitted to therapeutic communities are women, and mixed-gender and women-only communities exist. Research suggests that therapeutic communities exclusively for women have specific benefits because they focus on services that only women need. Some women's programs also let children stay in the facilities with their mothers. When women feel as though their needs are being met, they are more likely to stay and finish the program.

Since the late 1980s, special therapeutic communities for HIV-infected drug addicts have been established in various parts of the United States. These programs often combine therapeutic communities with nursing home services. These modified therapeutic communities offer accelerated program entry, a higher percentage of staff assistance, and more attention to issues of grief and burnout. Such treatment is thought to reduce not only drug use but also risky sexual behavior.

THERAPEUTIC COMMUNITIES IN PRISONS

Prison environments can make addict rehabilitation difficult. The availability of drugs, violence related to inmate gangs divided along racial lines, and the frustration that accompanies confinement can hinder personal change and reform. Unlike other prison drug treatment programs, on-site therapeutic communities offer an escape from the typical prison subculture by providing an area where individuals are isolated from the general inmate population. They allow participants to separate themselves from drugs, violence, and other norms and values that hinder addict recovery in correctional facilities.

As with programs in the community, the clinical staff members of prison therapeutic communities, usually former drug abusers, were rehabilitated in therapeutic community settings themselves. Because this is the case, staff members can relate to inmates who are drug abusers or addicts; their shared experience is thought to foster a sense of community. As with other therapeutic communities, those in prison emphasize that the problem is the person and not the drug. Substance abuse is merely a symptom of a life filled with antisocial behavior. With the inmate separated from an invalidating environment, the objective is to change negative patterns of behavior that inspire drug use. The mutual self-help aspect of other programs is also present in prison therapeutic communities. In jobs, groups, meetings, recreational activities, and social time, inmates constantly transmit to each other the messages and expectations of their group-driven therapy. The rules of the therapeutic community prohibit inmates from engaging in violence, theft, and drug use. If an inmate participates in such activities, he or she will immediately be expelled from the program and must return to the general population. As might be expected, the threat of this punishment can be a potent deterrent, as inmate participants often view the therapeutic community as the safest place to finish their time.

CURRENT PRACTICE

Several drug treatment programs based on the therapeutic community model currently exist in prisons in the United States. They include Stay'n Out in New York and the Delaware KEY program. The Stay'n Out program, which started in 1977, uses a modified hierarchical therapeutic community model; the program operates in both men's and women's prisons. Residents live in two housing units separated from the general inmate population. They have contact with other inmates only when off site, including visits to the cafeteria, infirmary, and facility library. Staff members give participants a range of jobs, from cleaning bathrooms to enforcing rules of conduct. As an individual performs well, he or she is promoted to a better job. The program also includes a typical schedule of therapy, education, and group meetings. Research that has compared Stay'n Out to other forms of prison drug

treatment has found promising results, suggesting that prison-based therapeutic communities can be effective in reducing recidivism.

The Delaware KEY program, which began in 1988, includes many of the traditional components of a therapeutic community, such as a hierarchical structure, seminars, individual counseling, and resident job functions. It integrates other programs as well, such as Alcoholics Anonymous and Narcotics Anonymous. At group meetings, 10 or more inmates share thoughts and feelings to generate bonds of trust and a sense of community. In these groups, the use of psychodrama is important to explore unresolved conflicts and bring the members closer together. As with other therapeutic communities, the goal is to assist participants in obtaining a responsible, drug-free lifestyle. The program is a two-year continuum of treatment available for both men and women. Unlike other prison-based programs, the KEY program makes a large effort to extend to work release and aftercare. One study found that of inmates who participated in the entire program, 57% remained arrest free and 36% were drug free 42 months following release, in contrast with figures of 25% arrest free and 4% drug free for inmates who did not take part in the program. Recently, prisons in European countries, Asia, and Latin America have started using models based on the KEY program. The cross-cultural effectiveness of the therapeutic community model is yet to be determined.

CONCLUSION

Among the various kinds of programs that exist to treat drug abuse and addiction, one of the most popular is the therapeutic community. As stand-alone facilities, therapeutic communities offer tremendous benefits. In addition to helping participants gain employable skills, they encourage a lifestyle of drug abstinence and the elimination of violent antisocial behavior. With the support of organizations such as the Therapeutic Communities of America, it appears that therapeutic communities are here to stay. This seems especially likely given recent adaptations of the model to care for specific populations, such as women with children and HIV/AIDS-infected drug abusers and addicts.

Although therapeutic communities care for a wide range of individuals, most people currently admitted to therapeutic communities in the United States have some connection to the criminal justice system. Moreover, drug treatment programs in prisons are relying increasingly on therapeutic community models. Regardless of the programs' success, the number of inmates who are likely to be rehabilitated through prison-based therapeutic communities is questionable. Not all inmates can benefit from therapeutic communities in prisons because the programs that prisons offer are usually brief and intense, lasting only six months to a year. To complete all three stages of the program, including reentry, an individual must be released back into society at the appropriate time, but he or she may not qualify for release from prison at that time. The inmate instead must either return to the general prison population or start over in the therapeutic community program. Back in the general population, the inmate will lose the protection of the therapeutic environment. If the inmate starts the program over, he or she will have no goals to achieve, having already completed every stage of the program except reentry. Regardless of this problem, prison-based therapeutic communities have promise. It is also important to note, however, that not all inmates with drug problems want to participate in therapeutic communities.

—Jason S. Ulsperger

See also Alcoholics Anonymous; Drug Treatment Programs; Group Therapy; Individual Therapy; Medical Model; Psychologists; War on Drugs

Further Reading

Campling, P., & Haigh, R. (1999). *Therapeutic communities: Past, present, and future.* London: Jessica Kingsley.

Carney, L. P. (1980). *Corrections: Treatment and philosophy.* Englewood Cliffs, NJ: Prentice Hall.

Carroll, J., McGovern, J. J., McGinley, J. J., Torres, J. C., Walder, J. R., Pagan, E. S., et al. (2000). A program evaluation study of a nursing home operated as a modified therapeutic community for chemically dependent persons with AIDS. *Journal of Substance Abuse Treatment, 18,* 373–386.

De Leon, G. (2000). *The therapeutic community: Theory, model, and method.* New York: Springer.

Jones, M. (1953). *The therapeutic community: A new treatment method in psychiatry.* New York: Basic Books.

Leukfeld, C., & Tims, F. (Eds.). (1992). *Drug abuse in prison and jails.* Washington, DC: Government Printing Office.

Lipton, J. (1995). *The effectiveness of treatment for drug abusers under criminal justice supervision.* Washington, DC: National Institute of Justice.

National Institute on Drug Abuse. (2002). *Therapeutic community* (NIDA Research Report Series, NIH Publication No. 02–04877). Washington, DC: National Institute of Health.

Office of National Drug Control Policy. (1999). *Therapeutic communities in correctional settings: The prison based TC standards development project final report of phase II* (NCJ Publication No. 179365). Washington, DC: Criminal Justice Committee of Therapeutic Communities of America.

Rawlings, B. (2001). *Therapeutic communities for the treatment of drug users.* London: Jessica Kingsley.

Simpson, D. D., Joe, G. W., & Brown, B. (1997). Treatment retention and follow-up outcomes in the Drug Abuse Treatment Outcome Study (DATOS). *Psychology of Addictive Behaviors, 11,* 294–307.

Therapeutic Communities of America. (n.d.). *Welcome to the TCA website.* Retrieved September 12, 2004, from http://www.therapeuticcommunitiesofamerica.org

THIRTEENTH AMENDMENT

The Thirteenth Amendment to the U.S. Constitution prohibits chattel slavery but allows slavery as a punishment for crimes. Approved in 1865, the amendment reads:

> Section 1. Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
>
> Section 2. Congress shall have power to enforce this article by appropriate legislation.

This language is identical to that of the Northwest Ordinance, which abolished slavery in the Northwest Territory in 1787. Unlike the Fourteenth Amendment, which was also adopted as a result of the Civil War and Reconstruction, the Thirteenth Amendment has rarely been the subject of litigation.

HISTORY

The Thirteenth Amendment was a product of the complex politics of the Civil War era. Although President Abraham Lincoln's Emancipation Proclamation of 1862–1863 aided many African American slaves in their quest for freedom, his executive order was largely a political, diplomatic, and military maneuver designed to weaken the rebellious slave states and to dissuade European governments from assisting them. Lincoln did not free slaves in the loyal states of Missouri, Kentucky, Maryland, and Delaware. Nor did his proclamation release them in areas controlled by Confederate military forces.

The possibility of amending the U.S. Constitution to outlaw slavery was first raised in December 1863 by the Republican congressmen James Ashley of Ohio and James Wilson of Iowa. Democratic Senator John Henderson of Missouri, a former slave owner, proposed a comparable amendment in January 1864. Republican Lyman Trumbull of Illinois became the measure's sponsor in the Senate, where the Judiciary Committee, which he chaired, favorably reported the amendment on February 10, 1864. The full Senate overwhelming approved the amendment by a vote of 38 to 6 on April 8 of the same year. However, the proposal encountered much more opposition in the House of Representatives. Although a majority of the House's members favored it, the Thirteenth Amendment did not receive the requisite two-thirds margin during 1864.

That same year, Lincoln was campaigning for a second term as president. The Thirteenth Amendment played a significant role in his subsequent success as he made clear to opponents of the amendment that it would end chattel slavery but guarantee few other civil rights to freed African American slaves. As a result, Democrats, who were more tolerant of slavery than their Republican counterparts, came to favor abolition as a means of reuniting the union and removing slavery as a divisive issue. Lincoln won reelection, and a number of representatives who had formerly opposed the Thirteenth Amendment switched their positions. On January 31, 1865, the measure received support from more than two-thirds

of the House's membership. Lincoln signed the proposed constitutional alteration, and the U.S. State Department submitted it to the states for ratification. Illinois was the first state to approve. When Georgia became the 27th state to ratify, on December 6, 1865, the amendment was officially added to the U.S. Constitution. Slavery, except as a punishment for crime, was officially proscribed in the nation's organic law.

ENFORCING THE THIRTEENTH AMENDMENT: LIMITED SCOPE

Congress relied on the enforcement clause of the Thirteenth Amendment to justify the extension of the Freedmen's Bureau Act and to pass the Civil Rights Act in 1866, both of which granted African Americans legal rights of contract, property ownership, and access to the courts as witnesses and civil litigants. These acts did not, however, require states to grant voting rights to former slaves. Congress eventually disbanded the Freedmen's Bureau and revised the Civil Rights Act in a manner that largely rendered the latter ineffective.

Over time, the U.S. Supreme Court limited the scope of the Thirteenth Amendment. However, the Court has on occasion employed the Civil Rights Act of 1866 to protect African Americans from discrimination at the hands of private parties. In the 1968 case of *Jones v. Alfred H. Mayer Co.,* for instance, the Court concluded that the Thirteenth Amendment's enforcement clause cloaked Congress with "power to pass all laws necessary and proper for abolishing all badges and incidents of slavery." Hence the Civil Rights Act prohibited individuals from refusing to sell homes to African Americans. Using similar reasoning, in 1976 the Court ruled that a private, nonsectarian school could not refuse to admit African Americans as students. By and large, however, the Fourteenth Amendment, adopted in 1868, has served as a far more important mechanism for federal enforcement of civil rights and liberties within individual states.

The Thirteenth Amendment has rarely protected the legal rights of workers. Congress in 1867 predicated an antipeonage (debt-servitude) act on the amendment, but it failed to prevent the existence of the practice until well into the 20th century. Decisions by the U.S. Supreme Court upheld the law but made enforcement difficult. Forced labor conditions among migrant workers in certain areas of the country persisted even late in the century. Nor did the Thirteenth Amendment's prohibition against involuntary servitude protect the rights of free workers.

Nonetheless, a number of legal activists have advocated using the Thirteenth Amendment in support of or in opposition to various controversial social, political, and economic practices. Thus many scholars have maintained that the amendment may be used to uphold abortion rights, protect battered women, defend affirmative action policies, oppose speech codes, and protect the rights of juveniles. Up to the present time, however, such advocacy has met with little success. The Thirteenth Amendment remains less important as a practical legal tool than as a symbol of liberty and an expression of contempt for the now-discredited institution of chattel slavery.

CORRECTIONS PRACTICES: SLAVERY OR LABOR?

The authors of the Thirteenth Amendment never seriously considered abolishing slavery as a punishment, given that the prevailing correctional theory of the time regarded hard labor during incarceration as desirable from the standpoint of punishment, rehabilitation, and economics. Almost all state penal systems followed the Auburn system of penal discipline, which required able-bodied inmates of all races and genders to labor in order to pay for institutional expenses. Whether leased to private employers, working on state account, or producing for governmental consumption, involuntary servitude was a defining feature of incarceration for convicted felons. State and federal restrictions against the sale of convict-produced goods, as well as judicial intervention, have lessened but not removed hard labor as a penal disciplinary tool.

Perhaps the convict lease system that characterized Southern state penal systems following the

Civil War is most often associated with the concept of "penal slavery." Former slave states contracted prisoners, and sometimes entire correctional institutions, to private employers, who utilized convict labor on railroads, in mines and turpentine forests, and on plantations. In the states of the Deep South, most convict plantation laborers were African Americans. Many, in fact, were former chattel slaves or their descendants. Working in a gang labor fashion, under armed guard, and frequently singing work chants to maintain a steady pace, convict laborers presented a picture that eerily resembled the antebellum slavery that the Thirteenth Amendment had ended. When states ultimately abolished the convict lease system, they frequently acquired prison farms, where convicts, regardless of race or gender, continued to work outdoors under the threat of force. Some states used prison chain gangs to build roads. Convict leasing, although most conspicuous in the Southern states, existed elsewhere as well. Prison gang labor continues through the present day, although prisoner litigation and judicial intervention have ameliorated some of the worst abuses.

In fact, about 4% of the nation's prison inmates currently work in gangs on prison farms and plantations in states such as Texas, Louisiana, and Arkansas. Partly as a response to growing public tolerance for increasingly harsh punishment policies, a few states have placed some inmates in chain gangs that labor on public works outside of prison walls. More than 50% of all prison inmates in the United States, male and female, perform a variety of skilled and unskilled tasks within penal institutions. For instance, some participate in kitchen and dining hall work, or landscaping or custodial jobs; others do maintenance carpentry and painting. Inmates also serve as vehicle drivers and mechanics. Correctional facilities assign some residents to prison laundries, libraries, and clerical duties. Approximately 6% of all inmates labor in prison industries.

Critics of prison labor contend that many inmates are victims of the state slavery permitted by the Thirteenth Amendment. They charge that the realities of such labor, especially in factories and fields, result in abusive punishment rather than the rehabilitation espoused by some prison labor proponents. According to one source, three states do not compensate inmates, although prisoners may receive reductions in time served as payment in kind. Inmates who are paid typically receive wages that are considerably lower than the federal minimum wage. Prisoners employed by private contractors generally receive higher wages than those who work at state-operated facilities. In 2001, inmates employed by privately operated prison industries received average wages that ranged from approximately $22 per day to nearly $35 per day. The average pay for those working in nonindustrial jobs at both private and governmental prisons ranged from 93¢ to nearly $5 per day.

THE CASES FOR AND AGAINST PRISON LABOR

Critics of the growing prison-industrial complex in the United States further argue that prison slavery on behalf of private contractors enriches certain corporate interests at the expense of both low-wage inmate laborers and free workers. Because contractors normally do not pay for workers' compensation or unemployment insurance and are relieved of the costs of medical and other benefits for the workers, they are attracted to prison labor. In some instances, prison industry has displaced free workers. Rehabilitation advocates note that the type of labor in which inmates engage while incarcerated often does not exist away from prison. Hence discharged felons are unable to locate jobs similar to those they performed while confined, despite the training they may have received while engaging in prison labor.

Proponents of inmate labor, however, argue that most prisoners desire to work and that the psychological impact of idleness is a more serious social problem than prison slavery. They believe that, regardless of the lack of job opportunities outside the prison walls, even menially employed or unpaid inmates may acquire positive work habits that will benefit them after release. Wages from their labor enable them to send money to their families, compensate victims, and save money for their eventual return to free society. In addition, many prison labor

advocates argue that inmate employment reduces incarceration costs and permits at least a few prisoners to pay taxes with their earnings.

CONCLUSION

Judicial intervention in response to the prisoners' rights movement that occurred during the second half of the 20th century has in many respects improved the plight of detained and convicted individuals. Even so, the Thirteenth Amendment to the U.S. Constitution upholds penal slavery. Consequently, inmates and their attorneys depend on other federal constitutional provisions, notably the Eighth and Fourteenth Amendments, to mitigate punishment permitted by the Thirteenth.

—Paul M. Lucko

See also Auburn System; Convict Lease System; Eighth Amendment; Fourteenth Amendment; Hard Labor; History of Prisons; Labor; Parchman Farm, Mississippi State Penitentiary; Plantation Prisons; Prison Farms; Section 1983 of the Civil Rights Act; Slavery

Further Reading

Buchanan, S. G. (1974–1975). The quest for freedom: A legal history of the Thirteenth Amendment. *Houston Law Review, 12,* 1–34, 331–378, 592–639, 843–889, 1069–1085.

Camp, C. G., & Camp, G. M.(Eds.). (2001). *The corrections yearbook 2001: Adult systems.* Middletown, CT: Criminal Justice Institute.

Daniel, P. (1972). *The shadow of slavery: Peonage in the South, 1901–1969.* Urbana: University of Illinois Press.

Hallinan, J. (2001). *Going up the river: Travels in a prison nation.* New York: Random House.

Kares, L. (1995). The unlucky Thirteenth: A constitutional amendment in search of a doctrine. *Cornell Law Review, 80,* 372–412.

Mancini, M. (1996). *One dies, get another: Convict leasing in the American South, 1866–1928.* Columbia: University of South Carolina Press.

Novak, D. A. (1978). *The wheel of servitude: Black forced labor after slavery.* Lexington: University Press of Kentucky.

Parenti, C. (1999). *Lockdown America: Police and prisons in the age of crisis.* New York: Verso.

Vorenberg, M. (2001). *Final freedom: The Civil War, the abolition of slavery, and the Thirteenth Amendment.* New York: Cambridge University Press.

Wallace, D. H. (1992). *Ruffin v. Virginia* and slaves of the state: A nonexistent baseline of prisoners' rights jurisprudence. *Journal of Criminal Justice, 20,* 333–342.

Legal Cases

Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968).
Ruffin v. Commonwealth, 62 Va. 1024 (1871).

THREE PRISONS ACT 1891

The Three Prisons Act, passed by the 51st U.S. Congress on March 3, 1891, authorized the establishment of the first three federal prisons. The act was an important milestone in the U.S. prison reform movement of the 19th century. Its passage laid the foundation for the federal prison system, even though the Federal Bureau of Prisons did not officially come into being until 1930.

HISTORY

Prior to 1789, there were few penal facilities of any kind in the new United States. In 1776, Congress mandated that prisoners charged with federal crimes could be confined in the few county or state facilities available. At the time, the only facility of any size was the Walnut Street Jail in Philadelphia, and it was there that the first federal prisoners were held. The Judiciary Act of 1789 created the U.S. Marshals Service, which was given responsibility for finding prison space for federal prisoners.

It was not until the late 1800s that the federal government became involved in corrections in any meaningful way. When the U.S. Department of Justice was created in 1871, the position of general agent was established, which eventually evolved into the superintendent of prisons, who was in charge of all federal prisoners. At the time, there were simply not enough federal offenders to justify the cost of constructing and maintaining separate federal prisons, and, in accordance with the Judiciary Act of 1789, the federal government paid fees to state and county institutions to house the small number of offenders convicted of violating federal laws.

The federal government had operated several Army stockades and Navy brigs to house military

offenders, but there were no real federal prisons at this time. The U.S. government did, for a short time, operate a penitentiary in Washington, D.C., primarily for local convicts, but this had been long abandoned by the time of the Three Prisons Act. The U.S. Penitentiary for the District of Columbia had opened in 1831 in Washington, D.C., with 150 cells for men and 64 for women, along with workshops for making shoes and brooms. It closed in 1862, however, and the prisoners were transferred to various state prisons.

Gradually, the practice of incarcerating federal offenders in state prisons and local jails became increasingly problematic, in large part because of the growing population of federal offenders. Many state prisons were already crowded with their own prisoners, and they simply did not have enough space to keep taking in federal prisoners. In any case, conditions in many state prisons were so squalid that Congress and the Justice Department opposed sending any new federal inmates to them. Finally, in 1887, when the federal government ended convict leasing, it eliminated many of the economic incentives for state and local institutions to house federal inmates, and the institutions began to refuse to accept such inmates. As a result, the federal government had to come up with a new solution.

THE ACT ITSELF

The Three Prisons Act laid the foundation for a new federal prison system. In the act, Congress established three penitentiaries:

> one north, the other south of the thirty-ninth degree of north latitude and east of the Rocky Mountains, the third site to located west of the Rocky Mountains, and the same to be located geographically as to be most easy of access to the different portions of the country.

The act also specified how much these facilities should cost to build, stating that "the plans, specifications, and estimates of such sites and buildings shall be previously made and approved according to law, and shall not to exceed the sum of five hundred thousand dollars each" (§1).

Reflecting concerns at the time about convict labor, Section 2 of the act appropriated $100,000 "to be expended under the direction of the Attorney General, in the fitting of workshops for the employment of the prisoners." The act also mandated that the goods and supplies produced by the prisoners must be reserved exclusively for use by the federal government and manufactured without the use of machinery, and that the inmate laborers should work only inside the prison. Federal convicts were not to work for private companies.

LEAVENWORTH, 1895

Although the Three Prisons Act mandated the establishment of three institutions, and appropriations were made for the purchase of sites or construction in 1891, it was not until 1895 that the 53rd Congress voted to convert the old military prison at Fort Leavenworth into the first federal civilian prison. The site was chosen primarily because a prison already existed there and could be taken over easily.

James W. French, warden at the Indiana State Prison, was appointed the first warden for Leavenworth. A year later, the Judiciary Committee of the U.S. House of Representatives recommended that the inadequate and run-down facility be replaced through the use of inmate labor. In 1898, the federal government purchased 700 additional acres at Leavenworth, and a new building was constructed, large enough to house 1,200 men. Because it was built by unskilled prisoners utilizing labor-intensive methods of construction, the project took several years to complete. R. W. McClaughry, who worked in the Pennsylvania and Illinois penal systems for a number of years, was appointed to be the warden of Leavenworth in 1899.

ATLANTA, 1902

In April 1896, Congress appropriated funds for the second of the three authorized prisons. Although competition for prospective new prison sites developed quickly, the new mayor of Atlanta, Georgia, James G. Woodward, declared that having the new prison built in his city would be a major goal of his administration. Unlike Leavenworth, where the

federal government obtained the site at no cost, choosing a location in Atlanta meant that the tract would have to be purchased. Land owned by the Southern Railway Company was obtained for the new prison, and construction began in early 1900. Because no prison labor was available, private contractors were used.

The initial plan for a large facility made up of two wings with 380 cells to house 760 prisoners eventually expanded to four wings and 1,200 cells. Samuel J. Hawk, former warden at the West Virginia Penitentiary, a facility that had been used to house some federal prisoners in the past, was appointed warden of Atlanta on July 1, 1901. Although construction was to continue for several more years, the first prisoners arrived on January 30, 1902, and by the summer of that year the population reached 350.

McNEIL ISLAND, 1909

It had been the practice for each new state to take over the former territorial prisons within its jurisdiction, and in 1899 the old territorial prison on McNeil Island in Washington was ordered transferred to the new state administration. Governor Elisha Perry was notified but declined to accept ownership on behalf of the state, and the U.S. Department of Justice continued to operate the facility. Prior to gaining statehood, Washington had built a prison at Walla Walla and did not see any need to take over the former territorial facility. In 1891, with the passage of the Three Prisons Act, the question of locating a federal prison west of the Rocky Mountains surfaced. Although neither Congress nor the Department of Justice ever stated that McNeil Island was the prison west of the Rocky Mountains authorized by the Three Prisons Act, it eventually became the third federal institution so designated.

On July 1, 1909, the old territorial prison on McNeil Island was formally recognized as a federal prison; it was granted its own budget, and prison employees gained civil service status. But the facilities were in decline, and the institutions at Leavenworth and Atlanta received most of the attention and funding from the federal government. It was not until 1922 that a new cellblock and dining facilities were completed at McNeil Island and the original 1875 building was demolished. The federal prison was closed in 1981 and again became a state correctional facility.

CONCLUSION

On May 14, 1930, the U.S. Congress passed and President Herbert Hoover signed into law an act that formally established the Bureau of Prisons to oversee federal penal institutions. Noted penologist Sanford Bates, commissioner of corrections in Massachusetts, was appointed the bureau's first director. At this same time, new federal facilities were authorized, including a new prison in Lewisburg, Pennsylvania (opened in 1932), and a prison hospital in Springfield, Missouri (completed in 1933), and several prison camps were also in operation. This act continued the work that the Three Prisons Act had started almost 40 years previously.

—Charles B. Fields

See also Sanford Bates; Convict Lease System; Federal Prison System; Kathleen Hawk Sawyer; Leavenworth, U.S. Penitentiary; State Prison System

Further Reading

Bosworth, M. (2002). *The U.S. federal prison system.* Thousand Oaks, CA: Sage.

Carlson, N. A. (1975). The federal prison system: Forty-five years of change. *Federal Probation, 39*(2), 37–42.

Keve, P. W. (1984). *The McNeil century: The life and times of an island prison.* Chicago: Nelson-Hall.

Keve, P. W. (1991). *Prisons and the American conscience: A history of U.S. federal corrections.* Carbondale: Southern Illinois University Press.

THREE-STRIKES LEGISLATION

In the 1990s, "Three-Strikes Laws" (from the baseball phrase, "Three strikes and you're out") requiring long-term sentences for repeat offenders were enacted in more than half of U.S. states. Proponents of Three-Strikes Laws contend that

they reduce crime by deterring and selectively incapacitating the most dangerous and criminally active offenders. Opponents argue that the laws exacerbate racial disparities in sentencing, overburden the courts and correctional institutions, result in disproportionate sentences for nonviolent offenders, do not deter offending, and are infrequently applied to the dangerous and violent offenders for whom they were originally intended. The future of Three-Strikes Laws will depend on appellate court decisions, research and analysis concerning their costs and benefits, and trends in public sentiment and politics.

HISTORY

In December 1993, Washington State became the first jurisdiction to enact legislation known as "Three strikes and you're out." California followed in 1994, and by the late 1990s more than 26 U.S. states and the federal government had also introduced similar laws. Prior to the introduction of three-strikes legislation, habitual offender statutes existed in most states but were rarely applied.

The impetus for the change in sentencing practices arose, in part, from public outrage over cases in which offenders with prior felony convictions committed heinous violent crimes. Three-Strikes Laws coincided with the "Get tough" trend and adoption of punitive sentencing practices across a range of issues, including firearms enhancements, mandatory minimums for drug offenses, boot camps, and truth-in-sentencing legislation. In the state of Washington, the 1988 murder of 29-year-old Diane Ballasiotes by a sex offender on work-release, and in California, the murders of 18-year-old Kimber Reynolds in 1992 and 12-year-old Polly Klaas in 1993 by repeat violent offenders were cited as the rationale for enactment of three-strikes legislation. Politicians and lawyers argued that the public believed that existing laws did not protect them. This concern, whether based in reality not, led to the expansion of Three-Strikes Laws across the nation and the adoption of three-strikes principles as part of federal sentencing policy.

FEATURES OF THREE-STRIKES LEGISLATION

Three-Strikes Laws abandon rehabilitation as a purpose of punishment in favor of deterrence, incapacitation, and "just deserts." The laws are sometimes justified by the "6% solution," which hypothesizes that incarcerating a small number of dangerous offenders will significantly reduce the crime rate and enhance public safety. This theory is derived from criminologist Marvin Wolfgang's cohort studies of career criminals in the 1940s and 1950s, in which 6% of the studies' sample of offenders were found to be responsible for more than 50% of total crime. Based on this finding, Three-Strikes Laws should enhance public safety by identifying and incarcerating those who are inclined to reoffend, but scholars dispute the veracity of Wolfgang's research and its contemporary relevance.

Despite similar terminology, Three-Strikes Laws take different forms across the various state and federal criminal justice systems. All of the laws require longer periods of incarceration for offenders convicted of violent crimes, but the crimes that count as "strikes," the numbers of strikes required before someone is "out," and the meanings of "out" vary. California's legislation is the most expansive, allowing strike three to be any felony and doubling the sentence for a second strike. Washington State has a narrower "strike zone" but includes nonviolent offenses such as treason, promoting prostitution, drug-related felonies, and attempts. Across the states, "out" can mean an enhanced sentence with a set minimum or maximum, life with the possibility of parole, or life without the possibility of parole. "Out" in Washington is life without the possibility of parole. In California, "out" is a sentence of 25 years to life. Georgia, South Carolina, and Montana mandate a sentence of life without the possibility of parole after two violent felony convictions, and Washington added a two-strikes sentencing provision for sex offenders in 1996. Other variations on such laws include four-strikes provisions and ranges of sentencing options that are left to the discretion of the courts.

IMPACT

Since 1993, more than 7,000 offenders have been sentenced under California's Three-Strikes Law, the most sweeping and frequently used in the country. Other states have sentenced far fewer, and many states have not significantly applied their three-strikes legislation. As of August 2002, 206 offenders had been sentenced under the state of Washington's (the nation's oldest) Three-Strikes Law. Differences in the laws have resulted in various types of offenders being sentenced across the states. In Washington, few (7%) of the three-strikers have been nonviolent offenders, whereas in California most (60%) have been sentenced for property and drug offenses.

Studies of the impacts of Three-Strikes Laws on the criminal justice system have found that these laws disrupt court efficiency with increased trial rates, clogged dockets, and divergent prosecutorial policies (e.g., differential interpretation and application of the law by prosecutors across counties within states). Findings suggest that Three-Strikes Laws may actually increase the homicide rate and contribute to a growth in rates of offender suicides, escapes, assaults, and attempted murder of law enforcement officers because offenders have nothing to lose. Researchers have found that Three-Strikes Laws are used disproportionately to target nonviolent and minority offenders with no measurable effect on crime rates. With the exception of California, the laws have not had any significant impact on prison populations, because many violent offenders sentenced under Three Strikes would have received lengthy prison sentences even prior to the law. However, the cost of caring for the aging prison populations resulting from Three-Strikes Laws, particularly in California, is projected to increase dramatically in the future, leading some to suggest that "we may be incarcerating ourselves into an epidemic" (King & Mauer, 2001, p. 12).

Since the inception of three-strikes legislation, situations have arisen in which prosecutors, judges, and juries have been unwilling to prosecute and convict because of the law's perceived unfairness. This has been an issue primarily in California because of the law's breadth. In a California case in 2000, two jurors who had no problem finding the defendant guilty of burglary said that they could not live with themselves if they complied with the judge's order to validate the man's two prior convictions. Both jurors were replaced with alternates, and the defendant (37-year-old Steven Bell) was convicted and sentenced to 25 years to life for bicycle theft.

The most significant change to date in California's Three-Strikes Law came as the result of the 1996 decision in *People v. Superior Court* giving judges some authority to dismiss allegations of prior felonies in second- and third-strike cases "in the interest of justice." At issue in this case was whether or not a court's striking a prior felony on a prosecutor's motion would violate the doctrine of separation of powers, which provides that any one power (legislative, executive, and judicial) of the state government may not exercise either of the others, to ensure that too much power does not fall into the hands of a single person or group. The court concluded that allowing judges to consider prior felonies as "strikes" is constitutional in the interest of justice, that such dismissal requires consideration of the constitutional rights of the defendant and the interests of society, and that the decision is retroactive, allowing reconsideration of a prior three-strike sentence on appeal or filing of a habeas corpus petition. This decision, returning limited discretion to the judicial branch, allows prosecutors and judges to drop prior felonies in some cases so that they are omitted from consideration as "strikes" under the California law.

Because three-strikes legislation has not had any significant impact on a large number of offenders, prison systems, recidivism, or crime rates, many critics and researchers consider these laws symbolic, with little instrumental value. According to Austin, Clark, Hardyman, and Henry (1999), three strikes is "much ado about nothing and is having virtually no impact on sentencing practices" (p. 131). Studies on the origins of public support for three-strikes legislation suggest that even the source of support for these laws is symbolic, founded on social distance, lack of understanding, and perceived lack of moral and social cohesion rather than on the instrumental goal of crime control. Politicians and victims' rights advocates who

promoted Three-Strikes Laws relied on public fear of crime and frustration over not being able to protect children and others from violent recidivists. The abduction and murder of Polly Klaas by Richard Allen Davis and the subsequent media furor depicting Davis as a poster-boy superpredator had a powerful impact on voters, many of whom saw three-strikes legislation as a way to gain control over an out-of-control situation. However, in practice, particularly in California, where the range of offenses that may be defined as "strikes" is so broad, the law is underapplied to violent predatory offenders and overapplied to many offenders whom few supporters of the legislation originally expected would be sentenced under Three Strikes. Studies conducted in the years following enactment of the legislation have shown that when citizens learn the details of Three-Strikes Laws and hear about cases in which nonviolent offenders are sentenced to life or life without parole, they are less supportive of the sentencing policy.

Three Strikes

The three strikes and you're out law wasn't designed for people who unwisely commit a crime, like mine for instance. I was convicted of an attempted second degree robbery, which under the SRA [Sentence Reform Act] is classified as a class "C" offense, just at the border of being a misdemeanor. Under normal circumstances, the penalty for such an offense is 13–24 months, with the statutory maximum being 5 years.

The three-strikes law was designed for the most serious violent offenders. For instance, heinous murderers, rapists, child molesters, first degree robbery with a weapon, etc. Yet most of the people who have been affected by this law are petty criminals, that can't amount in comparison to a murder or a rape. A murderer gets less time than a three-striker who committed a class "C" offense. The crime just doesn't fit the time in any form or fashion.

Clearly the three-strikes law is a miscarriage of justice. In this case justice needs to be restored. I'm hurt to the bottom of my soul to bear the burden of being classified as a three-strikes offender. I've been rejected, deprived of my freedom, my family, and redemption, for an offense that doesn't warrant such treatment. Animals get better treatment than three strikes!

Al-Kareem Shadeed
Monroe Correctional Complex,
Washington State Reformatory

RESPONSES

Supporters of the mandatory sentencing policy contend that Three-Strikes Laws reduce crime by deterring and selectively incapacitating the most dangerous and criminally active offenders. Opponents argue that the laws do not deter violent convicted felons from reoffending, inadvertently result in disproportionate sentences for nonviolent offenders, exacerbate racial disparities in sentencing, inappropriately apply to female offenders, and overburden courts and the correctional system.

Numerous constitutional challenges to three-strikes legislation have been raised on grounds that the laws violate the Fifth Amendment's protection against double jeopardy, the Eighth Amendment's protection against cruel and unusual punishment, the Fourteenth Amendment's equal protection clause, and ex post facto constitutional provisions. In California, a number of cases have highlighted how the laws penalize relatively minor offenders. Controversial cases in which nonviolent individuals have been sentenced under Three Strikes include that of Jerry Williams, whose "third strike" was grabbing a slice of pizza from some children. Likewise, Gregory Taylor, a homeless ex-convict who tried to pry open the kitchen door of a church where he had been fed in the past to steal some food, was sentenced to 25 years to life. Critics argue that the inability of the courts to incapacitate the most dangerous offenders selectively and efficiently is fundamentally at odds with the intent of the law.

Three-strikes sentences raise the problem of "false positives," where individuals who might not recidivate are imprisoned because of what some consider an arbitrary measure of their dangerousness (number of strikes or felonies). A more complex area of concern about these laws is that of racial disparities

in sentencing. Minority offenders' felony records are likely to be inflated as a result of selective police patrol practices and racial disparities in pretrial, prosecutorial, and plea-bargaining practices. Such factors increase minority offenders' risk of being prosecuted under Three-Strikes Laws, contributing to the disproportionate numbers of African American and Hispanic women and men behind bars.

Research has shown that the criminal behavior of most offenders declines after age 30 (known as the "burnout phenomenon"), suggesting that it makes little sense to incapacitate offenders beyond age 38 (the average age of three-strikers) because most at this stage of the life cycle will naturally desist from committing crime. Finally, there is little evidence that Three-Strikes Laws effectively deter violent crime, which results from a broad range of causes and motivations. It is unclear whether the threat of third-strike sentencing might deter individuals from committing violent acts, given the subjective and emotional nature of some crimes.

Significantly fewer women than men are sentenced under Three-Strikes Laws. As of June 2002, only 3 (1.5%) women in Washington State and 69 (1%) women in California had been sentenced under the law. Feminist criminologists argue that Three-Strikes Laws were not intended for and should not apply to female offenders, who generally do not commit violent predatory crimes. Some critics suggest that because women tend to be their children's primary caregivers and many children with incarcerated mothers end up in the foster care system, sentencing women under Three-Strikes Laws has harmful effects that extend well beyond the sentenced offenders. To support the view that Three-Strikes Laws should not apply to women because of their different needs and circumstances, sentencing guidelines would need to allow the courts to consider gender as an element in determining the nature and impact of crime.

SUPREME COURT CHALLENGES AND SUPPORT

In November 2002, the U.S. Supreme Court heard two California cases involving three-strikes offenders (Leandro Andrade and Gary Ewing) who had received sentences for minor thefts (of videotapes in one case and golf clubs in the other). At issue was whether the sentencing under the California Three-Strikes Law constituted cruel and unusual punishment when the courts "struck out" the offenders for nonviolent crimes. On March 5, 2003, the Supreme Court upheld Andrade's sentencing, concluding that it did not violate the Eighth Amendment and that recidivism is a serious public safety concern that has long been recognized as a legitimate basis for increased punishment. The Court also ruled on the Ewing case. Justice Sandra Day O'Connor wrote in her opinion that the U.S. Supreme Court does not sit as a "superlegislature" and that "Ewing's sentence is justified by the State's public-safety interest in incapacitating and deterring recidivist felons, and amply supported by his own long, serious criminal record" (*Ewing v. California,* 2003, pp. 15, 17). Citing evidence that California's recidivism has been reduced by 25% and that for the first time since the 1970s there are more parolees exiting California than entering, the Court acknowledged that legislatures enacting Three-Strikes Laws have made a deliberate policy choice to enhance public safety by incapacitating habitual offenders.

The U.S. Supreme Court's landmark decision resolves a primary legal question that is likely to make future challenges beyond state legislative systems more difficult. The Court's decision to uphold California's Three-Strikes Law on the basis of public safety underscores the original intent of the law and the right of individual states to enact sentencing policy that balances defendants' constitutional rights with public safety interests. The Court's decision may close the door to further federal challenges and open it for further expansion of Three-Strikes Laws (and other variants of laws aimed at habitual offenders) to a greater number of states and to a broader class of offenders. In the view of three-strikes advocates, and now the U.S. Supreme Court, Three-Strikes Laws reflect a focused state strategy that is necessary to control career criminals, ensuring public safety through long-term incarceration of habitual offenders.

CONCLUSION

It is unclear what the future holds for three-strikes legislation. Despite the recent U.S. Supreme Court ruling, challenges to Three-Strikes Laws will likely continue. Questions remain concerning whether these laws do in fact have any impact on crime and recidivism rates and, if so, whether their impact is sufficient to justify the use of long-term or even (in some states) lifelong incarceration as a means of achieving public safety.

—Jacqueline B. Helfgott

See also Determinate Sentencing; Deterrence Theory; Drug Offenders; Elderly Prisoners; Families Against Mandatory Minimums; Hospice; Incapacitation Theory; Increase in Prison Population; Just Deserts Theory; Life Without Parole; Lifer; Parole; Prison Industrial Complex; Rehabilitation Theory; Truth in Sentencing; War on Drugs

Further Reading

Applegate, B. K., & Cullen, F. T. (1996). Assessing public support for three strikes you're out laws: Global versus specific attitudes. *Crime and Delinquency, 42,* 517–535.

Austin, J., Clark, J., Hardyman, P., & Henry, D. A. (1999). The impact of "three strikes and you're out." *Punishment and Society, 1,* 131–162.

Beres, L. S., & Griffith, T. D. (1998). Do three strikes laws make sense? Habitual offender statutes and criminal incapacitation. *Georgetown Law Review, 87,* 103–138.

Clark, J., Austin, J., & Henry, A. (1997). *"Three strikes and you're out": A review of state legislation.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

Families to Amend California's 3-Strikes. (n.d.). Third strike cases by ethnic and sex, June, 2002 [Table]. In *Latest statistics.* Retrieved March 16, 2003, from http://www.facts1.com/general/stats.htm#4,076

Harris, J. C., & Jesilow, P. (2000). It's not the old ball game: Three strikes and the courtroom workgroup. *Justice Quarterly, 17,* 185–203.

King, R. S., & Mauer, M. (2001). *Aging behind bars: "Three strikes" seven years later.* Washington, DC: Sentencing Project. Retrieved September 12, 2004, from http://www.sentencingproject.org/pdfs/9087.pdf

Marvell, T. B., & Moody, C. E. (2001). The lethal effects of three-strikes laws. *Journal of Legal Studies, 30,* 89–106.

Moore, M. J. (1999). *Legacy: Murder and media, politics and prison* [Videotape]. Princeton, NJ: Films for the Humanities.

Shichor, D., & Sechrest, D. K. (Eds.). (1996). *Three strikes and you're out: Vengeance as public policy.* Thousand Oaks, CA: Sage.

State of Washington Sentencing Guidelines Commission. (2002, August). *Two strikes and three strikes: Persistent offender sentencing in Washington State through June, 2002.* Retrieved March 16, 2003, from http://www.sgc.wa.gov/081502%20-%20Persistent%20Offender%20Sentencing%20Report.pdf

Vitiello, M. (1997). Three strikes: Can we return to rationality? *Journal of Criminal Law and Criminology, 87,* 395–481.

Zimring, F. E., Hawkins, G., & Kamin, S. (2000) *Punishment and democracy: 3 strikes and you're out in California.* New York: Oxford University Press.

Legal Cases

People v. Superior Court, 13 Cal. 4th 497 (1996).

Ewing v. California, 123 s. ct. 1179 (2003).

TRANSGENDER AND TRANSSEXUAL PRISONERS

Transgender and *transsexual* people are individuals whose sex (physical) and gender (self-identity and social identity) are not always congruent. Although the number of transgender or transsexual ("trans") prisoners in correctional systems across the United States is small, this population is of interest because these individuals are at a substantially high risk of assault and/or self-harm.

DEFINITIONS

Though similar, transgenderism and transsexualism are not quite the same. Transsexualism, technically known as *gender dysphoria,* is a recognized medical condition in which an individual who was defined as belonging to one sex at birth later expresses a very strong desire to live as a member of the opposite sex. Individuals diagnosed as transsexual often seek hormonal and surgical intervention to assist them in living as members of the opposite sex. Transgenderism is a much vaguer concept, which may refer to individuals who merely refuse to identify socially and politically with one or the other gender. Transgender individuals may also be preoperative transsexuals. In either case, transsexualism and transgenderism are distinct from, and should not be confused with, homosexuality.

Hormone therapy for transsexuals has the effect of reducing some of the secondary sex characteristics of their birth sex and increasing the characteristics of their identified sex. For example, an individual declared female at birth who is taking male hormones will exhibit increased musculature, deepening of voice, and beard growth. An individual declared male at birth who is taking female hormones will exhibit some feminization and possibly breast development. Most transsexuals undergo some form of hormone therapy, which is generally continued for life.

Transsexuals who wish to change their appearance more may undergo a number of different surgical sex-reassignment procedures. Individuals declared male at birth who seek to live as women may exercise such surgical options as breast augmentation, the removal of the penis and testicles, and the creation of a vagina and labia. These surgeries have a relatively high success rate. Those who have been declared female at birth but wish to live as men may elect to have a hysterectomy and/or mastectomy. The surgical procedures currently used to create a penis (phalloplasty) are complex and are often not successful. Many transsexual individuals live in their reassigned sex with little or no surgical intervention.

TRANS OFFENDERS

Trans people may come to the attention of police more than other members of society for several reasons. One factor may be that some, particularly those identified as male at birth who are living as females, may be visibly recognizable as "different." Identification paperwork that is incongruent with outward appearance may also arouse police suspicion. It has been suggested that the social stigmatization of transsexualism, which often leads to an inability to hold regular employment and drug use, combines with the need to self-fund expensive hormone treatment and surgery to contribute to the relatively high proportion of trans people involved in crime, particularly prostitution. These factors, added to transgender and transsexual individuals' unusually high risk of self-harm and sexual assault, make prison policy regarding trans inmates a particularly important area for consideration.

MANAGEMENT OF TRANS PRISONERS

Several interrelated issues are involved in the management of transgender and transsexual prisoners. The major issues include the choice of institution and access to hormonal or surgical intervention.

Choice of Institution

Most correctional institutions require that a prisoner be classified as male or female. In the case of trans prisoners, this is not a simple matter. The decision as to whether an individual should be categorized as male or female for prison purposes depends on the policy of the particular institution, taking into account the needs of the individual as well as those of other inmates. In some jurisdictions, legal issues arising from antidiscrimination laws and laws that allow individuals to have the sex noted on their birth certificates altered must also be considered.

It is generally recognized that a prisoner who exhibits any female characteristics, whether genital or otherwise, is at a much greater risk of sexual assault and self-harm in a male institution than are other prisoners, even when placed in protective custody. On the other hand, a transgender prisoner placed in a female institution is at much lower risk of sexual assault or self-harm and poses little risk to female inmates if the transgender prisoner does not have a functioning penis (because, for example, for a female-to-male transsexual, penis construction surgery has not been undertaken or has not been successful; or, for male-to-female transsexual, the penis has been removed or rendered impotent as a result of hormone therapy).

Most departments of corrections will place individuals designated female at birth into female institutions, even if they have undergone extensive hormone therapy, had some surgical intervention, and appear male. Transfer of such inmates to male institutions would be considered only if successful phalloplasty had been performed.

For those prisoners born male who are living as females, decisions concerning placement are usually made on a case-by-case basis, taking into account the individual's current stage of transition. In some cases, placement decisions may need to be reviewed during the period of incarceration, particularly if a person is serving a long sentence or is able to commence hormone therapy or undertake surgery while in prison.

Access to Hormonal or Surgical Intervention

Some individuals enter the correctional system having already been diagnosed as transsexual and having commenced a program of hormone therapy (and possibly having had surgical intervention). Sudden cessation of hormone therapy can have serious medical consequences. Deliberate indifference by prison officials to a prisoner's serious medical need constitutes cruel and unusual punishment, a violation of the Eighth Amendment to the U.S. Constitution. Generally, hormone therapy commenced prior to imprisonment is continued, subject to appropriate medical supervision.

Other individuals may seek to initiate hormone therapy for the first time while they are in prison. In a number of cases, U.S. courts have held that the law does not require prison officials to administer hormone therapy, although in other cases the courts have reached the opposite conclusion. Internationally, there is an increasing move toward correctional institutions' recognition of the right of transsexuals to live in their chosen gender roles. Many institutions in countries around the world, including Australia, make hormone therapy available to prisoners in accordance with appropriate medical diagnoses and supervision.

The issue of whether surgical intervention is appropriate in a prison context is controversial. Many argue against allowing it on the basis that part of the approval process for such surgery is a "real-life test." For those individuals already approved for sexual reassignment surgery prior to imprisonment, or those serving long sentences, the situation may be different.

CONCLUSION

Transgender and transsexual prisoners constitute a small proportion of the total prison population in any country. Due to the scarcity of research on this group, their exact numbers are unknown. As individuals who fit into neither accepted gender easily, they pose considerable challenges to the daily operations of penal institutions. Such institutions need to be aware of the specific needs of transgender prisoners, given that numerous documented cases indicate that trans individuals are at high risk of self-harming, particularly in situations where they feel unable to access appropriate hormonal or surgical therapy.

—Jake Blight

See also Bisexual Prisoners; Eighth Amendment; Health Care; Homosexual Prisoners; Lesbian Prisoners

Further Reading

Blight, J. (2000). *Transgender inmates* (Trends and Issues in Criminal Justice, No. 168). Canberra: Australian Institute of Criminology.

Heilpern, D. (1998). *Fear or favour: Sexual assault of young prisoners.* Lismore, NSW, Australia: Southern Cross University Press.

Perkins, R. (1991). Transsexuals in prison. *Journal for Social Justice Studies, 4,* 97–100.

Petersen, M., Stephens, J., Dickey, R., & Lewis, W. (1996). Transsexuals within the prison system: An international survey of correctional services policies. *Behavioural Sciences and the Law, 14,* 219–229.

TRUSTEE

Jail and prison *trustees* are inmates who have been given limited responsibilities as workers in detention or penal institutions. Generally, individuals are granted trustee status after they have demonstrated good behavior or have served a specified portion of their sentences. In exchange for working as trustees, inmates are awarded additional privileges, "good time" credit, or small amounts of monetary compensation.

The employment of inmate trustees is a pragmatic means for an institution to save money and is,

in part, inspired by the scholarship of criminologist Gresham M. Sykes. In his classic work *The Society of Captives* (1958), Sykes suggests that institutions can best rehabilitate prisoners by minimizing the influence of convict leaders over them. Trustees, who are usually handpicked by prison administrators, are thought to neutralize the effects of prison subculture and to offer an alternative vision of social control that is more in keeping with that of the bureaucratic chain of command.

HISTORY

One of the most notorious uses of inmate trustees occurred in the Texas prison system during the late 1960s and 1970s. The Texas "building tender" system, started by superintendent Dr. George Beto, relied extensively on inmate trustees to control other inmates. This strategy of governance effectively turned the operation of many prison buildings over to the supervision of deputized inmate trustees, especially at night. Selected inmates were even permitted to carry weapons and were rewarded for "keeping things quiet." In one Texas prison, the weekend staff consisted of only a dozen correctional officers who supervised groups of trustees who made counts, searched cells, frisked other inmates, and administered discipline.

Other states, including Arkansas and Mississippi, emulated the Texas model throughout the 1960 and 1970s. Most of the guards in the Arkansas system were simply inmates who had been issued guns. Only two nonconvict guards kept watch over 1,000 Arkansas inmates at night. In Mississippi, 150 trustees armed with rifles maintained security over the rest of the prisoners. At least one state prisoner in Mississippi was shot by an armed trustee acting in a custodial capacity in 1971.

Despite some initial successes in reducing prisoner disorder in these three systems, a number of problems also resulted from their reliance on inmate trustees. Inmate trustees with supervisory duties were often accused of trading institutional privileges for personal favors. Their discipline was often arbitrary and brutal, and fair hearings were virtually nonexistent, given that wrongdoers were shielded by their coworkers and superiors. During the 1970s, Arkansas inmates who needed medical attention had to bribe the trustees in charge of sick call to see a nurse or doctor. Murders and rapes in Arkansas prisons escalated, and shakedowns of cells turned up hundreds of weapons and other contraband. In response, one federal court described the Arkansas prison system as "a dark and evil world completely alien to the free world" (*Hutto v. Finney,* 1970, p. 381).

The trustee systems in Texas, Arkansas, and other, mostly southern, states were effectively ended by the U.S. Supreme Court's decision in *Hutto v. Finney* (1978) and lower federal court cases such as *Ruiz v. Estelle* (1982) and *Guthrie v. Evans* (1981). The *Ruiz* litigation in Texas ultimately cost the state of Texas more than a billion dollars in fines, attorney fees, and institutional reforms. Since this wave of cases, most prisons have decreased their reliance on trustees in security and custodial positions.

TRUSTEES TODAY

Currently, inmate trustees often work as janitors or serve as staff members in prison food service, laundry service, commissaries, libraries, building maintenance programs, or groundskeeping details. In facilities that operate farms or ranches, trustees perform agricultural chores. Some institutions also employ trustees to maintain and repair equipment and vehicles or to perform work outside prison boundaries. Trustees are no longer armed or given control over other prisoners.

CONCLUSION

Trustees continue to be the subject of some litigation and controversy because of their dual role as both inmate and staff member. Critics of trustee programs assert that trustees undermine the justice and fairness of penal administration by allowing certain prisoners greater privileges than others. Supporters argue that work as a trustee can help a jail or prison inmate learn skills and stay active as

part of his or her overall rehabilitation and self-development. Thus, despite some lingering concerns, many penal institutions and a number of courts in the United States have decided that qualifying inmates may become trustees for part of their sentences.

—Roger Roots

See also John J. DiIulio, Jr.; Governance; Inmate Code; Prison Culture; Gresham Sykes

Further Reading

Cripe, C. A. (1997). *Legal aspects of corrections management.* Gaithersburg, MD: Aspen.

DiIulio, J. J., Jr. (Ed.). (1990). *Courts, corrections, and the Constitution: The impact of judicial intervention on prisons and jails.* New York: Oxford University Press.

Roots, R. (2002). Of prisoners and plaintiffs' lawyers: A tale of two litigation reform efforts. *Willamette Law Review, 38,* 210–232.

Sykes, G. M. (1958). *The society of captives.* Princeton, NJ: Princeton University Press.

Legal Cases

Bogard v. Cook, 586 F.2d 399 (5th Cir. 1978).

Guthrie v. Evans, 93 F.R.D. 390 (D.C. Ga. 1981).

Hutto v. Finney, 309 F. Supp. 362 (E.D. Ark. 1970).

Hutto v. Finney, 437 U.S. 678 (1978).

Ruiz v. Estelle, 503 F. Supp. 1265 (S.D. Tex. 1980), *aff'd,* 679 F.2d 1115 (5th Cir. 1982).

TRUTH IN SENTENCING

The phrase *truth in sentencing* refers to an approach to sentencing that became popular in the United States in the 1990s. It requires that all offenders sentenced to correctional institutions serve a certain portion of their time, usually 85%. As a practice, it represents a move away from indeterminate sentencing and toward a determinate model. Indeterminate sentencing assigns a convicted offender a range of time to serve. Release may occur at any point after the minimum of the range and before the maximum time is served. Determinate sentencing strategies—including truth in sentencing—assign a convicted offender a set amount of time that must be served.

HISTORY

Before truth in sentencing, it was possible for offenders to be released from confinement prior to their maximum release date. Usually this was accomplished through one of two mechanisms: "good time" credit, in which the sentence was reduced as a reward for the prisoner's good behavior; and parole, in which the offender was granted early, supervised release at the discretion of a parole board. It is estimated that, prior to the enactment of truth-in-sentencing legislation, violent offenders served approximately half of the time to which they were sentenced.

Since the 1980s, criminal justice policy in the United States and elsewhere has been driven by a "Get tough" mentality, which has resulted in a push for more punitive and, supposedly, less arbitrary sentencing. In addition to truth in sentencing, other reforms that have been introduced include guideline sentencing and mandatory minimum sentencing, as demanded by Three-Strikes Laws. The general idea behind all of these practices is that the early release mechanisms of good time credit and parole are soft on crime, and that offenders should be required to serve most, if not all, of their full sentences.

The first state to impose truth in sentencing was Washington, in 1984. However, the general move toward truth in sentencing in the United States largely stems from the Violent Crime Control and Law Enforcement Act of 1994. In that act, the federal government made grant funds available to states where individuals convicted of murder, forcible rape, robbery, and aggravated assault (the four violent crimes indexed in Part I of the Federal Bureau of Investigation's *Uniform Crime Reports*) were required to serve 85% or more of their prison sentences. Qualifying states received grant funds that they could use for new prison construction to accommodate the potential increase in the prison population. Following the passage of this law, many states quickly incorporated truth in sentencing into their provisions, although some researchers have suggested that they would probably have changed their sentencing guidelines anyway, regardless of

Sentencing

I am writing regarding the personal impact that the 3-strikes law has had on my life. I was sentenced to life without parole for committing second-degree robbery. In Washington State, Robbery 2 is a Class B offense, which generally carries up to 10 years incarceration.

I regret my actions and the emotional pain I have caused others. It's my understanding that 3-strikes was sold to the voters by saying it would lock up "the worst of the worst forever." I look around myself daily and see rapists, murderers, and armed offenders who have release dates. That bothers me because I have never committed an armed crime or a sexual offense, but have the ultimate sentence of until I die. The Washington Sentencing Guidelines Commission report dated December 2001 states Robbery 2 should be removed as a strike because the behavior displayed doesn't merit the life sentence.

Getting tough on crime was the campaign theme of the 1990s. I hope that getting smart on crime and sentencing will become a trend. It will cost between 20 and 30 thousand dollars per year to incarcerate me for life without parole. Politicians need to get smart on crime and punishment, otherwise D.O.C. budgets will continue to grow and drain monies from much needed services such as elderly care and schools.

The 3-strikes sentence is grossly disproportionate to the offense I committed. Some time was in order, along with treatment. But "forever"... ?

Steve Dozier
Washington State Reformatory

the grant money. To date, close to $2 billion has been appropriated to these grants.

It is important to note that states vary in their truth-in-sentencing guidelines. Some apply only to violent offenders, whereas others apply to all offenders, regardless of their crimes, who have been sentenced to correctional institutions. In addition, a small minority of states have gone so far as to impose a requirement that the full sentence (100%) be served.

EFFECTS

Those who argue in favor of truth in sentencing claim that it provides a guaranteed determinate sentence, thus reducing perceptions of inequality and notions that the criminal justice system is soft on crime. They believe that victims and prosecutors are likely to support such practice. In addition, they suggest that truth in sentencing creates a greater incapacitation effect of imprisonment, given that violent offenders who once served 50% of their time now must serve 85%. Some scholars have argued that incapacitation reduces crime and has been shown to be effective in cost-benefit analyses.

The impact of truth-in-sentencing policies on prison populations is less clear. The consequences may be positive, as some research has shown that it does not dramatically increase the prison population. It may also, however, be negative, in that it leads to prison crowding. For instance, research in Australia found that truth-in-sentencing provisions led to prison population increases in New South Wales, but not in Victoria. Likewise, in the United States, some scholars have suggested that truth in sentencing may lead to crowding, whereas others argue that it does not affect the incarceration rate.

Obviously, when the prison population grows, the state must shoulder the cost of adding prison beds or risk institutional crowding. Given that truth-in-sentencing policies raise the average time that an offender spends in prison from approximately 50% to 85% of his or her sentence, it is reasonable to suspect that prison populations will grow as a result. However, it is also important to realize that under indeterminate sentencing, an offender who is not deemed rehabilitated and suited for release could be required to serve 100% of his or her sentence—although this rarely happened in the previous system.

Aside from potential crowding, truth in sentencing may also have other negative effects. It is possible that eliminating good time credit and parole may provide prisoners with fewer incentives to abide by institutional rules. This can lead to a greater number of rule infractions and lessen the ability of prison staff to control the inmates. Also,

there are impacts on the criminal courts. Judges may feel that reforms moving toward determinate sentencing limit the discretion they have traditionally had in the sentencing process. Truth in sentencing may also lead to increased plea bargaining, as accused persons may feel less inclined to plead guilty if they know their sentences will be determinate. Finally, it may increase the costs of a state or federal prison system. Even if the rate of incarceration or the size of the prison population remains constant, inmates who originally would have served 50% of their time are now serving at least 85%. All other things being equal, that represents a 35% increase in time, and thus an increase in cost, to hold inmates who now fall under truth-in-sentencing provisions. Of course, there is also the possibility that judges could become more lenient in sentencing in response to the new provisions. Finally, truth in sentencing will contribute to the aging of the American prison population by extending the time inmates spend in a facility.

CONCLUSION

Truth in sentencing has proven to be popular despite a number of problems identified by researchers. As the population of those incarcerated continues to outpace the number of places available in the nation's correctional facilities, however, criticism of long-term determinate sentences, particularly for first-time offenders, is growing. Given the relatively recent development of this sentencing strategy, future study will be necessary to verify its utility and outcomes.

—Stephen S. Owen

See also Determinate Sentencing; Elderly Prisoners; Good Time Credit; Incapacitation Theory; Increase in Prison Population; Indeterminate Sentencing; Just-Deserts Theory; Overcrowding; Parole; Rehabilitation Theory; Three-Strikes Legislation; Violent Crime Control and Law Enforcement Act 1994

Further Reading

Ditton, P. M., & Wilson, D. J. (1999, January). *Truth in sentencing in state prisons* (Bureau of Justice Statistics Special Report No. NCJ 170032). Washington, DC: U.S. Department of Justice. Retrieved September 12, 2004, from http://www.ojp.usdoj.gov/bjs/pub/pdf/tssp. pdf

Grimes, P. W., & Rogers, K. E. (2000). Truth-in-sentencing, law enforcement, and inmate population growth. *Journal of Socioeconomics, 28,* 745–757.

Memory, J. M., Guo, G., Parker, K., & Sutton, T. (1999). Comparing disciplinary infraction rates of North Carolina fair sentencing and structured sentencing inmates: A natural experiment. *The Prison Journal, 79,* 45–71.

Sorensen, J., & Stemen, D. (2002). Effects of state sentencing policies on incarceration rates. *Crime and Delinquency, 48,* 456–475.

Tonry, M. (1996). *Sentencing matters.* New York: Oxford University Press.

Turner, S., Fain, T., Greenwood, P. W., Chen, E. Y., & Chiesa, J. R. (2001). *National evaluation of the Violent Offender Incarceration/Truth-in-Sentencing Incentive Grant Program.* Washington, DC: RAND Corporation.

Zimring, F. E., & Hawkins, G. (1995). *Incapacitation: Penal confinement and the restraint of crime.* New York: Oxford University Press.

TUCKER, KARLA FAYE (1959–1998)

Karla Faye Tucker was convicted and sentenced to death in Texas in 1983 for the murders of her ex-lover, Jerry Lynn Dean, and his companion, Deborah Thornton. Tucker's case sparked a worldwide debate regarding clemency and the death penalty, women and capital punishment, religious conversion in prison, rehabilitation, and retribution.

Karla Faye Tucker's life history resembles that of many women who come into conflict with the law. She dropped out of school before completing grade seven and worked as a prostitute until a few months before the murders. Drugs were a prominent feature of her life prior to her incarceration. According to Tucker, she was injecting heroin by the age of 11 and was never without drugs from age 10 until four months before her 24th birthday, when she was inca cerated. She claimed that she had been on a three-day drug and alcohol binge prior to the murders.

THE INCIDENT

On June 13, 1983, in Houston, Texas, Tucker and her boyfriend at the time, Daniel Ryan Garrett, broke

into Jerry Lynn Dean's apartment with the intention of stealing his motorcycle. Dean was asleep on a mattress on the floor, and Tucker immediately sat on him and woke him. She wrestled with him until Garrett intervened by hitting Dean over the head with a hammer. Tucker turned on the lights and saw Dean lying face down on the mattress. Tucker then struck Dean with a pickaxe more than 20 times in the back. It was then that Tucker noticed someone else was beneath the bed covers. Realizing that Deborah Thornton was lying next to Dean, Tucker turned the pickaxe on her. At the murder scene, investigators found the pickax still embedded in Thornton's chest.

Following the murders, Tucker and Garrett resumed their daily lives in Houston and occasionally boasted about what they had done. Eight months later, they were turned in to police by Daniel Garrett's brother, Doug. Doug Garrett had tape-recorded Tucker saying that she had been sexually aroused every time she swung the axe that killed Jerry Lynn Dean. She later recanted that statement, saying she had only spoken that way to impress him. Both Tucker and Garrett were convicted and sentenced to death. Garrett died in prison of liver disease in 1993.

LIFE IN PRISON

Tucker became a Christian soon after she was imprisoned. Following her participation in a prison ministry program, she read the Bible for the first time and, she claimed, realized the full impact of her actions and immediately began to repent. During her 14 years on death row, she passionately embraced Christianity and hoped to share her newfound beliefs with other prisoners. In 1995, Tucker married (by proxy) a prison ministry worker, Dana Brown. In television interviews, the articulate, born-again Christian appeared to be a gentle woman who had been transformed and rehabilitated.

PLEAS TO SAVE HER LIFE

As Tucker's execution date neared, many who had previously been considered staunch supporters of capital punishment, including prominent figures from the religious right, called for the commutation of her sentence because of her religious conversion and repentance. Tucker's case also attracted support from human rights groups, anti-death penalty groups, feminist organizations, and thousands of individuals, including Pope John Paul II, the Reverend Pat Robertson, Bianca Jagger (representing Amnesty International), and even some relatives of Tucker's victims. Hundreds gathered outside Tucker's prison to protest her execution. Her cause also attracted support from around the world, with appeals for clemency from the United Nations and the European Parliament. Her supporters claimed that Tucker, then 38, was not the same woman who had committed the brutal murders nearly 15 years earlier. Aside from her conversion to Christianity, her apparent rehabilitation and her virtually spotless disciplinary record in prison convinced supporters that she should be spared the death penalty. Tucker tried to convince key government figures that she was no longer a threat to society. She sent a letter to then-Texas Governor George W. Bush and the Texas Board of Pardons and Paroles to plead that her death sentence be commuted to life in prison. Tucker also appeared on national television from the Mountain View Prison in Gatesville, Texas, where she was being held, to try to gain public support for her cause.

Throughout the debate, Tucker's detractors, including Texas officials, argued that her repentance should not entitle her to special consideration. They claimed that numerous inmates experience similar religious conversions, and they argued that such a conversion is not a legitimate basis for a pardon from the death penalty. Tucker's critics noted that if her sentence were to be commuted to life, she could have been eligible for parole five years later.

CONCLUSION

Tucker's case drew an unusual amount of attention and sympathy, and many argued that it was because of her gender. Tucker claimed the opposite, indicating that the gender issue was forcing officials to use her case to set an example, demonstrating that Texas would not allow a woman to be spared the death penalty.

On February 2, 1998, the eve of Tucker's execution, in a vote of 16–0, the Texas Board of Pardons and

Paroles rejected her request to have her death sentence changed to life in prison. Tucker's last chance to avoid the death penalty lay with the U.S. Supreme Court, which considered her petition for a stay of execution and denied the request. On February 3, 1998, Karla Faye Tucker was executed by lethal injection. She became the first woman to be executed in Texas since 1863 and in the United States since 1984. The controversy surrounding her execution rages on.

—Myriam Denov

See also Capital Punishment; Death Row; Deathwatch; Huntsville Penitentiary; Timothy McVeigh; Religion; Ethel and Julius Rosenberg; Women Prisoners

Further Reading

Gillespie, K. (2000). *Dancehall ladies: Executed women of the 20th century.* Lanham, MD: University Press of America.

Marquart, J. W., Ekland-Olson, S., & Sorensen, J. R. (1994). *The rope, the chair, and the needle: Capital punishment in Texas, 1923–1990.* Austin: University of Texas Press.

O'Shea, K. (1999). *Women and the death penalty in the United States, 1900–1998.* London: Praeger.

Shipman, M. (2002). *The penalty is death: U.S. newspaper coverage of women's executions.* Columbia: University of Missouri Press.

Vila, B., & Morris, C. (Eds.). (1997). *Capital punishment in the United States: A documentary history.* Westport, CT: Greenwood.

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UNICOR

UNICOR is the name given to the industrial work program operated by the Federal Bureau of Prisons. UNICOR factories produce many different items that are sold to the federal government. Workers in these factories are paid at higher rates than are workers in other prison jobs.

Work has been a key part of the prison experience in the United States since the establishment of penitentiaries in the 19th century. During the 1930s, however, commitment to prison labor fell precipitously because of the Great Depression. To avoid competing with workers in the free labor market, most U.S. states and the federal government passed legislation that banned prison-made products from interstate commerce. Bucking the trend, the U.S. Congress established Federal Prison Industries (FPI) on June 23, 1934, "to provide job skills training and employment for inmates serving sentences in the Federal Bureau of Prisons." FPI, given the trade name UNICOR in 1978, has remained a key part of prison labor organization in the federal system ever since.

CURRENT PRACTICE

Approximately 26% of the prison population is currently employed by FPI. These prisoners work in one of five areas, roughly defined as "metals," "textiles," "furniture," "electronics," and "graphics/services," where, among other things, they produce "missile cable assemblies, kevlar military helmets, executive office furniture, prescription eyewear, metal prison security doors, military uniforms and data entry of patent and trademark documents" (UNICOR, 2000, p. 14).

To avoid competition with private industry, all goods produced in FPI factories are sold to the federal government rather than on the open market. Although the majority of products are sold to the U.S. military, other federal agencies—such as the FBI, the Bureau of Prisons, and the FDA—may purchase desks, stationery, uniforms, and other items made by prison labor. Some UNICOR factories recondition old computers, and some recycle trash.

Recently, UNICOR has been experimenting with subcontracting agreements with other companies that sell to the federal government. In 1999, UNICOR also began to produce items for the commercial market that would otherwise be made overseas. UNICOR trades with private companies to obtain raw materials, services, supplies, and equipment for its prison factories.

According to supporters, prisoners' work in UNICOR factories has a variety of positive effects. For example, prisoners employed through FPI have lower reconviction rates after release and are more law abiding while incarcerated than are other prisoners. They also contribute financially to court-ordered restitution programs through a

mandatory arrangement whereby 50% of FPI wages are set aside for this purpose.

PROBLEMS

Despite these arguments, however, UNICOR has its critics. First, there are many more applicants to FPI factories than there are jobs because these jobs pay the best wages prisoners can earn. This means that there is generally a long waiting list for employment in any facility. Also, most FPI factories are located in men's facilities, leaving women prisoners with fewer opportunities to earn the higher wages associated with UNICOR jobs or to gain the experience and job skills they offer.

Another issue that raises concern for some is the close relationship between UNICOR and the U.S. Department of Defense. More than 60% of sales from UNICOR are made to the U.S. military for a range of different services, from uniforms to helicopter cables and wiring used in weaponry. Because the military then sells some of its products overseas, items produced by prisoners may fall into the hands of violent regimes. Although prisoners may choose whether they are prepared to support the military in this way, the financial attraction of UNICOR employment must surely influence their decisions. In addition, prisoners at the second most secure facility in the federal system, USP Marion, have no ability to make up their own minds. Some time spent employed in the FPI factory is a prerequisite of transfer out of Marion, and the factory manufactures cables for the Department of Defense.

Finally, ever since it was established, UNICOR has been criticized for its inefficiency. In a lengthy and biting assessment of the Federal Prison Industries, sociologist Christian Parenti (1999) points out that even though UNICOR "is guaranteed a labor supply at absurdly low wages, is given direct subsidies, and has a guaranteed market," it is "an economic basket case." Moreover, it is less efficient than other providers and its products are more expensive. UNICOR products cost the Department of Defense, on average, "13 percent more than the same goods supplied by private firms," and 42% of FPI orders arrive late, "compared to an industry-wide average delinquency rate of only 6 percent." Finally, Parenti notes that when orders are filled, the products delivered are often of poor quality. For example, "a 1993 report found that UNICOR wire sold to the military failed at nearly *twice* the rate of the military's next worst supplier" (p. 232).

CONCLUSION

Prisoners, as a group, tend to have little legal work experience. Studies have found that, nationwide, up to 40% of all offenders were unemployed or marginally employed prior to arrest and that 83% of probation and parole violators were unemployed at the time of violation. Training inmates in employable skills through prison industry programs like UNICOR may offer them some alternatives after release. However, unless prison jobs are paired with employment opportunities in the community, they may prove to be little more than a management tool to maintain prison discipline.

—Mary Bosworth

See also Federal Prison System; Hard Labor; Labor; Prison Industrial Complex; Prison Industry Enhancement Certification Program; Privatization; Privatization of Labor

Further Reading

Bosworth, M. (2002). *The U.S. federal prison system.* Thousand Oaks, CA: Sage.

Levasseur, R. L. (1998). Armed and dangerous. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), *The celling of America: An inside look at the U.S. prison industry.* Monroe, ME: Common Courage.

Parenti, C. (1999). *Lockdown America: Police and prisons in the age of crisis.* New York: Verso.

Saylor, W. G., & Gaes, G. G. (1992). The Post-Release Employment Project: Prison work has measurable effects on post-release success. *Federal Prisons Journal, 2*(4), 33–36.

UNICOR. (2000). *1999 annual report: Paying dividends to America.* Washington, DC: Federal Prison Industries.

UNIT MANAGEMENT

During the 1970s, the U.S. Bureau of Prisons (BOP) revolutionized prison administration by developing the practice known as *unit management*. Unit management has at its heart the notion that a decentralized

organization is better able than a centralized one to respond quickly to changes in the environment. At the time, the BOP had three primary goals: to reduce tension and violence in many institutions, to protect weaker inmates who were vulnerable to more predatory inmates, and to deal with substance abusers.

Under the auspices of the Narcotic Addict Rehabilitation Act of 1966 (NARA), the BOP opened many units to treat and provide programs for inmates with a history of heroin abuse. When many of these began to prove to be successful, the units were broadened to include inmates not sentenced under NARA. Thus, beginning around 1970, various institutions began to implement programs that followed the pattern of the NARA units. From that beginning, the subsequent development of unit management has proven to be one of the more successful policy implementation stories in the history of corrections. It is a concept that has changed corrections (Houston, 1999; Levinson, 1999).

UNIT MANAGEMENT DEFINED

There may be as many definitions of unit management as there are agencies that have implemented it. However, most definitions speak to the tasks of unit management rather than provide any explicit descriptions (see, e.g., Pierson, 1991; Webster, 1991). According to the Bureau of Prisons, a *unit* is a small, self-contained, inmate living and staff office area that operates semiautonomously within the larger institution. The essential components of a unit are as follows:

- A small number of inmates (50–120) who are permanently assigned together
- A multidisciplinary staff (unit manager, case manager(s), correctional counselor(s), full- or part-time psychologist, clerk-typist, and correctional officers) whose offices are located within or adjacent to the inmate housing unit and are permanently assigned to work with the inmates of that unit
- A unit manager who has administrative authority and supervisory responsibility for the unit staff
- A unit staff that has administrative authority for all within-unit aspects of inmate living and programming
- Inmates who are assigned to a unit because of age, prior record, specific behavior typologies, need for a specific type of correctional program (such as drug abuse counseling), or random assignment

According to Levinson (1999), the following guidelines are critical to a unit's success: An effective unit must have the support of top management; there must be a unit plan; the unit manager must be on the same level as other department heads on the organization chart; and the unit manager must have administrative and supervisory authority over staff working in the unit. As Levinson points out, the primary objective of correctional management is to decrease the likelihood of disturbances. Unit management is the most effective tool to accomplish that objective. The key to a tranquil institution is unit staff's ability to supervise inmates effectively and to play the primary role in inmate classification and reclassification.

ADVANTAGES

There are many advantages to unit management. It allows unit staff to take as much responsibility as they wish or are able to handle. It makes staff achievements visible, enabling the unit manager to recognize subordinates' good work. Further, the work itself is considered more satisfying than that associated with other kinds of management strategies. Shared decision making and participation in the policy process are also advantages. In short, staff feel that they are involved in the total workings of the institution. In addition, surveillance of inmates is increased due to staff being in the unit from 8:00 A.M. to 9:00 P.M. on weekdays and on weekend day shift in addition to regular unit officers, and inmates have easier access to staff.

The multidisciplinary nature of unit management improves communication between staff and inmates and allows for discussion during staff decision making regarding both classification and organizational issues. According to a 1975 BOP report, other advantages include the following:

- Unit management divides the inmate population into small, well-defined, and manageable groups whose members develop a common identity and close association with each other and with their unit staff.

- Unit management increases the frequency of contacts between staff and inmates and thus the intensity of their relationships, resulting in (1) better communication and understanding between individuals; (2) more individualized classification and program planning; (3) more valuable program reviews and program adjustments; (4) better observation of inmates, enabling early detection of problems before they reach critical proportions; (5) development of common goals that encourage positive unit cohesiveness; and (6) generally a more positive living and working environment for inmates and staff.
- Decisions are made by the unit staff who are closely associated with the inmates, which increases the quality and swiftness of decision making.
- Program flexibility is increased because staff can develop special areas of emphasis to meet the needs of the inmates in each unit, and programs in a unit may be changed without affecting the total institution.

DISADVANTAGES

Unit management has at least three disadvantages that may account for the hesitancy to adopt this strategy that some states and institutions have shown:

- Unit management is expensive, at least in the short term. Some agencies perceive the need to increase staffing at the unit level as an expense they do not wish to bear. However, once unit management is implemented, substantial savings are realized through reductions in vandalism and savings on overtime, to name just two positive outcomes.
- Implementing unit management takes time and resources. It is not an idea that an administrator can implement simply by writing a memorandum or through wishful thinking.
- Unit management threatens the established order. Many correctional institution executives and supervisors do not want their position of authority challenged or changed, and they view unit management as a threat to their current status.

THE UNIVERSALITY OF MANAGEMENT PRINCIPLES

Reasons for the success of unit management can be found in the literature on business and public management. Attempts to improve the performance of organizations and workers can be traced to the movement known as *scientific management,* originated by Frederick Taylor (1960 [1947]). Taylor's approach, which was intended to improve the performance of workers, was basically a "shop-level" orientation. That is, Taylor believed that scientific management required a change in thinking on the part of workers, who needed to pay attention to details in order to bring "science and the workman together." Taylor's contribution was that he was able to use scientific methods to improve the performance of the average worker.

Scientific management gave way to the *classical school of management,* in which the focus changed from the shop to the structure of the organization. Henri Fayol (1984) made the most important contribution to this school of thinking when he identified his general principles of management:

- Division of work
- Authority and responsibility
- Discipline
- Unity of command
- Subordination of individual interests to the general interests
- Remuneration of personnel
- Centralization
- Scalar chain (chain of command)
- Order
- Equity
- Stability of tenure for personnel
- Initiative
- Esprit de corps

Shortly after World War II, the *human relations school of management* arose, which focused on concern for the people in the organization. In the 1950s, the classical school and the human relations school came together to forge an approach to management that recognized both the need for structure and a concern for people. Decentralization and unit management are the culmination of the joining of these two approaches.

Another innovation that prepared the way for unit management was the BOP's development and implementation of the use of treatment teams. Paul

Keve (1991) notes that the Bureau of Prisons was slow in developing anything other than rudimentary classification procedures, and it was not until the early 1930s that the classification committee was developed. In the early 1960s, the BOP, based on the research of Glaser (1964), created a new position termed *correctional counselor;* the correctional counselor was assigned to a team that included a case manager, a teacher, and a psychologist (if available). This was an exciting and groundbreaking innovation in that it pushed decision making down to the lowest possible level, paving the way for unit management.

The beginnings of correctional unit management can be found at the National Training School for Boys in Washington, D.C., and FCI Englewood, Colorado, where each boy was assigned to a certain living unit and to work with a specific team made up of a case manager and a psychologist. Both efforts were deemed to be successful, but with a change in administration, the idea was dropped. Finally, with the opening of the Kennedy Youth Center at Morgantown, West Virginia, in 1969, an entire institution was devoted to unit management. In the meantime, the NARA units were proving to be successful, and gradually more and more institutions were converted to unit management, with the penitentiaries being the last to be converted.

As the BOP opened new institutions, they were designed with unit management in mind, and older institutions were retrofitted to accommodate unit management. In nearly all instances, unit staff offices were located in the unit, along with the unit secretary. In the meantime, many states were beginning to pay attention to this new approach to managing prisons. The concept grew slowly at first, but it eventually gained speed, and by 1996, 27 U.S. states reported in a survey that they had implemented unit management in some, if not all, institutions (Houston, 1999). Unit management has also gained prominence abroad, and to date Australia, Denmark, Germany, and South Africa have implemented unit management, in addition to the private corrections companies of Security Group 4 and Corrections Corporation of America.

UNIT MANAGEMENT IS EFFECTIVE PRISON MANAGEMENT

Rensis Likert (1967) found that participants in his study said they would like to work for organizations with the following three characteristics: supportive relationships, group decision making and group methods of supervision, and high performance goals.

Supportive Relationships

In prison management, the elements of danger and authority cause staff to look to each other for support on the job, and working in proximity to one another brings mutual interests to light. Some unit managers are very good at nurturing these relationships through staff meetings and other formal unit meetings. Unit management is also an excellent vehicle for resolving conflict among staff and for bringing group pressure to bear on any staff members who may not be carrying a full share of the workload. However, the need for such pressure is rare.

Group Decision Making and Group Methods of Supervision

As relatively small, autonomous entities, units are excellent vehicles for shared decision making. The treatment team makes case management decisions on an almost daily basis, and unit staff make some organizational decisions as well. All staff should contribute to deliberations, and a unit management approach provides the vehicle for effective group decision making.

High Performance Goals

Unit staff members constitute a preexisting work group that naturally focuses on problems and the quality of service in the unit. All the unit manager has to do is listen. The power of unit staff to accomplish tasks within the unit is so great that with effective leadership, they automatically establish high performance goals and relentlessly pursue those goals.

THE SUCCESS OF UNIT MANAGEMENT

The primary advantage of unit management is that it enables staff members to follow each inmate closely, as they physically see him or her on a daily basis and interact on a more equal level as individual human beings. In addition, decisions are made on the unit, inmates have a say in many of those decisions, and there is an added element of flexibility in programming. Thus a proactive approach has, in many instances, brought institutions with formerly unruly and mutinous inmates under control. Roy Gerard (1991) has developed what he calls the "Ten Commandments of Unit Management," which closely follow the essential components listed previously. The most important of these "commandments" is the one that directs the warden to place the unit manager on the same level as other department heads on the organization chart. If the warden does so, Gerard asserts, the institution will be able to implement unit management successfully.

Much of the research on unit management has been somewhat discreet, but clearly unit management is an effective strategy through which to manage a prison. Initially, the Bureau of Prisons conducted many research projects that found that unit management is successful in controlling the behavior of inmates and in attending to issues that staff find important. In one of the earliest inquiries into the effectiveness of unit management, Rowe et al. (1977) found that inmate assaults on other inmates in intermediate adult BOP institutions decreased after implementation of unit management. On the other hand, assault rates appeared to increase in institutions where unit management was used in units housing younger, more violent offenders. The researchers surmised that assaults are more likely to be reported or observed in functional units because there is better surveillance and better inmate-staff rapport.

Another indication of institutional tension is overtime pay, not only during disturbances but also during more tranquil periods. Overtime pay and abuse of sick days can also be used as an indicator of staff morale. Rowe and his colleagues found that young adult institutions showed a significant reduction in overtime pay after unit management was implemented. In intermediate adult institutions, when the relationship of unit management to overtime pay was adjusted for the impact of density, the relationship was reduced to near zero. Overall, overtime pay decreased from $11.55 per 100 inmate-man days before unit management to $2.21 per 100 inmate-man days after bureauwide implementation of unit management.

Further research conducted by the BOP using Rudolf Moos's Correctional Institutions Environment Scale found that unit management was successful. For example, at the FCI Milan, Michigan, the proportion of staff who felt they were involved in decision making rose from 31% to 42%. The proportion of staff who perceived increased order rose from 48% to 65%, and the proportion who felt they served as role models for inmates rose from 23% to 37%. Inmates also perceive that unit management is a better way to manage an institution. In the FCI Milan study, the proportion of inmates reporting increased staff contact rose from 40% to 67%, and whereas pre-event data indicate that only 26% of inmates believed that staff contact was important, postevent data indicate that 45% stated that staff contact is important. Inmates also reported that living conditions improved under unit management, and an increased number saw the value of counseling programs. Escapes also declined after the implementation of unit management, and at the same time furlough guidelines were liberalized.

To date, however, the most recent and complete evaluation of unit management was conducted by the Ohio Department of Rehabilitation and Corrections in 1991. In that study, the central office staff completed interviews and on-site reviews at 20 of the department's 22 institutions. The report concludes that, with few exceptions,

> we have found [unit management] to be both an effective and efficient means of addressing the concerns of managing an expanding inmate population, while remaining sensitive to community expectations and the responsibilities we share with our legal system. Since the transition to unit management, we have observed a marked improvement in the overall operation of our institutions.

Overall, the Ohio study found that there was improvement in a variety of areas. Specifically, escapes decreased, inmate accountability increased, noncustody staff became more involved in custody procedures, inmate assaults decreased, and inmate needs were addressed more quickly. Clearly, unit management made a difference in Ohio.

A more recent evaluation of unit management was conducted in North Carolina's Division of Prisons (Houston, 1999). In 1985, North Carolina began to implement unit management in several new institutions that were to go online in the next few years. Since that time, about half of the institutions within the state's Division of Prisons have implemented unit management. Although not all of them conform to the definition of unit management as advanced by Gerard (1991) and Levinson (1999), they do have a form of unit management that has served the division well. The North Carolina evaluation concluded that the unitized institutions are able to deal effectively with a tougher population, promote a more tranquil institutional environment, and simultaneously promote prisoner program completion.

CONCLUSION

Unit management allows prison administrators to place more staff in inmate living areas, allows for greater recognition of inmate accomplishments, and encourages increased dialogue between staff and inmates. In a unit management system, prisoners feel they are a part of the management process, not victims of it, and the result is a workforce that is committed and willing to take additional responsibility. In the end a safer, more tranquil institution is realized, thus better serving taxpayers, staff, and inmates.

—James G. Houston

See also Correctional Officers; Federal Prison System; Governance; History of Correctional Officers; Managerialism; Staff Training

Further Reading

Fayol, H. (1984). General principles of management. In D. S. Pugh (Ed.), *Organization theory* (2nd ed.). New York: Penguin.

Gerard, R. E. (1991, April) The ten commandments of unit management. *Corrections Today,* 32, 34, 36.

Glaser, W. (1964). *The effectiveness of a prison and parole system.* Indianapolis, IN: Bobbs-Merrill.

Houston, J. G. (1991). *Unit management in two NC prisons.* Unpublished report prepared for the North Carolina Division of Prisons.

Houston, J. G. (1999). *Correctional management: Functions, skills, and systems* (2nd ed.). Chicago: Nelson-Hall.

Keve, P. W. (1991). *Prisons and the American conscience: A history of U.S. federal corrections.* Carbondale: Southern Illinois University Press.

Levinson, R. (1999). *Unit management in prisons and jails.* Lanham, MD: American Correctional Association.

Likert, R. (1967). *The human organization: Its management and value.* New York: Harper & Row.

Ohio Department of Rehabilitation and Corrections. (1991). *Executive summary: A report prepared pursuant to Amended Substitute House Bill 298.* Columbus: Ohio Department of Rehabilitation and Corrections.

Pierson, T. A. (1991, April). One state's success with unit management. *Corrections Today,* 24, 26, 28, 30.

Rowe, R., et al. (1977). *The impact of functional unit management on indices of inmate incidents.* Unpublished research report by the U.S. Bureau of Prisons.

Taylor, F. (1960 [1947]). Time study, piecework and the first class man. In H. F. Merrill (Ed.), *Classics in management.* New York: American Management Association.

Toch, H. (1992). Functional unit management: An unsung achievement. *Federal Prisons Journal, 2*(4), 15–19.

U.S. Bureau of Prisons. (1975). Unpublished report.

Webster, J. J. (1991, April). Designing facilities for effective unit management. *Corrections Today,* 38, 40, 42.

White, L. D. (1936). The meaning of principles in public administration. In J. M. Gaus, L. D. White, & M. E. Demock (Eds.), *The frontiers of public administration.* Chicago: University of Chicago Press.

USA PATRIOT ACT 2001

The U.S. legislation known as the Patriot Act became law on October 26, 2001, a little more than one month after the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon. The Patriot Act does not directly address or revise any areas in corrections other than specifying terms of imprisonment for particular crimes. However, it does modify the enforcement of U.S. law. The result may be a larger population of political and/or Muslim prisoners

in U.S. correctional institutions, although this remains to be seen.

The full title of the Patriot Act is Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001. The act has 10 sections, or "titles," each of which maps out a specific topic. These titles are as follows: Title I, Enhancing Domestic Security Against Terrorism; Title II, Enhanced Surveillance Procedures; Title III, International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001; Title IV, Protecting the Border; Title V, Removing Obstacles to Investigating Terrorism; Title VI, Providing for Victims of Terrorism, Public Safety Officers, and Their Families; Title VII, Increased Information Sharing for Critical Infrastructure Protection; Title VIII, Strengthening the Criminal Laws Against Terrorism; Title IX, Improved Intelligence; and Title X, Miscellaneous.

The stated purpose of the Patriot Act is to empower the government to detect and suppress terrorism. Parts of the act expand the government's powers in the areas of surveillance and intelligence gathering. The bill also toughens penalties for those who assist terrorists.

THE EFFECTS OF THE PATRIOT ACT

The federal government's response to the September 11 attacks on New York City and Washington, D.C., changed the nature of law enforcement in the United States. In particular, since that time, the government has tried to make it more difficult for undocumented foreigners to enter the country. It has also treated those who do manage to cross the border more harshly. Prior to September 11, 2001, federal, state, and local law enforcement authorities acted largely as separate entities, communicating little with each other. Since that time, however, work has been under way to coordinate all law enforcement efforts across the United States.

Before September 11, 2001, political offenders such as members of the Weathermen, a self-described revolutionary communist organization that was active in the 1960s, were housed in the same penal institutions as criminal offenders. Since the Al Qaeda attacks, however, the U.S. government's treatment and definition of those charged with terrorist acts has changed. An example of this can be seen in the establishment of Camp X-Ray at the U.S. naval base in Guantánamo Bay, Cuba, where about 300 suspected Taliban and Al Qaeda members are being held. Unlike other offenders, these detainees have no definite legal status. They are not prisoners of war, and they have not been charged with crimes. They are also being held not within the U.S. correctional system but, rather, in a camp administered by the U.S. military. Most unusual is the fact that it is unclear when, or even whether, they will stand trial.

As the Patriot Act is still somewhat new, and possibly temporary, its effects on U.S. corrections remain unclear. Some tentative forecasts, none of which are mutually exclusive, can be made, however. One is that the "war on terrorism" will have little effect on day-to-day correctional operations because the U.S. military will continue to handle most detainees. Another prediction is that the expansion of the definition of antigovernment activities will specify a new class of lawbreaker, thereby altering the nature of the U.S. prison population. A phenomenon of this kind occurred when the federal government strengthened drug laws and created new categories of drug offenders who would not have been incarcerated 20 or 30 years ago.

As of January 2004, 173,641 men and women were incarcerated in the U.S. federal prison system. The largest sectors of this population were low-security inmates (39%), those serving sentences of 5 to 10 years (29%), and those classified as drug offenders (54.7%). A total of 85 people (0.1%) were incarcerated for offenses against national security. With the new license that the Patriot Act has granted to law enforcement, some change in this profile is possible, although it may not be precisely enumerated and, as such, is likely to be difficult to measure. For example, the Guantánamo Bay inmates were not represented in the 2004 figures because they have no official designation as federal prisoners. Still, they were incarcerated by the U.S. government. This leads to questions about how future inmates

convicted of terrorist or antigovernment crimes will be counted and whether international and domestic offenders will be treated differently. Will state and federal departments of corrections eventually receive new mandates to incarcerate and quantify national security offenders?

OTHER CONTROVERSIAL ISSUES

According to the U.S. Department of Justice (n.d.),

> In passing the Patriot Act, Congress provided for only modest, incremental changes in the law. Congress simply took existing legal principles and retrofitted them to preserve the lives and liberty of the American people from the challenges posed by a global terrorist network.

The act's supporters claim that it increases the government's ability to respond to terrorism and to organize information among local, state, and federal agencies, thereby making these organizations more efficient.

Although Congress passed the act almost unanimously in 2001, many serious criticisms have been raised about it in the years since. By 2004, a number of cities, communities, and states had passed resolutions against the act on the grounds that it violates civil liberties. In 2003, the city of Arcata, California, went so far as to pass a law banning voluntary compliance with the act. Librarians and bookstore owners in particular have been vocal against the act, specifically Section 215, which compels them to provide information in secret about what patrons read and what information they view on the Internet. Other records—including financial, travel, video rental, phone, and medical records—are also subject to government searches. Prior to the Patriot Act, law enforcement officials required warrants and probable cause to access these types of records. In July 2003, the American Civil Liberties Union filed a lawsuit over Section 215. A similar section, 505, allows the U.S. attorney general to use a "national security" letter to force holders of U.S. citizens' personal records to provide those records secretly to the government. The subject whose records are being examined does not have to be suspected of any criminal activity. Another controversial section, 213, allows police to search citizens' homes and property without prior notice. Before the Patriot Act, police were required to "knock and announce" before executing a search warrant. In 1978, U.S. law was changed to allow secret, unannounced searches in cases in which foreign powers were suspected of terrorism. The Patriot Act expanded the use of these warrants to all criminal investigations.

From June to December 2003, inmates from a variety of Bureau of Prisons institutions filed 162 complaints against the BOP, claiming civil rights abuses related to the Patriot Act. The Office of the Inspector General (OIG) determined that 17 of these complaints merited investigation. These complaints included allegations of excessive force against and verbal abuse of inmates, denial of access to prison law libraries, denial of the right to telephone calls, unreasonable prison cell searches, and solitary confinement for no apparent reason. As of January 2004, the OIG was also investigating a Muslim inmate's allegations of verbal abuse by correctional officers, as well as increased discrimination and anti-Islamic sentiment. The inmate said that he was transferred to another correctional facility in retaliation for filing complaints against correctional officers at his prior facility. Yet another OIG probe was reviewing a man's allegations that he was abused by agents of the Federal Bureau of Investigation and Immigration Service detention officers from his arrest in March 2002 until his deportation the following April (U.S. Department of Justice, Office of the Inspector General, 2004). Given that the Patriot Act, specifically Section 102, contains prohibitions against the violation of the civil rights of Arab and Muslim Americans, these types of issues will likely continue to be a source of concern for corrections officials.

THE FUTURE OF THE PATRIOT ACT

The future of the Patriot Act is murky. Although the act was passed quickly, a "sunset" requirement was written in, setting an expiration date of December 31, 2005 for several of the act's surveillance provisions. Many of the act's political proponents have, in turn, supported the Domestic Security Enhancement Act

of 2003, popularly known as Patriot II, which would expand and extend many of the government powers granted by the original Patriot Act. However, in January 2004, a federal judge ruled that a particular section of the original act—one prohibiting the provision of "expert advice or assistance" to groups designated as foreign terrorist organizations—was unconstitutional, marking the first time any part of the act was struck down. Other judicial challenges are expected to follow.

CONCLUSION

Although the Patriot Act specifies no direct, immediate modifications to corrections in the United States, some side effects may emerge as the criminal justice system is amended to assist in the security and legal challenges brought about by the threat of terrorism. The most obvious of these possible effects is an increase in the numbers and types of inmates in correctional facilities. Less obvious is how the role of corrections may change, with a possible increase in politically motivated domestic offenders and with the U.S. military shouldering the burden of incarcerating international offenders. As the struggle with terrorism continues, such questions will certainly continue to confront the U.S. criminal justice system.

—John Randolph Fuller

See also Enemy Combatants; First Amendment; Fourth Amendment; *Habeas Corpus;* Immigrants/Undocumented Aliens; INS Detention Facilities; Prisoner Litigation; Prisoner of War Camps

Further Reading

Chang, N. (2002). *Silencing political dissent: How post–September 11 anti-terrorism measures threaten our civil liberties.* New York: Seven Stories.

Gunaratna, R. (2003). *Inside Al Qaeda: Global network of terror.* New York: Berkley.

U.S. Department of Justice. (n.d.). *The USA PATRIOT Act: Preserving life and liberty.* Retrieved September 13, 2004, from http://www.lifeandliberty.gov

U.S. Department of Justice, Office of the Inspector General. (2004, January 27). *Report to Congress on implementation of Section 1001 of the USA PATRIOT Act.* Retrieved September 13, 2004, from http://www.usdoj.gov/oig/special/0401a/index.htm

White, J. R. (2003). *Defending the homeland: Domestic intelligence, law enforcement, and security.* Belmont, CA: Wadsworth.

U.S. MARSHALS SERVICE

The U.S. Marshals Service was established through the Judiciary Act of 1789, which was signed into law by President George Washington. The same act established the federal judicial system. The first duties of the Marshals Service were to support the federal courts within their districts and to carry out the orders issued by the president, Congress, or federal judges. These duties remain in effect today. Originally, as part of their activities U.S. Marshals were expected to serve writs, summonses, subpoenas, and warrants as well as handle prisoners. Additionally, they controlled payments for salaries, fees, and expenses for the judiciary and associated trials as well as ensured the security of prisoners, the appearance of witnesses, and the availability of a jury pool. The Marshals Service was also involved with a variety of local-level activities on the behalf of the federal government when no provisions had been made on a local level for the collection of taxes or the enforcement of the law. The members of the Marshals Service in these early days were truly civil servants.

As the nation grew, so too did the duties of the Marshals Service. At the same time the influence of the service lessened in the East as cities developed and local law enforcement agencies were put into place, the western frontier was expanding. Without formal governance, the new territories lacked effective and efficient means of law enforcement. Without law enforcement, settlers were not likely to inhabit these territories. Therefore, as the United States expanded westward, it was the U.S. Marshals Service and its deputies that made settlement possible. Later, when the U.S. Army began to build forts in the new territories, the Marshals Service continued to move further west, aiding both the Army and the settlers.

The classic conception that most Americans have of a marshal and his deputies in the "Wild West" is relatively accurate. The marshals had the final word on the execution of the law in all territories of the

United States. They had jurisdiction over the judicial districts they served as well as such areas as "Indian country," where there were no other federal officials of any kind.

THE MARSHALS SERVICE AND NATIVE AMERICANS

The presence of U.S. marshals in the lands reserved for Native populations is still a point of contention among various Native American groups. Not only were the marshals charged with maintaining law and order, they were also responsible for upholding the terms of the treaties the U.S. government had made with Native Americans.

It is clear today that the treaties the federal government made with Native Americans were never enforced. When U.S. Army troops entered the Black Hills of South Dakota, federal law went with them. Once settlement by Americans began, so too did the jurisdiction of the Marshals Service. The result was the propagation of Manifest Destiny in the face of legally binding treaties.

This situation was further complicated by the establishment of the Oklahoma Territory as "Indian country." Clearly this land was reserved for the Native population, but judges from surrounding districts regularly sent deputies into the territory to apprehend offenders (whether of European descent or Native). Although the Marshals Service maintained its commission to carry out orders of the courts, in this situation the courts were acting against established federal treaties with the Native population. Most treaties with Native groups included acknowledgment of the sovereignty of the Native population (including in the criminal justice process); this issue is still controversial today.

CHANGING DUTIES

Although many of their original tasks have been taken over by other groups, U.S. marshals are still involved with the security of the courts. The Marshals Service's Judiciary Security Program maintains the security of all federal courts, judges, witnesses, jurors, and other persons connected with the operation of the courts. Currently there are 2,000 sitting federal judges at nearly 800 locations nationwide. Their security requires not only the physical presence of individual U.S. marshals in their courtrooms, but also investigation by marshals of all threats against the courts or persons associated with the courts.

The U.S. Marshals Service also apprehends criminals through its Fugitive Investigations Program. It maintains a "15 Most Wanted" list of those persons the service deems to be America's most dangerous criminals. Realizing that cooperation with other agencies can increase its effectiveness, the Marshals Service has been involved in investigations in conjunction with the Drug Enforcement Administration (DEA), the Immigration and Naturalization Service (INS), Customs, and a variety of state agencies. In 2000, the U.S. Marshals Service made 55% of all federal felony arrests in the United States. The service has also cleared 145 of 157 fugitives it has listed as "most wanted" since 1983.

In addition to the Marshals Service's responsibility for providing security for the federal courts and all persons involved in those courts, the agency's Prisoner Services Program is charged with the protection and security of prisoners during the judiciary process. Through cooperation with local, state, and federal facilities, the Marshals Service houses almost 40,000 detainees throughout the nation. Because the service uses facilities paid for by local funds, it has contracts with roughly 1,200 state and local governments to rent space in their jails. If jail beds are needed in locations where local agencies are unable to comply, the Marshals Service appropriates funds to improve local jails under its Cooperative Agreement Program.

In addition to housing prisoners, the Marshals Service provides them with any needed medical care. In its efforts to contain the rising costs of health care, the Marshals Service has implemented a variety of health care plans that can cover a wide range of prisoner needs, up to and including organ transplants.

The Marshals Service's duty of protecting prisoners regularly involves transporting them

between venues, and in some cases involves extraditing them from other nations and various jurisdictions. The Marshals Service also oversees the Justice Prisoner and Alien Transportation System (JPATS) with a fleet of its own aircraft and land vehicles as well as leased vehicles. JPATS operates largely at no cost to the U.S. government because it uses vehicles and other assets seized by the Marshals Service to carry out its duties. JPATS transports an average of 250,000 prisoners per year. Other law enforcement agencies also use JPATS to transport prisoners, paying fees to the Marshals Service. The use of JPATS results in transportation savings of roughly 25% compared with commercial fares, and with greater security for both the prisoners and guards.

Beyond transporting prisoners between venues, JPATS also transports deported persons out of the United States and extradited criminals from and to other nations. The Marshals Service plans these trips carefully in order to minimize costs. This involves the coordination of the transport of extradited criminals, deportees, and federal prisoner transfers; "paying" transport from state or local agencies; and seven JPATS operation hubs.

One of the more controversial duties of the Marshals Service is the maintenance of the Federal Witness Security Program (WITSEC). Although WITSEC is administered by the U.S. Department of Justice, U.S. marshals maintain the actual security of the witnesses.

Additionally, the Marshals Service is responsible for the management of all assets seized by agencies of the Department of Justice. Currently, such assets are valued at $1 billion. The centralization of asset management is intended to maximize the return from government auctions of real estate, airplanes, and other motor vehicles. Property seized by the DEA, the INS, and other federal agencies is turned over to the Marshals Service for safekeeping. Once the related prosecution is over, the Marshals Service releases the property to the owners, releases any funds to the appropriate agency or agencies, or puts the property up for auction. The proceeds from the auction pay for the cost of running the auction, and the remaining funds are distributed to the appropriate agency or agencies.

Perhaps the Marshals Service's least widely known responsibility involves its Special Operations Group. Members of this group are on call 24 hours a day to take direct action when a federal law has been violated or when federal property is endangered. Such instances might involve terrorist activities, threats to nuclear facilities, threats to air control operations, or damage to federal buildings. Additionally, this branch of the Marshals Service provides security when certain missiles are transported between bases or to points of embarkation. These operations can also include the transportation of nuclear waste or nuclear-related materials. Although such operations involve members of the U.S. military, the Marshals Service has authority over the operations.

CURRENT SIZE AND BUDGET

The description of programs may give the impression that the U.S. Marshals Service is a large agency, but in fact it has a staff of only 4,017. Even given its relatively small size, the Marshals Service has made more than 20,600 felony arrests and cleared more than 28,055 felony warrants. Additionally, the Marshals Service protects 16,250 people in the Federal Witness Security Program. Of those, 7,160 are actual witnesses to crimes or are informing on their fellow criminals. Roughly 10 new witnesses enter WITSEC each month, not including family members.

This small force is obviously very busy and effective. In fiscal year 2000, the Marshals Service's budget request was $1,163,654,000; of that, $1,096, 593,000 was actually enacted by the federal government. The fiscal budget for 2000 included salary and expenses; $359,970,000 was requested, and $330,973,000 was enacted. The Marshals Service requested $550,232,000 for federal prisoner detention, and $525,000,000 was enacted. With regard to the Marshals Service's work toward the reduction of violent crime, $209,620,000 was requested and $209,620,000 enacted. To support the agency's ongoing Cooperative Agreement Program, $35,000,000 was requested and $25,000,000 enacted. Finally, for

new construction and facility expansion, $8,832,000 was requested and $6,000,000 enacted.

CONCLUSION

Perhaps the most enduring aspect of the U.S. Marshals Service is its ability to adapt to the changes the United States has gone through since 1789. As federal, state, and local law enforcement groups developed and assumed some of the responsibilities of the Marshals Service, the agency did not fade away. Instead, it became more active in cooperative law enforcement activities with agencies such as the FBI, DEA, INS, Customs, and the Bureau of Alcohol, Tobacco and Firearms. The Marshals Service's involvement in such cooperative law enforcement activities provides task forces with broader jurisdiction to pursue criminal activities.

—Robert Jenkot

See also Federal Prison System; Jails; Lockup; Native American Prisoners; WITSEC

Further Reading

Burton, A. (1991). *Black, red, and deadly.* Austin, TX: Eakin.

Calhoun, F. S. (1989). *The lawmen: United States marshals and their deputies 1789–1989.* Washington, DC: Smithsonian Institution Press.

Sabbag, R. (1992). *Too tough to die.* New York: Simon & Schuster.

V

VAN WATERS, MIRIAM (1887–1974)

The innovative and controversial penologist Miriam Van Waters began her career in the juvenile court movement of the Progressive era, wrote highly popular books about juvenile delinquency in the 1920s, and served for 25 years as superintendent of the Massachusetts Reformatory for Women at Framingham (1932–1957). Van Waters repeatedly triumphed over conservative critiques of her progressive correctional model, which emphasized inmate self-government, recreation, and maternal ties between staff and the women she called "students."

BIOGRAPHICAL DETAILS

Van Waters's reformist ideas originated in the social gospel message of her father, George Browne Van Waters, a progressive Episcopalian clergyman. Her commitment to child saving had strong roots in her experiences as the eldest of five siblings. A graduate of St. Helen's Hall in Portland, Oregon, Van Waters earned BA (1908) and MA (1910) degrees in psychology at the University of Oregon. While she was studying at Clark University, where she completed a doctorate in anthropology in 1913, her visits to Judge Harvey Baker's juvenile court in Boston influenced her rejection of prevailing theories of inherited defect in favor of social and familial explanations of criminality. Van Waters first worked with troubled youth at the Boston Children's Aid Society and then became superintendent of the Frazer Detention Home in Portland.

JUVENILE JUSTICE

Diagnosed with tuberculosis in 1915, Van Waters gave up her dreams of reforming juvenile justice, but after a long period of recovery in Oregon and Southern California, she revived her career in 1917, becoming superintendent of the Los Angeles County Juvenile Hall. In 1920 she became a "referee," or informal judge, at the L.A. Juvenile Court, where she served until 1930. She also founded El Retiro, an experimental school for troubled girls that combined maternal concern and firm authority to treat the "so-called delinquent." At Juvenile Hall and El Retiro, Van Waters rejected solitary confinement, emphasized medical and social services, and instituted clubs, classes, and self-government. Drawing on the settlement house model, she also helped found a residence for young working women graduates of El Retiro. Her two popular books about delinquent youth (*Youth in Conflict,*

1925, and *Parents on Probation,* 1928) established her national reputation. In 1929, Van Waters was elected president of the National Conference of Social Workers.

Repeatedly embroiled in local politics and accused of exceeding her authority, Van Waters counted on the influence of middle-class women's clubs and her wealthy patrons, Chicago philanthropist Ethel Sturges Dummer and New Jersey reformer Geraldine Livingston Thompson. A network of female professional colleagues with whom she lived also helped her raise the neglected child she had met in 1929, when the girl was seven years old and a ward of the juvenile court; she renamed the child Sarah Ann Van Waters and later adopted her. In the face of renewed opposition, Van Waters left Los Angeles in 1931 to investigate juvenile justice for the Harvard Crime Survey and the National Commission on Law Observance and Enforcement. In her national evaluation of girls' reformatories, she criticized inadequate and punitive institutions and praised those that were education based.

FRAMINGHAM

In 1932, Van Waters became superintendent of the Massachusetts Reformatory for Women in Framingham, which housed up to 400 women sentenced largely for "crimes against public order," such as drunkenness and prostitution. Despite the conservative climate of Depression-era corrections, Van Waters abolished uniforms and silence rules, established musical and theater clubs, and allowed cultural excursions and home visits. "The goal of the modern institution," she told a reporter, "must be to have institutional life approximate outside normal life as nearly as it can" (quoted in Freedman, 1996a, p. 188). To create a "child-centered institution," she made a new mothers' cottage central to rehabilitation. Education, psychological and spiritual counseling, and paid work through an indenture program were made possible by a legion of college interns, local volunteers, and special funds created by Geraldine Thompson. Superintendent Van Waters served as a surrogate mother and charismatic healer, instituting what she called "Christian penology," a faith in individual worth and recovery. Many inmates responded loyally, and in turn Van Waters hired some of them to serve on staff as models of rehabilitation.

Although political opponents continually challenged her quest for total authority at Framingham, Van Waters enjoyed strong support among women's groups, liberal clergy, and powerful reformers, including Eleanor Roosevelt, who would visit the institution whenever the superintendent came under fire. After World War II, however, the Cold War attack on liberalism encouraged those critics who resented Van Waters's penchant for operating beyond the letter of the law. In 1949, prompted by publicity over an inmate suicide, the Massachusetts commissioner of corrections dismissed Van Waters from office, citing her work-release system, her practice of hiring former inmates, and her alleged tolerance of homosexuality at the institution. Van Waters appealed her dismissal, and a series of dramatic public hearings focused national attention on her maternalist policies and the charges that she was soft on criminals, tolerant of homosexuals, and politically subversive. A gubernatorial commission reinstated Van Waters, but for the remainder of her career, her reforms came under closer state scrutiny and did not survive the changing inmate populations of the next decades.

CONCLUSION

Van Waters suffered an aneurysm in 1956 and retired the following year. She moved into a Framingham household with two former inmates and continued to pursue the reforms that had been her lifelong work. She had been a founding member and later president of the American League to Abolish Capital Punishment, and in retirement she championed death row inmates. She also maintained extensive correspondence with imprisoned men and women. Miriam Van Waters died at age 86 at her home in Framingham.

—Estelle B. Freedman

See also Alderson Federal Prison Camp; Capital Punishment; Cottage System; Katharine Bement Davis; Death Row; Framingham, MCI (Massachusetts

Correctional Institution); Kathleen Hawk Sawyer; History of Women's Prisons; Juvenile Justice System; Women's Prisons

Further Reading

Freedman, E. B. (1996a). *Maternal justice: Miriam Van Waters and the female reform tradition.* Chicago: University of Chicago Press.

Freedman, E. B. (1996b). The prison lesbian: Race, class, and the construction of the aggressive female homosexual, 1915–1965. *Feminist Studies, 22,* 397–423.

VIOLENCE

Researchers classify prison violence into two types: interpersonal and collective. Interpersonal violence occurs in the everyday framework of prison life and includes inmate-on-inmate violence, inmate-on-staff violence, and staff-on-inmate violence. This violence takes many forms and includes physical, psychological, economic, and social victimization. Usually it does not challenge the smooth functioning of the prison as an organization. Collective violence, on the other hand, disrupts the normal social patterns within the institution. Typically, it takes the form of riots and disturbances. One other form of prison violence that is often excluded from discussions of the topic is intrapersonal violence—that is, acts of self-harm, such as suicide attempts and completions.

TYPES OF PRISON VIOLENCE

Collective Violence

The American Correctional Association defines a prison riot as an incident in which administrators lose control of a significant number of inmates (15 or more) in a significant area of a penal institution for a significant period of time. Riots often result in property damage and/or personal injuries. They are more likely to occur in maximum-security prisons, in larger prisons, and in older facilities; when there is decreased contact between warden and inmates; when inmates feel that their living conditions are inadequate; and in punitive/administrative segregation units within prisons. In the 20th century, more than 1,300 riots occurred in American prisons.

Historically, the root causes of prison riots have varied; they have included dissatisfaction with living conditions, racial tensions, rage, conflicts between inmates or between inmates and correctional staff, and legal status. As the nature of prison confinement has changed and the type of authority that correctional administrators may exercise over inmates has altered, so too have perceptions of the motives and causes of prison riots changed. During the 1940s and 1950s, prison riots were seen as expressions of inmate frustration and as a collective response to brutal and crowded living conditions. The inmate subculture was unified in opposition to prison authorities.

In the 1960s, race became a major cause of prison riots in the United States, as Black Muslim inmates demanded the ability to practice their religious beliefs while incarcerated. As black citizens in the free community demanded equal citizenship, so did black citizens confined in the nation's prisons. Integration of black and white inmates in prisons, especially in the South, aggravated already heightened racial tensions, and race riots occurred. During the height of the prisoners' rights movement, between 1971 and 1983, a total of 260 prison riots took place in 35 U.S. states. California reported 80 riots, Florida reported 34 riots, and Virginia reported 18 riots during this period. In most of these disturbances no hostages were involved, and no injuries occurred; most lasted less than 12 hours.

The two most violent prison riots in U.S. history took place at Attica State Prison in New York in 1971 and at New Mexico State Penitentiary in 1980. At Attica, 43 individuals were killed, 39 of whom died during state officials' attempt to regain control of the prison. The New Mexico riot resulted in the deaths of 33 inmates at the hands of other prisoners. The riot at Attica was the result of increasing political awareness on the part of prison inmates, who organized and raised concerns regarding their political and civil rights. However, the riot at the New Mexico prison grew out of inmates' rage over the prison administration's use of a system of inmate informants to maintain control of the inmate population. The destruction of parts of that facility and the targeting of inmates

believed to be "snitches" for the administration are further evidence of that motive.

More recent large riots have occurred at the U.S. Penitentiary in Atlanta, Georgia, in 1987 and at the Southern Ohio Correctional Facility in Lucasville in 1993. According to the most recent census of state and federal prisons, a total of 317 prison riots were reported in state and federal confinement facilities between July 1, 1994, and July 30, 1995 (Stephan, 1997). This report defines a riot as any incident that has five or more inmates participating, that requires the intervention of additional or outside assistance, and that results in serious injury or significant property damage. Other disturbances (incidents in which fewer than five inmates participated, that did not require intervention of additional or outside assistance, or that did not result in serious injury or property damage) numbered 1,808. Fires numbered 816.

Interpersonal Violence

In 1995, 3,311 inmate deaths were reported in state and federal prisons. Of these, 82 were reported as homicides by other inmates and 113 were attributed to unknown causes, such as accidents or homicides. The number of assaults between inmates numbered 25,948. Rates of assault varied by institution, from a low of 9.96 per 100 inmates to a high of 32.6 per 100 inmates (Stephan, 1997, p. 13). The overall rate of assault was 28.4 per 1,000 for state prison inmates and 12.4 per 1,000 for federal prison inmates. More recent figures indicate that in 1999, the number of assaults between inmates housed in U.S. state and federal prisons was 31,314. Of these, about 26% required medical attention, and 6% were referred for prosecution.

In a recent survey of 1,566 prisoners in Great Britain, 19% of the adults and 30% of young offenders reported that they were assaulted in the preceding month. Threats of violence were somewhat higher, with 26% of adults and 44% of young offenders reporting that they were threatened in the preceding month (O'Donnell & Edgar, 1996, p. 2). Another study in Great Britain recently found that rates of prison rule violations were higher for female prisoners (256 offenses per 100 prisoners) than for male prisoners (159 offenses per 100 prisoners) (Home Office, 2001, p. 35).

Rape and Sexual Assault

Stephen Donaldson (1993), cofounder of the organization Stop Prisoner Rape, asserted that approximately 300,000 men are sexually assaulted each year in U.S. jails and prisons. The victims of these sexual assaults tend to be young, physically small, convicted of less serious crimes, serving their first prison sentences, and heterosexual. Those who commit the assaults do so largely to demonstrate their power and dominance over other individuals. Studies suggest that sexual abuse in prisons may result from direct threats of violence and more subtle forms of coercion, fear, and intimidation. Sexual harassment (whistling, sexualized comments, groping) is also part of the process of coercion. Donaldson, who was himself a rape survivor, recommends strategies male prisoners can use to deal with the threat of rape; these include requesting protective custody from the prison administration and pairing up with a sexual predator for protection against further victimization by other sexual aggressors.

Little research has been conducted concerning inmate-on-inmate sexual abuse among women. Rates of sexual coercion among women inmates are reportedly lower than rates among men. Further, sexual pressuring and harassment among women prisoners are more common than sexual assault.

Psychological Violence

Psychological violence can include harassment, intimidation, and ostracism. No data have been reported on the extent of this type of violence in U.S. prisons, and rarely do inmates report such incidents to staff. A study of young offenders in Scotland, however, found that 29% were bullied during their current incarcerations, and in Great Britain more than half of young offenders and 26% of adults surveyed reported that they were bullied (Power, Dyson, & Woziniak, 1997).

VICTIM RESPONSES TO VIOLENCE

A potential victim of violence may often try to fight back against a perceived aggressor. Researchers have identified several rationales for such responses on the part of potential victims. For example,

responding to sexual advances aggressively may help to define the victim's sexual identity as heterosexual. Also, showing the willingness to use violence demonstrates to the rest of the inmate population that the victim believes in the convict code of resolving problems without asking for staff assistance. Violence shows the victim's "toughness," so that others will not seek to harm him or her. Potential victims may use violence preemptively in cases where they perceive that their aggressors are likely to use force; that is, the victims act first to alter this occurrence. Finally, violence appears to be effective in some cases, given the values of the prison social world.

SELF-HARM

Not all inmate violence is directed at others—some inmates hurt themselves intentionally. They may engage in self-mutilation, suicide attempts, or other self-destructive behaviors, such as destroying their own cells or swallowing toxic substances or objects. Such actions are often stress related and occur more frequently among inmates who are female, who are younger, or who have limited coping skills. Those with mental health problems also tend to self-injure more frequently than do inmates without such problems.

INMATE-ON-STAFF VIOLENCE

In 1995, more than 14,165 federal and state prison staff members were injured by inmate assaults in the United States; 14 of these assaults were fatal (Stephan, 1997, p. 13). In 1999, the number of assaults increased to 16,152. Of these assaults, 15% required medical attention, and the perpetrators in 10% were referred for prosecution. In 1999, 33 correctional staff members died in the line of duty. A study of disciplinary infractions in correctional institutions in Quebec, Canada, in 1996 reported 162 assaults against noninmates, of which 154 were correctional officers (Ouimet, 1999, p. 27).

STAFF-ON-INMATE VIOLENCE

For much of U.S. correctional history, prison staff were allowed to use whipping, flogging, and other physically brutal means to control inmates and maintain institutional order. The prisoners' rights movement of the early 1970s and the subsequent willingness of the federal courts to recognize that constitutional rights do not end for citizens when they are convicted of crimes and confined in correctional facilities have greatly curtailed the use of physical violence on inmates by correctional staff.

Hamm, Coupez, Hoze, and Weinstein (1994) found in their Prison Discipline Study that 62.1% of their inmate respondents reported having observed correctional staff physically beating inmates. Unauthorized physical violence by correctional officers does continue, and the news media occasionally report on this issue. Recent media reports of unauthorized or excessive use of force by correctional officers include stories about 14 inmates who were beaten at Hays State Prison in Georgia and about 43 inmates wounded and 7 killed at the California State Prison in Corcoran.

Human Rights Watch (1996) has reported findings based on interviews conducted with female prisoners who experienced sexual abuse by male prison employees in five states (California, Georgia, Illinois, Michigan, and New York) and the District of Columbia. The Human Rights Watch study documented custodial sexual misconduct by male correctional employees that included rape, sexual assault, sexual abuse, verbal degradation, and sexual harassment. Male employees used physical force, threats, promises of preferential treatment, and denials of goods and privileges to force women prisoners to engage in sexual acts. Women who were first-time offenders, those who were younger, and those who were mentally ill were particularly vulnerable to sexual abuse. The sexual abuse of women inmates by male prison employees is perpetuated by the practice of permitting male employees to serve in positions that involve constant physical supervision of female inmates, an institutional subculture that encourages correctional workers to protect each other, and inadequate protections for women inmates who file complaints against staff.

GROUP VIOLENCE

Traditional prison gangs originated in state and federal prisons in the 1950s and 1960s. These included

the Aryan Brotherhood, Mexican Mafia, Nuestra Familia, Black Guerrilla Family, Texas Syndicate, Dirty White Boys, Gypsy Jokers, and Mexikanemi. In the 1960s and 1970s, such groups were made up of adult criminals who were organized into complex hierarchies, with rank differentiation among members and powerful, criminally sophisticated leaders. The members of prison gangs could smuggle drugs into the institution and engage in other crime while incarcerated. Gang members used violence to further their criminal pursuits, and their violent acts were directed outward, toward their enemies, such as deadbeat inmates who failed to pay drug and gambling debts. Gangs also sometimes directed their violence at their own members to instill discipline and control. At that time, street gangs in prisons generally comprised younger inmates whose groups had relatively simple hierarchies, less status differentiation, and less defined leadership.

Today, however, the distinctions between prison gangs and street gangs in prison have blurred. Gangs, now sometimes referred to as inmate disruptive groups (IDGs) or security threat groups (STGs), are defined as groups of inmates whose affiliation in prison is based on race, ethnicity, geography, ideology, or a combination of these factors; who seek one another's protection; and who have a common economic objective, such as control of contraband distribution. Most often, gangs control the operations of drug distribution, gambling, loan sharking, prostitution, extortion, and debt collection. They also protect their own members from other hostile groups.

Studies suggest that prison gangs exist in 40 U.S. states and in the federal prison system. More than 39 major groups have been identified. According to the findings of a 1999 survey of adult state correctional institutions conducted by the National Gang Crime Research Center, 25% of all male inmates and 7.5% of all female inmates confined in state prisons are gang members (Knox, 1999). The incentives for joining a gang are lower in women's prisons, given that drugs and other contraband are less prevalent and serious incidents of physical violence are rare.

Correctional administrators use a number of diverse strategies to deal with gangs. First, they identify who actually belongs to a gang, and then usually they try to separate rival gang members in housing areas and work assignments. Most institutions also attempt to restrict the possession and display of gang symbols and closely monitor the mail and telephone correspondence of known gang members. Finally, suspected and known gang leaders are often housed in supermaximum secure units away from the general prison population to prevent them from continuing to run their organizations while behind bars.

CAUSES OF PRISON VIOLENCE

Just as there are many kinds of prison violence, there are many causes for such activity. The importation model posits that inmates bring into the prison a value system that contains the belief that violence is an appropriate means of solving problems, and so they will continue to resort to violence while confined. The deprivation model, in contrast, argues that aggression and violence in prison are the natural outgrowths of the stressful and oppressive conditions imposed within the prison environment.

Institutional-level factors believed to contribute to prison violence include the size of the inmate population, type of housing, visit patterns, extent of prison programming, management style of staff, and the stringency of rule enforcement. Individual-level factors contributing to violence include the following inmate characteristics: demographic background (age, race, gender, socioeconomic status); prior experiences with incarceration, violence, and mental health problems; degree of participation in prison programs; attitudes; gang membership; coping abilities; and level of social support both within and outside the prison.

CONCLUSION

Violence within prisons is as old as prisons themselves and is caused by many factors. Given that almost all inmates will one day be released back to the community, it is in everybody's interest to prevent them from becoming violent while incarcerated. Current conditions, however, including the high levels of overcrowding that exist in most U.S. prisons, often make it hard for staff to manage the prison population, seek out the perpetrators of violence, and bring them to justice.

Recent court decisions have placed responsibility for the safety of inmates in the hands of prison authorities. Prison officials can be found liable under the Eighth Amendment to the U.S. Constitution for failing to protect an inmate from violence at the hands of other prisoners if the officials do not act when they know of a substantial risk of serious harm (*Farmer v. Brennan,* 1994). However, in order to prove that the institution is responsible in such a case, the plaintiff (the injured inmate) must demonstrate that the defendants (correctional staff) had actual knowledge of a substantial risk to the inmate and that they disregarded that risk.

—Mary A. Finn

See also American Correctional Association; Attica Correctional Facility; Bloods; Classification; Control Unit; Correctional Officers; Crips; Deprivation; Disciplinary Segregation; Stephen Donaldson; Gangs; Importation; Lexington High Security Unit; Managerialism; New Mexico Penitentiary; Pelican Bay State Prison; Prison Culture; Racial Conflict Among Prisoners; Rape; Riots; Security and Control; Self-Harm; Sexual Relations With Staff; Solitary Confinement; Special Housing Units; Stop Prisoner Rape; Supermax Prisons

Further Reading

Alarid, L. F. (2000). Sexual assault and coercion among incarcerated women prisoners: Excerpts from prison letters. *The Prison Journal, 80,* 391–406.

American Correctional Association. (1990). *Causes, preventive measures, and methods of controlling riots and disturbances in correctional institutions.* Laurel, MD: American Correctional Association.

American Correctional Association. (1993). *Gangs in correctional institutions: A national assessment.* Laurel, MD: American Correctional Association.

American Correctional Association. (1996). *Preventing and managing riots and disturbances.* Laurel, MD: American Correctional Association.

Bowker, L. H. (1998). On the difficulty of eradicating masculine violence: Multisystem overdetermination. In L. H. Bowker (Ed.), *Masculinities and violence* (pp. 1–14). Thousand Oaks, CA: Sage.

Camp, C. G., & Camp, G. M. (2001). *The corrections yearbook 2000: Adult corrections.* Middleton, CT: Criminal Justice Institute.

Donaldson, S. (1993, December 29). The rape crisis behind bars. *New York Times,* p. A11.

Great Britain Home Office Research Development and Statistics Directorate. (2001). *Statistics on women and the criminal justice system, 2001.* London: Author.

Hamm, M. S., Coupez, T., Hoze, F. E., & Weinstein, C. (1994). The myth of human imprisonment: A critical analysis of severe discipline in maximum security prisons, 1945–1990. In M. C. Braswell, R. H. Montgomery, Jr., & L. X. Lombardo (Eds.), *Prison violence in America* (2nd ed., pp. 167–200). Cincinnati: Anderson.

Human Rights Watch. (1996). *All too familiar: Sexual abuse of women in U.S. state prisons.* New York: Human Rights Watch.

Human Rights Watch. (2001). *No escape: Male rape in U.S. prisons.* New York: Human Rights Watch.

Knox, G. W. (1999). *A national assessment of gangs and security threat groups (STGs) in adult correctional institutions: Results of the 1999 Adult Corrections Survey.* Chicago: National Gang Crime Research Center.

Lockwood, D. (1991). Target violence. In K. C. Haas & G. P. Alpert (Eds.), *The dilemmas of corrections: Contemporary readings* (pp. 94–98). Prospect Heights, IL: Waveland.

Montgomery, R. H., Jr. (1994). American prison riots: 1774–1991. In M. C. Braswell, R. H. Montgomery, Jr., & L. X. Lombardo (Eds.), *Prison violence in America* (2nd ed., pp. 227–251). Cincinnati: Anderson.

O'Donnell, I., & Edgar, K. (1996). *Victimisation in prisons.* Croydon, UK: Home Office.

Ouimet, M. (1999). Remarkable rarity of violence towards staff in prisons. *Forum on Corrections Research, 11*(1), 25–29.

Power, K. G., Dyson, G. P., & Wozniak, E. (1997). Bullying among young offenders: Inmates' self-reported attitudes and behaviours. *Journal of Community Psychology, 7,* 209–218.

Stephan, J. J. (1997). *Census of state and federal correctional facilities, 1995* (NCJ 164266). Washington, DC: U.S. Bureau of Justice Statistics.

Useem, B., & Kimball, P. (1989). *States of siege: U.S. prison riots, 1971–1986.* New York: Oxford University Press.

Legal Case

Farmer v. Brennan, 511 U.S. 825; 114 S.Ct. 1970 (1994).

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT 1994

The most far-reaching piece of legislation intended to combat crime in the 20th century was signed into law on January 25, 1994, by the 103rd Congress of the United States. The Violent Crime Control and Law Enforcement Act of 1994, also

known as the Crime Control Act, includes provisions and appropriations for policing, community programs, public safety, gun control, mandatory minimum sentencing, drug abuse prevention, prisons, gang programs, programs for juveniles, and domestic violence prevention. The federal government sought to establish an omnibus bill that would not only arrange funds for the improvement of law enforcement methods and institutions but also provide stricter penalties for the violation of laws.

PUBLIC SAFETY AND POLICING

Since the enactment of the Crime Control Act, U.S. cities and states have increased their law enforcement efforts with the help of appropriations from the federal government. With the stated purpose of controlling and preventing violent crime, the comprehensive law authorized $8.8 billion over six years for grants to add an additional 100,000 police officers to the streets nationwide.

By May 1999, 100,500 law enforcement officers and corresponding personnel had been financed. It was estimated that between 84,700 and 89,400 would be deployed by 2003. However, due to the departure of some officers before others could be trained and employed, the federally funded increase in policing levels may have peaked in 2001 between 69,000 and 84,600. It was further estimated at that time that these levels would fall to 62,700–83,900 in 2003.

VIOLENT OFFENDER INCARCERATION AND "TRUTH IN SENTENCING"

In the 1980s, a conservative crime control stance and the war on drugs led to massive prison overcrowding in the United States. In an effort to relieve the overcrowding of the past two decades, a number of states released some habitual violent offenders on account of good behavior or due to early release rules. In order to curb this strategy of prison management, Title II of the Crime Control Act imposed mandatory sentences, obligating violent or sexual offenders to serve at least 85% of their sentences. The Crime Control Act also includes provisions based on the "Three strikes and you're out" doctrine, which dictates that under Three-Strikes Laws, any person convicted of three violent felonies or drug trafficking crimes should receive a mandatory life sentence.

STRENGTHENING THE FIGHT AGAINST VIOLENCE TOWARD WOMEN

Each year in the United States, approximately 2.1 million women are raped and/or otherwise physically assaulted by an intimate partner. Date rape and physical or sexual assault by a current or former husband, cohabiting partner, or boyfriend accounted for 64% of women who were victimized and/or stalked since age 18. Of the women victimized by rape and physical assault, 33% sought and received medical treatment. In addition, approximately one million women are stalked in the United States each year. Most stalking cases involve victims and offenders who are known to each other, and, of those, 30% of the female victims seek psychological counseling as a result of their experience.

To combat these dismal statistics and to thwart the rise in this type of intimate violence, the Violence Against Women Act (VAWA) was incorporated into the Violent Crime Control and Law Enforcement Act of 1994 under Title IV (P.L. 103-322). This part of the Crime Control Act provides for law enforcement and prosecution grants to states under Chapter 2 of the Safe Streets Act. The act states that the grants are

> to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

The involvement of the federal government in what was once considered a state and local law enforcement problem elevated the issue to one of national concern. In addition to imbuing state and local authorities with greater powers to fight domestic violence, VAWA specified federal domestic violence crimes to be prosecuted by the U.S. Department of Justice. For instance, it is a federal

crime to force or coerce an "intimate partner" to cross state lines if the force or coercion leads to injury in violation of a valid protection order. The best illustration of this type of crime can be found in the case of *United States v. William Romines* (W.D. Virginia). In violation of a Tennessee order of protection, Romines visited the home of his ex-wife and then dragged her and their son into a car and threatened to kill them. He was captured after a high-speed chase in Virginia. Convicted under the federal statutes, Romines received a 12-year sentence.

As a designated grouping of laws and legal processes targeting perpetrators with guns, VAWA offers a stringent method of attacking and curtailing a significant number of violent crimes against women, including rape, assault, and stalking. As a companion to VAWA, 18 U.S.C. §922(g)(8) was enacted. It makes the act of possessing a firearm while subject to a valid protection order a federal crime. The protection order must state that the defendant poses a threat to the physical safety of the victim or that the defendant is prohibited to use any force that would cause injury to the victim. Unfortunately, law enforcement officers are not subject to this law. In *United States v. Robert Goben* (D. South Dakota), a protection order prevented the defendant from harassing or threatening his estranged wife. Later found with a loaded .22 caliber revolver, he was sentenced to 12 months.

To strengthen the law preventing known domestic violence perpetrators from owning guns, 18 U.S.C. §922 (g)(9) was enacted in September 30, 1996. Its pertinent part reads, "It is a federal crime to possess a firearm after conviction of a qualifying state misdemeanor crime of domestic violence." In *United States v. William Smith* (N.D. Iowa), Smith was indicted for owning a firearm. The indictment charged that Smith was convicted of assaulting the mother of his child in 1994, and in 1996, he shot the same victim with a .380 caliber pistol. On May 16, 1997, the district court upheld the constitutionality of this statute, leaving Smith no choice but to plead guilty to the Section 922(g)(9) charge.

Crimes such as stalking and traveling from state to state to harass an intimate partner, as well as violating a protection from abuse order, are also strictly forbidden under federal law. Under the provisions of the Interstate Domestic Violence Statute, a separate act implementing the VAWA, a person who crosses state lines with the intention of injuring an intimate partner and causes such harm is guilty of a felonious federal act. In *United States v. Michael Casciano* (N.D. New York), a Massachusetts protection order prevented the defendant from stalking or harassing his former girlfriend. When the girlfriend moved to New York, Casciano followed and continued to stalk her and harass her on the telephone. In one night he called her approximately 40 times. Casciano was sentenced to 37 months.

DRUG COURTS

Title V of the 1994 Crime Control Act provided $1 billion in funding for drug courts in an effort to force criminals out of the cycle of addiction before they return to the streets. The goal of these courts is to recondition behavior and defeat offenders' ongoing dependency on substances, which may cause other violent crimes, leading, in turn, to longer prison sentences. Participant offenders are subject to mandatory periodic drug testing and mandatory substance abuse treatment. Those who fail to show satisfactory progress in their treatment regimens are subject to graduated sanctions. Participation is limited to nonviolent offenders.

In 1996, the drug court in Brooklyn, New York, was touted as the country's largest drug court. It was created with the help of a $1 million federal grant provided under the 1994 Crime Control Act and $5.5 million from the U.S. Department of Health and Human Services. The court sentenced as many as 7,000 drug offenders yearly to treatment instead of prison and monitored them closely in order to get them off drugs. By 2001, almost 700 drug courts were operating in the United States, and 430 additional courts were being planned with further funding authorized by Congress. Efforts were also being made to expand to juvenile, family, and tribal drug courts.

Research has shown that offenders' drug use and criminal behavior are substantially reduced while they are participating in drug court. Also, criminal behavior is lower after program participation,

especially for graduates. There are also substantial cost incentives for jurisdictions to use drug courts. In the short term, reduced jail/prison use, reduced criminality, and lower criminal justice system costs translate into $10 in savings for every $1 spent on drug court. Some observers object to the use of drug courts, however; their criticisms range from concerns about forcing individuals into treatment when they may not really need it to concerns about incorrect assessment of participants by poorly skilled workers, abbreviated treatment, and lack of motivation on the part of drug defendants.

THE DEATH PENALTY

In 1994, pursuant to the Crime Control Act, the federal death penalty was extended to include more than 60 different offenses. Under this new authority, and in conjunction with Title VI of the Crime Control Act, the U.S. Justice Department authorized federal prosecutors to seek the death penalty against 61 defendants. Of these 61 men and women against whom the U.S. attorney general approved government recommendations for use of the death penalty, 12 were white, 7 were Hispanic, 2 were Asian, and 40 were African American. In other words, 80% of those approved for capital prosecution by the attorney general to date have been members of minority groups.

Because of criticism leveled against the capital case prosecution record compiled by the Clinton administration, on January 19, 1995, Attorney General Janet Reno unveiled the Department of Justice's death penalty guidelines and procedures to be used in determining an offender's eligibility for death penalty prosecution. Before seeking a death sentence, U.S. attorneys and the Department of Justice must follow certain guidelines in making their recommendations under federal law. A three-level review process now governs the way in which federal capital defendant cases are selected for eligibility. This review is governed by a January 1995 directive titled *United States Attorneys' Manual* (§9–10.000). In pertinent part, it dictates that after seeking input from and conducting a face-to-face meeting with defense counsel, the U.S. attorney must send a written recommendation, supported by extensive documentation, to the attorney general. The Death Penalty Committee meets in person with defense counsel and hears arguments against imposition of this extraordinary penalty.

Germane to the broad scope of the law is that federal law reigns supreme. Therefore, according to the directive, jurisdiction resides with the federal government when its interests are more substantial than the interests of the state or local authorities. This requirement is relevant where such considerations include (1) the extent to which the criminal activity extends beyond a single local jurisdiction or state, (2) the relative ability and willingness of state authorities to prosecute effectively, and (3) whether state or federal agencies were primarily involved in the investigation. The regulations also provide a caveat to authorities, specifying that the unavailability of the death penalty in the state where the crime was committed cannot, in and of itself, substantiate federal capital prosecution. This scenario is best illustrated by the October 2002 sniper case in which two men went on a homicidal shooting rampage for several weeks in Washington, D.C., Maryland, and Virginia. In the end, the state of Virginia was given the first opportunity to prosecute the men, one of whom was a juvenile, not solely because the death penalty was available there, but because Virginia had two or more victims and therefore a substantial interest in their prosecution. Guidelines under the Department of Justice regulations further specify that U.S. attorneys must consult with and give defense counsel an opportunity to be heard before deciding to request death penalty authorization from the attorney general. The Justice Department also maintains an elaborate record-keeping system to determine the equitableness of the decisions and the fairness of the overall outcomes.

The Crime Control Act, which made the death penalty available for almost all federal homicide offenses, also authorizes employment of the death penalty in cases involving civil rights murders, murders of federal law enforcement officials, and murders of U.S. nationals on foreign soil, and in cases of rape and child molestation, which may or may not include murder, to name just a few.

TITLE XI, FIREARMS: ASSAULT WEAPONS AND GUN CONTROL

There is little doubt that the approximately 20,000 different gun control laws that are currently in existence in the United States, ranging from federal to state to local, have little effect on crime or on efforts to curtail gun-related injuries and homicides. Nevertheless, a fierce campaign waged by several legislators and influential lobbyists dramatically increased the need for comprehensive overriding federal gun control legislation to regulate the approximately 200 million currently existing firearms.

Title XI of The Crime Control Act is one such piece of legislation. It seeks to control the possession and use of firearms in general and of assault weapons in particular. As a corollary, the act institutes 18 as the minimum age to purchase or possess handguns or their ammunition, subject to limited exceptions. It prohibits manufacture, transfer, or possession of semiautomatic assault weapons and makes it illegal to transfer or possess any weapon that permits the attachment of large-capacity ammunition feeding devices unless lawfully owned prior to the enactment of the Crime Control Act.

The U.S. Defense Department loosely defines assault weapons as those that are capable of both automatic fire and semiautomatic fire. Firearms that require the depressing of the trigger each time to fire a bullet fit the technical definition for assault weapons. Once the trigger has been depressed, a successive bullet will be automatically loaded into the chamber, and the weapon will be ready to fire once the trigger is depressed again. Accordingly, the speed at which such a gun can fire is determined by how fast the user can pull the trigger.

The Crime Control Act bans a variety of semiautomatic weapons. In particular, it bans the manufacture of 19 named military-style assault weapons. The prohibition includes assault weapons with specific combat features, copied models, and high-capacity ammunition magazines that can hold more than 10 rounds. This means any semiautomatic rifle with a detachable magazine and two or more of the following: (1) a folding or telescoping stock, (2) a pistol grip that "protrudes conspicuously" beneath the rifle's action, (3) a bayonet mount, (4) a flash suppressor or a threaded muzzle designed to support one, and (5) a grenade launcher. Additionally, a handgun is banned if it is semiautomatic with a detachable magazine and has two or more of the following: (1) a magazine that attaches outside the grip; (2) a threaded muzzle capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer; (3) a barrel shroud; (4) a manufactured weight of 50 ounces or more when the pistol is unloaded; and (5) is a semiautomatic version of an automatic firearm. Also banned is any semiautomatic shotgun with two or more of the following: (1) a folding or telescoping stock, (2) a pistol grip that "protrudes conspicuously" beneath the shotgun's action, (3) a fixed magazine with a capacity of more than five rounds, and (4) the ability to use a detachable magazine.

CONCLUSION

The Violent Crime Control and Law Enforcement Act of 1994 represents the most extensive action the federal government has taken to curtail the escalation in violent crime since the end of Prohibition. In 1994, the same year the bill was enacted, violent crime rates began to decline for both males and females. In 2001, the Bureau of Justice Statistics reported that violent crime rates reached the lowest levels ever recorded. Homicide rates have likewise decreased recently to levels last seen in 1967. Rape rates have generally declined since 1991, although they remained the same in 2000 and 2001.

Although some observers attribute the steady reduction in violent crime in the United States to the enactment of the omnibus Crime Control Act, others believe that it relates to cyclical factors that are beyond the control of government or the criminal justice system. Whatever the reason, one thing appears to be true: the federal government has taken a tough stance on crime and is not likely to relax its strict control anytime soon.

—Linda J. Collier

See also Capital Punishment; Death Row; Drug Offenders; Increase in Prison Population; Parole; Prison Litigation Reform Act 1996; Violence; War on Drugs

Further Reading

DeMay, K. R. (1994). Violent Crime Control and Law Enforcement Act of 1994: The semi-automatic "assault weapon"—the latest victim in this country's war against crime. *Hamline Journal of Public Law and Policy, 16,* 199ff.

Federal Death Penalty Defense Newsletter. (1995, December; 1998 January). Retrieved November 25, 2002, from http://www.capdefnet.org/fdprc/contents/past_newsletters/4_past_issues_of_fdprc.htm

Major federal firearm laws (still in effect), 1934–1999. *Future of Children, 12*(2), 174–175.

National Crime Prevention Council. (2001, October). Communities receive Justice Department funds for drug courts. *Catalyst Newsletter, 21.* Retrieved November 25, 2002, from http://www.ncpc.org/catalyst/2001/009xcountry.htm

National Drug Court Institute. (n.d.). *Drug court facts: Drug courts today.* Retrieved February 12, 2003, from http://www.ndci.org/courtfacts.htm

Reaves, B. A., & Goldberg, A. L. (1998). *Census of state and local law enforcement agencies, 1996* (NCJ-164618). Washington, DC: U.S. Bureau of Justice Statistics. Retrieved November 25, 2002, from http://www.ojp.usdoj.gov/bjs/pub/pdf/cslea96.pdf

U.S. Department of Justice. (1995, March 31). *Senate unanimously restores funding for drug courts* [Press release]. Washington, DC: U.S. Department of Justice. Retrieved November 29, 2002, from http://www.usdoj.gov/opa/pr/Pre_96/March95/180.txt.html

U.S. Department of Justice, Office of Community Oriented Policing Services. (2001, November 9). *Attorney general's report to Congress: Office of Community Oriented Policing Services through FY 2000: Legislative update.* Washington, DC: U.S. Department of Justice. Retrieved November 21, 2002, from www.usdoj.gov/cops/news_info/legislate/leg_history.htm

U.S. General Accounting Office. (2002). *Drug courts: Better DOJ data collection and evaluation efforts needed to measure impact of drug court programs* (GAO-02-434). Washington, DC: Government Printing Office.

Vernick, J. S., & Hepburn, L. M. (2000). Examining state and federal gun laws: Trends for 1970–1999. In P. J. Cook & J. Ludwig (Eds.), *Evaluating gun policy.* Washington, DC: Brookings Institution Press.

VISITS

Under normal circumstances, most individuals held in prisons and jails may expect to enjoy some kinds of visits from some of their family members and friends. Ultimately, however, the penal institutions in which they reside have discretion over whether or not these visits occur. Visits are, in other words, a privilege and not a right. As the federal courts in the United States have made clear, "There is no inherent, absolute constitutional right to contact visits with prisoners" (Palmer & Palmer, 1999, p. 39). These same courts, however, have also established that the discretionary authority of prison officials may be limited if it can be shown that the officials engaged in a "clear abuse of discretion" (p. 37). In particular, the courts have protected the "inmate's right to an attorney's assistance in perfecting appeals of conviction or protesting prison conditions" (p. 46). They have also recognized, in most circumstances, prisoners' First Amendment right to freedom of religion, which means that prisoners may receive regular visits from appropriate clergy.

HISTORY

The first prisons in the United States did not allow prisoners to be visited by anyone, save the occasional prison chaplain. Even prisoners' contact with other inmates and guards was limited. In fact, when the first modern prison was established in the United States in the early 19th century, there was a strong emphasis on the nearly "total isolation" of the prison population (Walker, 1998, p. 80). The philosophy behind this approach was twofold. First, it was thought that such isolation would encourage prisoners to engage in sustained reflection on their misdeeds and how they might atone for their crimes once they were released back into the community. Second, prison officials hoped to protect society at large from being "infected" by the criminal class until the prisoners had the opportunity to cleanse themselves of their demons.

Within a few decades, however, "prison keepers realized that enforced solitude did not rehabilitate prisoners, but only drove them insane" (Leverson, 1983, p. 451). It also became clear that isolating prisoners did not produce a measurable degree of reform that would significantly reduce recidivism. At the same time, a movement arose within various religious communities to bring the word of God into

the prisons in an effort to make the inmates see and correct the error of their ways. Over time, then, visits by family members, friends, and various officials (primarily religious and legal) became an accepted dimension of prison life.

Visits in the Federal Prison System

Visiting in federal prison is not what it used to be. The federal system has never authorized conjugal visits, as is the policy in some state prisons, but even regular visits have become more strict since I began serving time in the 1980s. Prisoners are only allowed to visit with people whom they knew prior to their incarceration. That means federal prisoners cannot open new relationships while they serve time. If they do meet someone whom they want to visit them, the proposed visitor must lie on the visiting form, indicating that the relationship began prior to the individual's confinement, or the prisoner must persuade the warden to grant an exception to the rule. The wardens I've known are conservative and do not grant exceptions easily.

Federal prisoners are limited to a prescribed number of visiting hours each month, usually between 15 and 40. Inside the visiting room, prisoners may kiss their visitors at the start and finish of the visit, but not between those times. They may hold hands throughout the visit.

Seating is usually theater-style, in side-by-side chairs. This seating arrangement can cause neckaches for the prisoner and visitor, but it facilitates the security of the institution, which is all-important. Federal prisons offer banks of vending machines, and most have dedicated areas for children. Staff members will monitor the visits through hidden surveillance cameras and direct observation. And unless the prisoner is held in minimum security, he should expect a strip search at the conclusion of the visit, and sometimes before.

Despite all the drawbacks, I still cherish every second I spend with my wife in the prison visiting room.

Michael Santos
FPC Florence, Florence, Colorado

TYPES OF VISITS

A prisoner can have many different types of visits. The details of such visits can vary quite a bit from one state to the next, from federal prisons to state and local facilities, and even from one prison facility to the next within a particular state. Nevertheless, some generalizations can be made. The most common kind of prison visit—that by family and friends—is probably the simplest and easiest to arrange. All institutions have set visiting hours, and all specify who may and may not be allowed to visit prisoners. Prison personnel then carefully screen those who come to see inmates. Most often these meetings are referred to as *contact visits,* which means that there can be some limited degree of physical contact between the inmate and his or her visitors (hugging, holding hands, and the like). These visits typically take place in a common area where tables and chairs are set up for visitors and inmates. Prison officials conduct various forms of surveillance over the inmates and their guests, including the presence of one or more guards in the visiting area and the use of video cameras. After having visitors, inmates will often be subject to strip searches before they are allowed to return to their cells, to ensure against the introduction of contraband into the prison.

Conjugal visits are sometimes permitted, most typically only if the inmate is legally married to the visitor. These visits, which can last from a few hours to a full day, allow for physical and emotional intimacy between the parties. Conjugal visits take place on the prison grounds, but usually occur in a separate facility that allows for a full measure of privacy for the couple. Prison officials normally restrict such visits to prisoners who have records of good conduct. A variation on the conjugal visit is extended visitation, which most often involves a visit by an inmate's spouse and their children. These visits can last from one to three days, and, again, are typically used by prison officials to encourage good prison behavior among those relatively few inmates who qualify for such visits.

Another kind of visit is the *noncontact visit,* in which no physical contact is allowed between the inmate and his or her visitors. Most typically such visits take place in booths set up in a common area. Each booth has a thick Plexiglas barrier to separate the inmate from any visitors; the parties are able to communicate verbally with one another but cannot

touch in any way. These kinds of visits occur predominantly in high-security and supermax prisons, or for prisoners being held in segregation in lower-security institutions. The inmates are denied contact with their visitors both for punitive purposes and because of concerns about security risks and possible introduction of contraband into the prison environment.

PRISON VISITS AS REHABILITATIVE

Scholars and other observers have long engaged in a spirited debate over the rehabilitative function of prison visits. Whereas some see visits as a failure on the part of prisons to be sufficiently punitive, many argue that maintaining ties with family members and friends is crucial to prisoners' ability to survive their sentences as well as their capacity to readjust to the community when they are released. Much of the support for visits comes from early sociological studies of the prison environment, such as Donald Clemmer's 1940 book *The Prison Community,* in which Clemmer argues that contact with the outside world helps prevent prisonization. Spending time with friends and family members, Clemmer and other prison sociologists such as Gresham Sykes have argued, enables inmates to cope with the pains of imprisonment. It also prevents them from becoming completely assimilated into and dependent on the penal institution, and thus unprepared to reenter the community.

More recent evidence upholds the findings of these early studies by suggesting that a program of extended visitation—when spouses and/or children visit with inmates for periods of one to three days in a homelike environment—can enhance the postrelease success of prisoners. This success includes "a higher likelihood of being employed upon release . . . , a positive parole outcome . . . , and a lower likelihood of recidivism upon release" (Gordon & McConnell, 1999, p. 121). Prisoners who have access to extended visits also tend to exhibit better behavior during their time in prison.

In practice, however, several factors have limited the impacts of such programs. First, "an overwhelming majority of the inmate population is excluded from participation in the programs," given that participation is limited to married couples, and fewer than 20% of inmates are married (Gordon & McConnell, 1999, p. 126). Second, the geographic distance between imprisoned spouses and the rest of their families may inhibit many from participating in extended visitation. Finally, given the current punitive climate in the United States, prisons are under a fair amount of pressure not to spend too much money on programs that might be viewed as soft on or somehow coddling of inmates.

FEDERAL COURT RULINGS

Just as scholars debate the rehabilitative impacts of visits, they also discuss the appropriate role of the courts in regulating the conditions at prison facilities. There is also some question about the effectiveness of court rulings when decisions are actually put into practice at the grassroots level. Nevertheless, most scholars agree that the federal courts have had at least some impact on prison conditions in the United States. The following is a brief discussion of some key federal court decisions regarding the ability of prison officials to limit prison visits.

The Sixth Circuit Court of Appeals ruled in 2002 that the visitation policy established by the Michigan Department of Corrections (MDOC) was unconstitutional. This policy denied visitation rights to prison inmates who had committed a second drug offense within prison. As the policy was implemented, however, only about 41% of such inmates received permanent visitation bans. The MDOC also placed significant limits on visits by inmates' family members and friends. Corrections officials argued that their policies on prison visits allowed them to supervise visits more efficiently and hence reduce the smuggling of drugs and weapons into the prison system. They also claimed that the prison environment is unhealthy for children, and that prison officers were not able to supervise large numbers of visits from family members effectively.

The Sixth Circuit Court of Appeals noted, in the case of *Bazzetta v. McGinnis* (2002), that prisoners

enjoy a First Amendment right to freedom of association "to the extent that [this right] does not conflict with their status as prisoners and the legitimate demands of the prison system" (p. 316). The court further held that this right consists of noncontact visits with intimate associates. As such, prison officials can indeed limit significantly the visitation rights of their wards, but they cannot eliminate those rights entirely absent some compelling penological interest. In the *Bazzetta* case, the prison officials failed to demonstrate to the court's satisfaction the security-based need for stringent limits on visits by family members.

Notably, the court struck down the prison system's permanent ban on visiting privileges for those inmates found to have violated the substance abuse policy on the basis of the Eighth Amendment, which forbids, among other things, the infliction of cruel and unusual punishment through the conditions of confinement. The court also found that this particular policy violated the inmates' substantive due process rights, given that "a complete ban on all visitors cuts the prisoner off from all personal ties, constituting qualitatively greater isolation than is imposed by a prison sentence, and is an atypical and significant hardship far beyond the expected hardships of prison" (p. 323).

The U.S. Supreme Court subsequently reversed the Sixth Circuit Court of Appeals in the case of *Overton v. Bazzetta* (2003). A unanimous Court held that as long as the MDOC's regulations "bear a rational relation to legitimate penological interests," any associational rights that prisoners may have are overridden (p. 2165). Furthermore, prisoners have alternative, albeit less than ideal, alternatives to visits. They can write letters, make telephone calls, and the like. Additionally, the Court held that MDOC's rigorous policy on excluding all visits for those prisoners who accrue two substance abuse violations does not violate the Eighth Amendment's prohibition of cruel and unusual punishment.

As the Court itself noted in the *Overton* case, this holding exhibits "substantial deference to the professional judgment of prison administrators" (p. 2167). The Court also chose to hold prison officials to a minimal level of judicial scrutiny, demanding only that prison regulations be rational. Compare this relaxed standard of review with that used by the Sixth Circuit Court of Appeals, which required that prison officials have a compelling interest in order to override the associational rights of their charges. Note also the unanimity of the Court's ruling in *Overton.* Despite the opinion of many scholars that visits help prisoners deal with incarceration and ease their transition to the community when they are released, the Court had no compunction in restricting outside contact for many women and men in Michigan.

An additional example of how the U.S. Supreme Court, especially since the early 1980s, has been disinclined to second-guess the judgment of prison administrators can be found in *Block v. Rutherford* (1984), a case in which the Court held that "a blanket prohibition on contact visits with pretrial detainees at a jail is a reasonable nonpunitive response to legitimate security concerns and does not violate the [due process clause of the] Fourteenth Amendment" (p. 3227). Similarly, in *Kentucky Department of Corrections v. Thompson* (1989), the Court ruled that prisoners do enjoy due process protections under the Fourteenth Amendment, so long as such rights are consistent with legitimate penological interests. In this case, however, the Kentucky DOC's regulations regarding limits on visiting rights granted sufficient discretion to prison officials to defeat the petitioner's claim that purely objective criteria had been set out by the DOC and then subsequently violated by prison officials.

Finally, in *Olim v. Wakinekona* (1983), the Supreme Court upheld an interstate prison transfer from Hawaii to California. The Court ruled that a prison-to-prison transfer in no way implicates a liberty interest under the Fourteenth Amendment's due process clause. Furthermore, Hawaii's prison regulations in this case placed "no substantive limitations on official discretion," and so the prisoners in question were not denied any due process rights under the Fourteenth Amendment (p. 1741).

Even during the 1960s and 1970s, when the Supreme Court "actively promoted the reform of our nation's prisons and jails," the Court's decisions on prisoner's rights were quite restrained (Fliter,

2001, p. 192). In *Pell v. Procunier* (1974), for example, the Court held that prison officials may limit the media's face-to-face access to certain prisoners if they believe that such limits will enhance a correctional facility's security. Although prisoners do enjoy a First Amendment right of free speech, they also have alternative means of communication other than face-to-face interviews with the media.

CHILDREN'S VISITS

The Bureau of Justice Statistics estimates that about 1.6 million children in the United States have fathers who are in prison. The general approach endorsed by prison administrators and courts alike has been to permit children visit their imprisoned fathers. A state appellate court in Kentucky, for example, using the "best interests of the child" test, ruled recently that fathers have, at least under that state's laws, a right to have their children visit them in prison unless a trial court finds that such visits would "seriously endanger" the children (Sims, 2000–2001, p. 934).

Nonetheless, scholars have made a variety of arguments and research has provided evidence concerning the impacts on a child of visiting an incarcerated parent. According to Sims (2000–2001), visitation with an imprisoned father can "lessen the stress of separation, . . . enable the child to maintain a healthy relationship with her father . . . [and] alleviate the fear that children have regarding their father's safety in prison" (p. 947). On the other hand, the "visiting environment in most prisons is unpleasant, depressing, and sometimes frightening" for a child (p. 947). There is also some evidence that children can suffer significant psychological and emotional harm from learning the truth about their imprisoned fathers' situation.

Since 1980, the number of imprisoned mothers in the United States has gone up by about 500%. Roughly two-thirds of the women in American prisons are mothers of children under the age of 18. Many of these same women are single parents. The vast majority of incarcerated mothers do not get to see their children. Costa (2003) estimates that "only 9% of female inmates have seen their children more than once a month" (p. 73). This is due in part to the relative scarcity of female prison facilities, which means that women prisoners are at high risk of being separated from their families by vast distances. Visiting privileges are typically granted at the discretion of prison officials, who use them as a method of maintaining control over inmates. Evidence of the psychological and emotional harm that the children of incarcerated mothers suffer when all mother-child contact is eliminated is substantial. In response, some prisons have implemented programs designed to facilitate children's overnight visits with their incarcerated mothers. So far, there are no equivalent programs for fathers.

CONCLUSION

Those who are incarcerated by the government in the United States enjoy a very limited right to receive visitors. Visits by immediate family receive some protection from the courts, but since at least the mid-1980s the federal courts have been decidedly more skeptical of prisoner rights and more deferential to the judgments of prison officials. Courts are more likely to protect the right of inmates to noncontact visits, as such visits are less likely to affect the core concerns of correctional facilities. The issue of prison visits raises a number of concerns, including questions about the bond between incarcerated parents and their children, the rehabilitative function of prison visits, the extent to which prisoners should be permitted to lead relatively normal lives while imprisoned, and the security interests that are inevitably raised in the context of contact visits.

—Francis Carleton

See also Children's Visits; Donald Clemmer; Conjugal Visits; Contact Visits; Deprivation; Eighth Amendment; Fathers in Prison; First Amendment; Fourteenth Amendment; Importation; Lawyers' Visits; Mothers in Prison; Prisonization; Recidivism; Rehabilitation Theory

Further Reading

Clemmer, D. (1940). *The prison community.* New York: Holt, Rinehart & Winston.

Costa, R. (2003). Comment: Now I lay me down to sleep: A look at overnight visitation rights available to incarcerated mothers. *New England Journal on Criminal and Civil Confinement, 29,* 67–97.

Fliter, J. A. (2001). *Prisoners' rights: The Supreme Court and evolving standards of decency.* Westport, CT: Greenwood.

Gabel, K., & Johnston, D. (Eds.). (1995). *Children of incarcerated parents.* New York: Lexington.

Gordon, J., & McConnell, E. (1999). Are conjugal and familial visitations effective rehabilitative concepts? *The Prison Journal, 79,* 119–135.

Gutterman, M. (1997). The prison jurisprudence of Justice Thurgood Marshall. *Maryland Law Review, 56,* 149ff.

Hairsten, C. F. (1988). Family ties during imprisonment: Do they influence future criminal activity? *Federal Probation, 52*(1), 48–52.

Holt, N., & Miller, D. (1972). *Explorations in inmate-family relationships.* Sacramento: California Department of Corrections, Research Division.

Leverson, L. G. (1983). Constitutional limits on the power to restrict access to prisons: An historical re-examination. *Harvard Civil Rights–Civil Liberties Law Review, 18*(2).

Nurse, A. M. (2002). *Fatherhood arrested: Parenting from within the juvenile justice system.* Nashville, TN: Vanderbilt University Press.

Palmer, J., & Palmer, S. (1999). *Constitutional rights of prisoners* (6th ed.). Cincinnati: Anderson.

Sims, R. (2000–2001). Note: Can my daddy hug me?: Deciding whether visiting dad in a prison facility is in the best interest of the child. *Brooklyn Law Review, 66,* 933–970.

Walker, S. (1998). *Popular justice.* New York: Oxford University Press.

Legal Cases

Bazzetta v. McGinnis, 286 F.3d 311 (2002).

Block v. Rutherford, 104 S.Ct. 3227 (1984).

Kentucky Department of Corrections v. Thompson, 109 S.Ct. 1904 (1989).

Olim v. Wakinekona, 103 S.Ct. 1741 (1983).

Overton v. Bazzetta, 123 S.Ct. 2162 (2003).

Pell v. Procunier, 94 S.Ct. 2800 (1974)

VOCATIONAL TRAINING PROGRAMS

Vocational training programs in prisons take many forms, from computing to farming. All courses seek to provide marketable job skills to adult and young offenders. Programs are generally run by prison education departments. Research suggests that training inmates to work is one of the most promising rehabilitation tools used in the prison system. Vocational training can also ease the pains of imprisonment.

EARLY BEGINNINGS

As far back as 1790, at the Walnut Street Jail in Philadelphia, male inmates did masonry, maintenance, weaving, and shoemaking, and female inmates prepared flax and hemp, washed and mended clothes, and spun cotton, yarn, and wool. In 1803, at New York's Newgate Prison, prisoners made shoes and boots, cut nails, and engaged in blacksmithing, carpentry, and weaving. Inmate labor produced all of the sheets, pillowcases, woolen clothing, and stockings for the inmates. By 1820, the New York State Legislature authorized prison administrators to require inmates to build roads and canals. In 1828, the distribution of inmate labor at New York's Auburn Prison included workers in a tool shop, a shoemaker's shop, a tailor's shop, a weaver's shop, a blacksmith's shop, and a copper shop. The chief vocational activities in New Jersey's prisons were chair making, cordwainery, and weaving.

THE REFORMATORY MOVEMENT

The 1870s marked the beginning of the reformatory movement for youthful offenders in the United States. Unlike the earlier penitentiaries, reformatories emphasized learning to read and write, religious instruction and Bible reading classes, and good work habits and industriousness. The philosophy of the first reformatories—the Detroit House of Corrections in 1871 and the Elmira Reformatory in upstate New York in 1876—was to rehabilitate the inmates through vocational instruction and trades training. The original goal of prison vocational training in these places was to help the inmate overcome idleness and generate revenue through prison industries while developing good work habits and vocational skills. By 1882, the Elmira Reformatory was offering summer classes in plumbing, tailoring, telegraphy, and printing. In 1886, one of the first

vocational trade schools was built and opened at Elmira Reformatory. By the early 1900s, reformatories patterned after Elmira were established throughout the United States. Unfortunately, there were never enough trained civilian vocational instructors, and too many young adult inmates in the reformatories were unstable or unenthusiastic about education and work.

EMERGENCE OF MODERN INMATE VOCATIONAL TRAINING

During the 1930s, a number of federal reformatories and penitentiaries opened that laid the framework for the modern system of prison education and training in the United States. These institutions—in Atlanta, Georgia; Leavenworth, Kansas; Chillicothe, Ohio; Alderson, West Virginia; Lewisburg, Pennsylvania; and McNeil Island, Washington—particularly emphasized vocational education as a means of reducing crime and managing inmates while they were incarcerated. Approximately 10 vocational instructors were hired at each institution, and a number of new courses were developed. In 1932, for example, at the Reformatory for Women at Alderson, West Virginia, 455 female inmates (50% of the inmate population) were participating in vocational training. The federal penitentiaries at Lewisburg, Pennsylvania, and Leavenworth, Kansas, had about 30% of their inmate populations participating in vocational programs, and 75% of the inmates at the new Atlanta Penitentiary expressed interest in participating in the new vocational programs.

INNOVATIVE VOCATIONAL PROGRAMS OF THE 1970s

As a result of the 1968 amendments to the U.S. Vocational Rehabilitation Act, prison inmates became entitled to vocational assessment, training, and placement. By the early 1970s, as a result of increased funding, many state departments of corrections and the Federal Bureau of Prisons began to recognize the utility and effectiveness of vocational education for reducing recidivism. Some of the most promising programs included the IBM keypunch operator training program at the Westfield State Farm, also known as the New York State Reformatory for Women; computer programming courses at the Federal Penitentiary in Atlanta, Georgia, and the Missouri State Penitentiary in Jefferson City; an office machine technology program and a landscape gardening program at California's San Quentin State Prison; a program for training typewriter repairmen at the Maryland Correctional Training Center at Hagerstown; a program to train sewing machine repairmen set up by the International Ladies Garment Workers Union at the Federal Correctional Institution at Danbury, Connecticut; a program to train federal inmates as micro-soldering technicians mounted by the Dictograph Corporation at the Danbury Federal Institution; an industry-sponsored program in small appliance repair at the Florida School for Boys at Okeechobee; a mechanical optics course at New York's Wallkill State Prison; laboratories for training dental technicians at New York State's Auburn Prison, at the U.S. Penitentiary at Lewisburg, Pennsylvania, and at California's San Quentin State Prison; and data-processing programs at the Indiana State Reformatory, the New Jersey State Prison in Trenton, the District of Columbia Youth Center at Lorton, Virginia, and the U.S. Penitentiary at Leavenworth, Kansas.

By the 1970s, the trades included in vocation training ranged from agriculture and farming to construction trades, cosmetology, printing, welding, woodworking, cabinetmaking, data processing, and keypunching. The New York State prisons at Auburn, Wallkill, and West Coxsackie operated 42 different trades and technical courses under qualified civilian vocational instructors. At around the same time, the California state prisons at San Quentin, Folsom, Soledad, and Tracy offered training in more than 50 different trades to motivated inmates. The male inmates were being trained as auto mechanics, barbers, service station attendants, radio and television repairmen, office typewriter repairmen, auto body and fender workers, dental laboratory technicians, and optical lab technicians. In contrast, the women's prisons were training

inmates in electronic computer programming, cooking, laundry, dry cleaning, sewing and knitting, and cosmetology.

PROGRAMS FOR JUVENILE OFFENDERS, 1990s–PRESENT

Courses in the 1990s built on and expanded many of the earlier programs that had been available in the U.S. prison system. In particular, this decade saw the development of a number of model programs in the juvenile justice system that sought to instruct young offenders in marketable skills. Just two examples are discussed here.

Associated Marine Institutes

Associated Marine Institutes (AMI) is a network of community-based, noninstitutional programs for delinquent youth. The institutes, which operate in seven U.S. states and the Cayman Islands, are autonomous nonprofit organizations. They include 22 residential programs and 29 nonresidential day programs. The AMI programs involve adjudicated youth in marine research projects that instruct them in aquatic knowledge, help them to obtain a high school diploma or general equivalency diploma (GED), and counsel them in core values.

AMI conducted follow-up research on 2,741 program participants one year postrelease, and the results were as follows:

- The overall recidivism rate was 28.5% (based on a convicted law violation).
- More than half of the program participants had received a felony conviction before enrollment in the program, and the recidivism rate for these program participants was 28.7%.
- Program participants who were placed in some type of work environment upon release from the program had the lowest recidivism rate of 22.1%, participants released into a combined school/work program had a recidivism rate of 25.6%, and those released only to a school program had a recidivism rate of 35.8%.
- Only 23% of the female participants recidivated versus 29.2% of the male participants.
- Those who had been placed into the program as a condition of juvenile probation recidivated at a rate of 32.4%, whereas those who were directly committed (those who were in legal custody of the state) recidivated at a rate of 27.2%.
- Program participants who attended the nonresidential program recidivated at a rate of 31% versus a 31.6% recidivism rate for those who were in the residential program.

These results are indicators of the success of the programs as a whole, with the highest success rate for those who were placed in a work environment. The results also show very little difference in the recidivism rates of the residential and nonresidential program participants.

Gulf Coast Trades Center

The Gulf Coast Trades Center program fosters "occupational skills/academic skills coupled with work experience," according to the program's response to a survey. In addition to prioritizing academics and vocational training, the Gulf Coast program utilizes many behavioral management and counseling strategies typical of other youth treatment programs. Participants acquire vocational skills through work placement at nonprofit organizations and government agencies.

All participants in the program are between the ages of 13 and 18, and 80% of participants are male. Approximately one-fifth of the participants are white, with African American and Hispanic youths each constituting about two-fifths of the Gulf Coast population. Participants are housed in on-campus dormitories with no locked cells or physical restraints. A select group of older program participants who are unlikely to return to their family homes reside on an independent-living campus.

Supervision is structured and organized into three phases. During the first phase, which lasts for 30 days, participants attend school and work. They spend two hours every day in Gulf Coast's Learning Resource Center, where they work on basic skills, study for the GED, or earn high school credits. Students work at their own pace, using individualized plans developed and updated based on

extensive pretesting and ongoing assessments. In each vocational track, program participants must demonstrate a mastery of several dozen competencies in order to earn a vocational certificate. During the average stay of six to nine months at Gulf Coast, 80%–90% of participants earn this credential, which then allows them to participate in Gulf Coast's work experience activities.

The second phase runs for 60 days. This phase resembles a traditional probation arrangement, with strict rules and minimal privileges, in addition to strict monitoring. The final phase is a 90-day period that is the same as the second phase, with the exception of a one-hour curfew extension. After participants have completed the training programs and obtained on-the-job work experience, Gulf Coast provides extensive aftercare support, including job search and job placement assistance. Approximately half of the graduates take part in an intensive 90-day aftercare program in which program staff serve as advocates and mentors. Staff members visit these youths in their homes at least three times per week. Another 40% of graduates take part in a more moderate aftercare program, and approximately 10% do not receive aftercare support due to their location.

The most recent readjudication/reincarceration rate for Gulf Coast Trades Center graduates is 15.7% within 12 months of completing the program. This is very impressive considering the fact that 249 youths completed the program in 2000, 311 completed the program in 2001, and 262 completed the program in 2002. Compare this figure with the 37.6% recidivism rate for Texas youths released from other medium-security residential facilities during the same period.

The Gulf Coast program provides young offenders with intense in-community supervision, occupational/academic skills, basic behavioral modification techniques, and the possibility for low-wage employment with an aftercare component. This program may be effective for no reason other than that it serves the functions of "grounding" the participants and monitoring their location and activities in the community. It offers realistic vocational trades training and deterrence through the threat of harsher regulations or imprisonment.

VOCATIONAL EDUCATION AND RECIDIVISM

Education, vocational, and work programs are available in many correctional facilities throughout the United States. A 1995 survey of all state and federal adult correctional facilities found that about one-third employed inmates in prison industry, and approximately half provided vocational training. Wilson, Gallagher, and MacKenzie (2000) examined the recidivism outcomes found in 33 independent experimental and quasi-experimental evaluations of corrections-based academic education, vocational, and work programs. The results of their meta-analysis indicate that participants in such programs are employed at a higher rate and recidivate at a lower rate than nonparticipants. Assuming a 50% recidivism rate for nonparticipants, participants recidivate, on average, at a rate of 39%. The reduction in reoffending appears to be greater for vocational education programs than for prison industry and academic education programs.

CONCLUSION

Inmate vocational training programs have progressed a long way from the dark ages of penitence and the Sabbath schools of the late 1700s. During the past 30 years, a number of U.S. states have made it a priority to train inmates in marketable job skills. However, there is wide variation in vocational training opportunities from one state correctional system to another. A report published by the Bureau of Justice Statistics in January 2003 indicates that although 93.5% of federal and state prisons have vocational shops, only 5%–15% of the inmates in those prisons actually participate in training programs. In 2003, several states were able to reinstate inmate vocational programs by using federal funds allocated through the Department of Employment Security and the Workforce Investment Act grant program. More specifically, in Arizona, 1,973 inmates participated in one of the 63 vocational training programs offered within the Arizona Department of Corrections in 2003. In Illinois, the federal funding resulted in the involvement

of approximately 2,500 inmates in vocational programs in the building trades, culinary arts, commercial cleaning, horticulture, and auto mechanics.

The most promising programs are union-approved apprenticeship training programs and joint-venture partnerships between private corporations and juvenile and adult correctional facilities. Because of the budget deficits in a number of states in recent years, many vocational instructors in adult correctional institutions have been laid off. As a result, many prison vocational shops are gathering dust while inmates remain idle. In contrast, a growing number of juvenile correctional institutions are providing realistic vocational training programs, and participation in these programs has been shown to reduce recidivism rates significantly across a number of states.

—Albert R. Roberts

See also Adult Basic Education; Art Programs; College Courses in Prison; Education; Labor; Music Programs in Prison; Pell Grants; Prerelease Programs; Recidivism; Rehabilitation Theory; Walnut Street Jail; Work-Release Programs

Further Reading

Barnes, H. E., & Teeters, N. K. (1959). *New horizons in criminology* (3rd ed.). Englewood Cliffs, NJ: Prentice Hall.

Harlow, C. W. (2003). *Education and correctional populations* (Bureau of Justice Statistics Special Report). Washington, DC: U.S. Department of Justice.

Roberts, A. R. (Ed.). (1971). *Sourcebook on prison education: Past, present, and future.* Springfield, IL: Charles C Thomas.

Roberts, A. R. (1973). *Readings in prison education.* Springfield, IL: Charles C Thomas.

Roberts, A. R., & Coffey, D. O. (1976). *ACA state of the art survey for a correctional education network.* Laurel, MD: American Correctional Association.

Roberts, A. R., & O'Brien, C. (2004). National survey of evidence-based juvenile offender treatment programs. In A. R. Roberts (Ed.), *Juvenile justice sourcebook: Past, present and future.* New York: Oxford University Press.

Wilson, D. B., Gallagher, C. A., & MacKenzie, D. L. (2000). A meta-analysis of corrections-based education, vocation, and work programs for adult offenders. *Journal of Research in Crime and Delinquency, 37,* 347–368.

VOLSTEAD ACT 1918

The Volstead Act made the manufacture, transportation, and sale of intoxicating liquors illegal in the United States. It was ratified by Congress during Prohibition on January 16, 1919, and became the Eighteenth Amendment to the U.S. Constitution. This is the only amendment to the Constitution that has ever been repealed. It was repealed on December 5, 1933, with the ratification of the Twenty-first Amendment to the Constitution.

HISTORY

The Volstead Act was the result of a long battle over temperance, much of which was fought by religious groups. The American Temperance Society, formed in 1826, began the attempt to eliminate alcohol in the United States. Many of the early temperance groups were coalitions of various church groups. They lobbied for ordinances making the manufacture, transportation, and sale of alcohol illegal. Areas that passed such laws were termed "dry" communities, cities, and counties. Many such jurisdictions still exist to this day.

The Women's Christian Temperance Union was one of the strongest proponents of temperance. Members of this and other organizations were concerned about alcohol consumption for several reasons. They viewed the elimination of alcohol as a means of achieving safer and more equitable domestic lives. Many were concerned that husbands would "drink their pay," leaving their households penniless. Some support for temperance also came from members of the nascent feminist movement and the women's suffrage movement, as these women resented their exclusion from taverns where men gathered to discuss politics, the economy, and current events. Indeed, two days after the ratification of the Volstead Act, the Nineteenth Amendment to the U.S. Constitution was also passed, giving women the right to vote.

Other parts of society began to support the temperance movement over time. Factory owners wanted a sober workforce, and progressive politicians viewed temperance as a means to a better

society for everyone. Further, the rise of spiritualism from 1850 to the 1920s increased church membership and attendance. This growth provided temperance groups with a new audience whose members were concerned with their own morality.

AFTER RATIFICATION

After the Volstead Act was passed, alcohol consumption in the United States dropped by 30%. The United States Brewers Association stated that hard liquor consumption was down 50%. Clearly, law-abiding Americans were adhering to the law. The temperance groups could not have been more pleased.

Soon, however, it became clear that while legitimate brewers and distillers were losing sales, illegitimate providers were gaining customers. Bootleggers in rural areas, smugglers, and urban winemakers stepped into the breach. Even though the Volstead Act made the manufacture, sale, and transportation of alcohol illegal, technically it was still legal to possess and drink alcohol. Further, the law had no additional enforcement requirements. It appears that the perception was that the moral basis of the law would be enough to maintain order. It was not.

With few agents to cover vast areas of interior America, thousands of miles of open borders with Canada and Mexico, and thousands of miles of coastline, the federal government faced a daunting enforcement task. Large quantities of beer and hard liquor were produced in the United States. Also, Canada was still legally producing alcohol, much of which was smuggled across the American border. Additionally, Bermuda and the Bahamas (both British colonies) provided ample supplies of alcohol that only needed to be brought ashore after a short trip. Gangs, confederations, and other organized groups helped to distribute this alcohol illegally, leading some to argue that Prohibition (via the Volstead Act) was the genesis for modern organized crime in the United States.

PROHIBITION AND ORGANIZED CRIME

Prohibition reduced the supply of alcohol but ultimately could not quell people's desire for it. Consequently, people began both to smuggle alcohol into the United States and to produce it domestically. The organized crime groups along the east coast were particularly well suited to engage in smuggling because of their geographic proximity to Canada, Bermuda, the Bahamas, and the large eastern seaboard ports. Soon, organized crime groups in the Midwest and South followed suit, illegally importing alcohol from Canada across the Great Lakes—either by boat or by sled when the lakes were frozen.

Prior to Prohibition, organized crime was largely limited to urban areas and was perpetrated by relatively small groups in ethnically homogeneous neighborhoods in Boston, New York, and Philadelphia. Gradually, these groups began to wield a limited degree of control over crucial secondary groups, such as longshoremen and teamsters. By the 1920s, the nascent organized crime organizations were well placed to aid in the distribution of illicit shipments that arrived in American ports. In turn, they were able to make a great deal of money unloading shipments and delivering truckloads to the highest bidders. They were involved not only in the transportation of illicit alcohol but also in its sale. Such profits helped these groups to grow.

A series of illicit bars and other destinations sprang up to serve the alcohol smuggled into the United States. Most important among these were clubs known as "speakeasies," where access was granted to those who knew the right people or could supply the doorman with the correct password. Beyond that, speakeasies were like any other nightclubs, serving food and providing entertainment. By 1925, there were up to 100,000 speakeasies in New York City alone. The key to any speakeasy's success was a steady supply of alcohol. Various organized crime groups opened their own speakeasies and kept them supplied with stolen or smuggled alcohol.

MOONSHINE

Organized crime groups soon found that buying alcohol in Canada, the Bahamas, or Bermuda and then shipping it into the United States and transporting it cost a lot of money. They needed a shortcut:

domestically produced "moonshine." All they required was a supply of grain, sugar, and a water source. The largest illicit distillery in the United States was located in Zanesville, Ohio—located conveniently between New York and Chicago.

In response to the increase in domestically produced alcohol, the federal government began checking large purchases of grain and sugar. To circumvent this surveillance, organized crime groups began to use molasses as a replacement for sugar, and the production of illicit alcohol continued. The change from using sugar to molasses provided an opportunity for many well-known bootleggers to earn huge profits.

During the early 1920s, America was introduced to gangsters. Johnny Torrio, Al Capone, Dion O'Bannion, the Genna brothers, Dutch Shultz, Charles "Lucky" Luciano, and George "Bugs" Moran are among the pantheon of men whose names flashed across newspapers and newsreels nationwide. All of these men (and many more) made their mark on the underworld by bootlegging alcohol. The wealth that they obtained during Prohibition was phenomenal. Al Capone is reported to have had an annual income of $26 million when he was only 26 years old.

The vast wealth that could be obtained through illicit alcohol provided organized crime with yet another opportunity to corrupt police officials, judges, and elected leaders. That corruption opened the door to additional ways to gain power and money through the support of unions and politicians. Many public officials were eager to accept bribes to ignore violations of the Volstead Act. The great experiment had grown into a seemingly insurmountable problem.

PROHIBITION AND THE GREAT DEPRESSION

The stock market crash of 1929 was the beginning of the end of Prohibition. The drastic loss of jobs and money led many people to produce "bathtub gin"—that is, produce illicit alcohol at home for sale to speakeasies. During the Depression there was a spread of localized gangs in rural areas catering to alcohol consumption. Many of these groups modeled themselves after the urban organized crime groups fighting for control of the local speakeasies, or roadhouses.

The Great Depression also forced many people from rural areas into the cities in search of work. Often the only work they could find was with organized crime groups, and these groups grew. Finally, the economic downturn also made enforcement of Prohibition even harder. Not only were all of the American borders still open, but the population was moving. The transportation of alcohol became easier as the trucks could easily blend into the sea of people moving entire households. The manufacture of illicit alcohol became easier too. As with the urbanization, many rural people needed to make money as well, and bootlegging became a viable option for them.

IMPACT OF THE VOLSTEAD ACT ON PRISONS

The violence associated with violations of the Volstead Act increased law enforcement activities across the United States. More people were sentenced to federal prisons for Prohibition violations or related offenses (e.g., murder, extortion, and hijacking) than for any other crimes. Additionally, people were sentenced to federal prisons for tax evasion as a direct result of their unreported income from illicit alcohol sales.

The rapid increase in convictions inevitably led to greater numbers sentenced to federal time. In particular, the number of women offenders grew dramatically. In response, the government initiated a large-scale building strategy, constructing new federal prisons in a number of states to help contain the growing penal population. While the new prisons were being built, several U.S. military bases were partially converted into federal holding facilities in 1930. Most of these closed within a few years once the new federal prisons were completed.

CONCLUSION

The Volstead Act was repealed in 1933, in part because of the rise of organized crime, even though

the FBI would not officially recognize the existence of organized crime until 1957. The shootings, bombings, and murders that filled the newspapers of the era helped rationalize the end of the "great experiment."

Many people see the Volstead Act as a precursor to the "war on drugs" in which the United States is engaged today. Many of the hallmarks are still with us. The organized crime groups have changed ethnicities, and the product has changed from alcohol to cocaine, heroin, and a variety of other drugs, but the demand of many people is still being satisfied by the black market. As was true of alcohol consumption during Prohibition, drug use continues in the United States despite the laws intended to stop it.

—Robert B. Jenkot

See also Drug Offenders; Federal Prison System; History of Prisons; War on Drugs

Further Reading

Angle, P. M. (1992). *Bloody Williamson: A chapter in lawlessness.* Chicago: University of Illinois Press.

Balsamo, W., & Carpozi, G., Jr. (1996). *Crime incorporated: The inside story of the Mafia's first 100 years.* Far Hills, NJ: New Horizon.

DeNeal, G. (1998). *A knight of another sort: Prohibition days and Charlie Birger.* Carbondale: Southern Illinois University Press.

Friedman, L. M. (1993). *Crime and punishment in American history.* New York: Basic Books.

Gusfield, J. R. (1986). *Symbolic crusade: Status politics and the American temperance movement.* Chicago: University of Illinois Press.

Joselit, J. W. (1983). *Our gang: Jewish crime and the New York Jewish community, 1900–1940.* Bloomington: Indiana University Press.

Nelli, H. S. (1976). *The business of crime: Italians and syndicate crime in the United States.* Chicago: University of Chicago Press.

VOLUNTEERS

Volunteers in prisons in the United States include individuals and groups who, either directly or indirectly, provide correctional institutions with support in administrative, security, and programmatic capacities. Throughout the history of corrections, prisons have always needed to provide services that are beyond the capabilities of institutional resources. At all levels—federal, state, and local—volunteers provide labor that cannot be provided solely by correctional officials. Volunteers are, therefore, a crucial part of the contemporary penal experience.

TYPES OF VOLUNTEERS

Among the many different types of prison volunteers are those generally classified as administrative, staff, and programmatic. *Administrative volunteers* provide services that help states fulfill the goals of their departments of correction. For example, students interested in the criminal justice field may volunteer to work for the correctional system either in prisons or in administrative positions, such as in regional or state offices. This type of work enables such volunteers to learn skills important to their future employment while providing resources to the government. Specialists from academia may also evaluate prison programs or provide consultation to administrators on prison populations on a voluntary basis. For instance, sociologists might evaluate whether education programs help keep former inmates from reoffending. Similarly, vocational skills educators might evaluate the success of vocational or technical programs to determine which courses provide inmates with the best opportunities for employment once they are released.

Staff volunteers provide resources directly to facilities to bolster the facilities' workforces. Such volunteers might provide expertise in particular areas of vocational training or general education. For example, they may offer training in small engine repair and other vocational fields to help offenders be productive citizens when they are released. Some staff volunteers may help inmates learn to read and write; others might offer inmates courses in basic life skills. In Oklahoma institutions, for example, unpaid individuals offer tutoring to inmates on Saturdays to supplement the prison education programs. Elsewhere volunteers play in athletic group competitions with inmate teams.

Programmatic volunteers may help organize and/or directly oversee programs in the correctional system. For example, religious leaders or groups may help provide special religious services that are unavailable from the prison chaplain. Volunteers from groups such as Alcoholics Anonymous and Narcotics Anonymous may provide leadership for these programs within the prison walls for inmates. Academicians may offer programming in areas such as moral development or critical thinking abilities, which are often found lacking in offender populations. For example, one team of volunteers operated a prison program for long-term offenders that focused on helping the inmates develop the critical thinking skills needed for responding to real-life situations. Linda Collins, a volunteer featured in a 2002 *Volunteer Today* article, has operated classes for inmates in anger management, depression, communication skills, and victim impact.

Finally, *prisoners* themselves sometimes volunteer to help communities in need. For example, such volunteers often help with the cleanup needed after severe storms, help fight extreme forest fires, and provide needed manpower for other tasks. Some offenders help troubled youth by speaking to delinquent juveniles or high school students. This type of volunteerism is important to offenders, often helping them build self-esteem and a sense of belonging. Inmates have also been involved in building houses through Habitat for Humanity. This experience helps them to develop marketable skills and to establish networks of potential employment. Another example of inmate volunteers can be found in the many Speak Out programs, which enlist inmates to speak to troubled youth both inside and outside of prison settings. One of the Speak Out programs in Oklahoma's medium-security prison provides inmate speakers to talk to groups about "prison life" as well as arranges one-on-one visits with inmates for troubled juveniles, giving these young people the chance to visit with someone who has experienced the same problems they have.

Although more limited due to high offender turnover, the duties that volunteers undertake at the level of local jails are similar to those described. Volunteers serving as auxiliary jailers and officers provide many local jails with valuable assistance. Jails also need programmatic volunteers to provide services—such as religious services and drug/alcohol treatment—that would otherwise not be available to offenders.

TRAINING

Volunteers in correctional facilities usually receive training from the facilities that is aimed at ensuring their safety and well-being. Volunteers attend facility-specific orientation sessions that are designed to familiarize them with the rules and regulations of that facility. Volunteers are also instructed not to lend offenders money or become personally involved with any inmates. Facilities usually give volunteers information about what to do if they find themselves in uncomfortable situations; this might include a list of emergency telephone numbers with codes indicating a need for help.

Many state correctional systems have developed manuals detailing the roles and duties of volunteers. In addition to such manuals, volunteers usually receive specific training from the supervisors of the departments to which they are assigned concerning the duties performed in each area of the facility. Volunteers are afforded many of the same rights as paid employees in areas of training and personal development. Training may also be provided on an ongoing basis; for example, a volunteer may be required to attend retraining sessions at varying points in time.

BENEFITS

Both offenders and the administrators of correctional facilities benefit from the work of volunteers. Volunteers may offer role models and networking connections on which offenders can build once they are released. Volunteers can demonstrate to offenders that there are people who care about them as individuals who are worthy of respect and dignity. Volunteers who work in prerelease or other transitional types of programming can provide offenders with links to the outside world. For example, the

members of volunteer women's groups who work with female offenders in prison often greet the offenders when they are released and provide them with telephone numbers so that the offenders can make contact with a friendly voice once released.

The most significant beneficiaries of volunteer programs are often the volunteers themselves. Being a prison volunteer provides a student with a way to learn about correctional work firsthand. Although the work is unpaid, it provides the student with excellent opportunities to develop interpersonal communication skills, to work with individuals who may not have anyone else to assist them, and to develop a basis for future employment. Religious volunteers have the opportunity to provide services to populations that otherwise would not be able to worship as they need to. Administrative volunteers gain expertise and satisfaction from giving back to the community in which they live.

The most significant drawback to prison volunteer programs is the danger involved in working in a correctional facility. Offenders can manipulate unsuspecting and well-meaning volunteers into situations that can create serious security problems. For example, an inmate may ask a volunteer to contact or meet with a relative of the inmate outside the prison setting. This action can then result in the volunteer's being asked to transport messages between the parties (a serious breach of prison security) or to bring other types of contraband into the prison. Finally, the ultimate danger to volunteers is the possibility of being held hostage by disgruntled inmates. Careful training and constant diligence on the part of the volunteer can counter these types of situations, but dangers are always present in a correctional facility.

CONCLUSION

Volunteers play important roles in most correctional settings. Their labor, expertise, and compassion provide correctional facilities with needed resources that may not be available otherwise due to budgetary constraints. At the same time, individuals who give their time to correctional facilities commonly report high levels of satisfaction with their contact and experience.

—Dennis R. Brewster

See also Alcoholics Anonymous; Contract Ministers; Deprivation; Governance; Importation; Prisonization; Recreation Programs; Rehabilitation Theory; Religion in Prison

Further Reading

Gordon, R. E. (2000). *The funhouse mirror: Reflections on prison.* Pullman: Washington State University Press.

Kornfeld, P. (1997). *Cellblock visions: Prison art in America.* Princeton, NJ: Princeton University Press.

Morris, N., & Rothman, D. J. (Eds.). (1995). *The Oxford history of the prison: The practice of punishment in Western society.* New York: Oxford University Press.

Phillip, R. L., & Roberts, J. W. (2000). *Quick reference to correctional administration.* Gaithersburg, MD: Aspen.

Santos, M. G. (2004). *About prison.* Belmont, CA: Wadsworth.

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WACKENHUT CORRECTIONS CORPORATION

The Wackenhut Corporation, founded in 1954 by former FBI official George Wackenhut, has grown from a small private security firm to one of the "Platinum 400" on *Forbes* magazine's list of America's Best Big Companies. Based in Boca Raton, Florida, it is one of the largest and most diversified private security corporations in the world, with more than 40,000 employees. Wackenhut provides a wide range of security related services, including uniformed security officers, investigations, and background checks.

In 1984, the company entered the private corrections business with the founding of the Wackenhut Corrections Corporation (WCC), which now manages more than 69 detention facilities and 42,000 offenders worldwide. WCC employs approximately 9,000 people in its facilities in 13 U.S. states and its international facilities in Australia, New Zealand, Canada, and South Africa. In 1997, WCC became the first private firm selected by the U.S. government to run one of its major correctional facilities when the Federal Bureau of Prisons awarded WCC management of the Taft Correctional Institution in Taft, California. For fiscal year 2002, WCC reported revenues of $568 million.

WHY WCC EXISTS

During the 1980s and 1990s, dramatically rising incarceration rates created a significant increase in the demand for prison space. National and state governments saw their corrections budgets and inmate populations skyrocket. Private corrections corporations such as WCC alleged that they could provide detention services for less money than could government entities, without sacrificing the quality of service. They argued that free market principles could be applied to prisons to make them more efficient and effective. In other words, private corrections companies such as WCC believe that a well-run private prison can operate better and for less money than an overly bureaucratic public one.

Additionally, WCC and others have argued that private prisons are more just, because they make prison supply more responsive to changes in demand. Instead of having a fixed number of prison beds, and hence a fixed number of potential lawbreakers, private contracting with WCC allows the courts flexibility in sentencing. As a result, there is less likelihood that sentencing decisions will be made on the basis of limited prison space.

WCC and its advocates have also proposed that private corrections facilities have more incentive to treat prisoners fairly than do state-run prisons. Simply stated, they believe that to ensure the renewal

of state contracts, private corporations have a vested interest in treating inmates well. If they do not, their reputation will suffer, as will their bottom line.

CRITICISMS

Critics have raised several issues in regard to private correctional corporations like WCC. First, many have argued that governments' contracting for imprisonment with private companies improperly delegates to private hands the coercive power and authority that should be uniquely held by government. That is, if people violate the laws of the state, the state should administer the punishments. If a private entity such as WCC, as opposed to the public itself, is responsible for administering punishments, profit motives may be placed ahead of the interests of the public or the inmates, or of the original reasons for imprisonment. In other words, private corrections corporations have a conflict of interest in the administration of prisons.

Opponents of private prisons also suggest that if it is true that contracting for corrections saves money in comparison to state-run prisons, the cost savings come at the expense of quality. They argue that cutting corners in the quality of corrections staff and facilities reduces public health and safety in addition to being unfair to inmates. Critics point to charges of guard misconduct, prisoner violence, and unacceptable physical conditions, such as lack of food or weather-appropriate clothing, at WCC prisons to illustrate that if private corrections companies can charge less than government facilities and still make a profit, they must sacrifice something. Critics of WCC often note that the corporation does not use unionized prison guards.

COSTS OF PRIVATE PRISONS

Research that has examined the costs of private corrections contracts with WCC and other prison contractors has returned mixed results. For example, Louisiana has estimated that in making two contracts with private prisons, the state has saved 12%–14% over the cost of running the prisons itself. Similarly, a study comparing a private prison in Minnesota with a public one in Wisconsin found a 23% savings in the private facility. On the other hand, Florida, which has a legislative provision mandating a 7% savings for private prisons operating in the state, found that for two of its private prisons the 7% savings was not realized. Also, a study that compared two public prisons with a private one in Tennessee found that the public prison cost taxpayers less per prisoner. These findings suggest that there is no clear answer to the question of whether private prisons provide economic relief to governments, which are contracting corrections largely for the purpose of relieving pressure on budgets and receiving criticism largely for their cost cutting.

CONCLUSION

Although there are compelling arguments on both sides of the private corrections issue, one thing is certain: WCC continues to win contracts from national and state governments. As long as inmate populations continue to grow beyond the capacity of governments to house them and there is strong public pressure to cut corrections budgets, it is likely that WCC and its competitors will gain an increasing share of the corrections market.

—Charles Westerberg

See also American Correctional Association; Australia; Contract Facilities; Convict Lease System; Corrections Corporation of America; England and Wales; Federal Prison System; New Zealand; Privatization; Privatization of Labor

Further Reading

Clare, E., Adrian, J., Bottomley, K., & Liebling, A. (1997). *Privatizing prisons: Rhetoric and reality.* Thousand Oaks, CA: Sage.

Geis, G., Mobley, A., & Shichor, D. (1999). Private prisons, criminological research, and conflict of interest: A case study. *Crime and Delinquency, 45,* 372–388.

Neufeld, R., Campbell, A., & Coyle, A. (Eds.). (2003). *Capitalist punishment: Prison privatization and human rights.* Atlanta: Clarity.

Shichor, D., & Gilbert, M. J. (Eds.). (2000). *Privatization in criminal justice: Past, present, and future.* Cincinnati: Anderson.

WAIVER OF JUVENILES INTO THE ADULT COURT SYSTEM

One of the fastest-growing changes within the juvenile justice system is known as *waiver* or *certification.* If a juvenile court believes that an offender is too "dangerous" or is "not amenable to treatment," the court will transfer the jurisdiction of (i.e., "waive") the youth to the adult system by, legally speaking, making the youth an adult. Generally, juvenile courts either lower the age of jurisdiction (known as *judicial waiver*) or exclude certain offenses (known as *legislative waiver*); in most jurisdictions, homicide is such an offense. Currently, every U.S. state has some provisions for transferring juvenile offenders to adult courts. In some states, only age-only provisions are used. Growing numbers of states are making the age lower and lower.

Although the minimum age for waiver of a juvenile into adult court varies across states, three states—Indiana, South Dakota, and Vermont—allow the certification of a juvenile as young as 10 years old. Despite the usual differences among state laws, most states have a variation or combination of requirements from *Kent v. United States* (1966, pp. 566–567) that meet specific age and serious crime criteria. The crime must be serious, aggressive, violent, premeditated, and done in a willful manner. Further, the crime must be against persons and result in serious personal injury. The juvenile is evaluated on his or her sophistication or maturity as indicated by external factors, such as emotional attitude and the juvenile's record and history. The evaluation must conclude that the public is adequately protected, in that if the juvenile is not treated and punished as an adult, the public would not be protected from future victimizations. All of these transfer processes authorize juvenile courts to designate delinquency cases to adult criminal proceedings.

Despite the overblown nature of this issue—politicians all over the country claim, without any supporting data, that there are "dangerous" youth everywhere who need to be certified—during 1998 (the latest year for which figures are available) only 8,100 juvenile offenders were transferred to the adult system, down from 12,100 in 1994. In 1989, only 8,000 were transferred. Also, most of those transferred have been charged with property crimes or with drug and public order crimes (64%) rather than personal crimes (36%). As a group, African Americans remain the most likely to be transferred, receiving this disposition in numbers far greater than their proportion in the general population (42% of those transferred, compared with 55% of whites). A detailed study of waivers in South Carolina, Utah, and Pennsylvania found disproportionate numbers of African American youth in two of the states. In South Carolina, 80% of those waived to adult court were black, as were 60% of those waived in Pennsylvania. In Utah, only 5% were black and 27% were Hispanic (African Americans constitute less than 1% of the population in Utah; Hispanics make up 6% of the population) (Snyder, Sickmund, & Poe-Yamagata, 2000, pp. 11, 19, 28).

The movement to transfer youth seems to be more of a political issue than a public safety one. Many local politicians are gaining votes for their "Get tough" stance on juvenile crime, using mostly anecdotal evidence to support their cause. In other cases, transfers are merely attempts to get rid of "troublesome cases" (Shelden & Brown, 2003, p. 348). In fact, transferring juveniles to adult court does not result in a reduction in crime and may even contribute to at least a short-term increase in crime.

Judicial waivers and prosecutorial discretion are often arbitrary, fluctuating from judge to judge and from jurisdiction to jurisdiction, forming no consistent pattern. For instance, one study in Florida found that juvenile waivers to adult court in the period 1981–1984 were predominantly low-risk juveniles and property offenders. These juveniles were not accused of committing violent crimes (Bishop, Frazier, & Henretta, 1989). Research has shown that legislative waivers, and particularly changes in laws governing waivers, are reflections of lawmakers' perceptions of public opinion, changing values and norms, and efforts to get tough on juvenile crime. Legislative waiver strategies attempt to reconcile the cultural conceptions of youth and choose between the boundaries of criminal activities and criminal responsibility of youth.

TYPES OF WAIVERS

There are three types of legislative waivers: discretionary, mandatory, and presumptive. All waivers must meet some aspect in any given case—a minimum age, a specified type or level of offense, serious record of previous delinquency, or a combination of these three criteria. A prosecutor may initiate a waiver by filing a motion, or else the juvenile court may do so.

Discretionary waivers (found in 46 states) specify broad standards to be applied for consideration of a waiver. Most common is when the court exercises its discretion to waive jurisdiction when the interests of the juvenile would be served. Further, some state legislation allows waivers when public safety or interest requires it or when the juvenile does not seem responsive to rehabilitation. Many states combine these standards. For instance, a waiver in the District of Columbia requires adult prosecution of a juvenile if it is in the interest of the public welfare and security, and there are no prospects for rehabilitation. In contrast, Kansas allows waivers whenever the court finds "good cause," and Missouri and Virginia allow waivers when the juvenile is not a "proper subject" for treatment. In 1997, Hawaii lowered the age limit for discretionary waivers (previously 16), adding language that allows a waiver of a minor at any age if he or she is charged with first- or second-degree murder (or attempted murder) and there is no evidence that the person is committable to an institution for the mentally defective or mentally ill.

The statutes of 14 states provide for *mandatory waivers* in cases that meet certain age, offense, or other criteria. In these states, the proceedings are initiated in juvenile court, sending the case to the adult criminal court. All states with mandatory waivers specify age and offense requirements. Ohio requires that a juvenile who commits any criminal offense at the age of 14 or higher and meets certain legislative requirements be waived to criminal court. West Virginia requires that a juvenile who is 14 and has committed specific felonies before the most recent case be waived to criminal court. Delaware and Indiana do not specify any age. In Connecticut, the law stipulates that where the mandatory waiver provision applies, the juvenile's counsel is not permitted to make any argument or file a motion to oppose transfer, arguably a violation of the right to due process. In fact, where a probable cause finding is necessary, the court makes it without notice, a hearing, or any participation on the part of the juvenile or the juvenile's attorney.

Presumptive waivers (found in 15 states) place the burden of proof on the juvenile. If a juvenile meets a specific age, offense, or other statutory criterion and fails to make an adequate argument against transfer, the juvenile court must send the case to criminal court. In some states, older juveniles are singled out, even when the offenses of which they are accused would not otherwise trigger a waiver. For example, in New Hampshire, the same crimes that would merely authorize consideration of a waiver in the case of a 13-year-old require one for a 15-year-old.

Although these provisions of juvenile transfer to criminal court are generally believed to be responses to an increase in juvenile violence (when in fact there has been no such increase), a large number of laws also include prosecution for nonviolent offenses. Most often, arson and burglary (21 states) and drug offenses (19 states) committed by a juvenile may be prosecuted in criminal court. In addition, various states authorize or mandate adult prosecution for juveniles accused of escape (Arkansas, Illinois, Michigan, Oregon), soliciting a minor to join a street gang (Arkansas), "aggravated driving under the influence" (Arizona), auto theft (New Jersey), perjury (Texas), and treason (West Virginia). Further, many states allow or require transfers for misdemeanors, ordinance violations, and summary statute violations, such as fish and game violations.

JUVENILES INCARCERATED IN ADULT PRISONS

The trend to waive juvenile offenders to criminal court coincides with the increased willingness of criminal courts and juries to sentence adult offenders to death. According to the Office of Juvenile

Justice and Delinquency Prevention, 7% of all juvenile admissions to custody in 1998 were referred directly to criminal court. The average daily juvenile population held in adult jails in 1992 was 2,527, an increase of 62% since 1983. In 1996, the one-day count of juvenile offenders held in local adult jails was 8,100, an increase of 20% since 1994. The average prison sentence for a juvenile offender convicted as an adult was about 9 years; for violent offenses, the average was almost 11 years.

Proponents of "Get tough" policies aimed at juvenile offenders see these policies as a deterrent to crime for "out of control" juveniles and as necessary to protect society, yet in reality incarcerating juveniles in adult facilities has proven to be detrimental. Failure to separate juvenile from adult offenders exposes juveniles to people with extensive criminal records, and juveniles in such situations are common targets for sexual and physical assault. Juveniles housed in adult penitentiaries and jails commit suicide at a far higher rate than do juveniles in other facilities; this applies to juveniles as young as 12 and relatively minor, nonviolent offenders. Studies have found that juveniles who are prosecuted and punished as adults are more likely to reoffend, and to do so more quickly, than are juveniles who are dealt with by the juvenile justice system (Howell, 1997).

Federal and state governments and correctional authorities have recognized that there are inherent dangers in housing juveniles with adults, yet their responses to the need to protect incarcerated children from adult inmates have been inconsistent. In 1974, the U.S. Congress passed legislation to provide a strong financial incentive for states to separate adult and juvenile offenders. In 1980, Congress reviewed the evidence of the detrimental effects of housing juveniles with adults and passed legislation requiring the complete removal of juveniles from adult jails and police lockups. However, the protection offered by the federal legislation applies only to some juveniles. States are not required to separate a juvenile inmate from adults if the juvenile is prosecuted as an adult for violating a state criminal law. In some jurisdictions, a juvenile who has committed even a relatively minor, nonviolent offense may be imprisoned with the general adult population. For instance, in 1977, a 16-year-old Native American named Yazi Plentywounds was convicted of shoplifting two bottles of beer. He was sentenced to two years at the adult state prison in Cottonwood, Idaho, because he had a prior conviction for "grand theft"—which involved breaking a shop window worth $300 in order to steal some cases of beer (Amnesty International, 1998).

CONCLUSION

Racial disparities continue to be among the most pressing problems within both juvenile and adult justice systems. Members of minority groups continue to be arrested, prosecuted, and sentenced in numbers far greater than their proportions in the general population. The "Get tough" policies of the past couple of decades have not resulted in any significant change in the overall crime rate, yet incarceration rates continue to increase. As demonstrated, the certification of youth into the adult system has had no impact on crime, but it has had negative impacts on minority youth.

—Randall G. Shelden

See also Meda Chesney-Lind; Juvenile Detention Centers; Juvenile Justice System; Juvenile Offenders: Race, Class, and Gender; Juvenile Reformatories; Jerome G. Miller; Rehabilitation Theory; Status Offenders

Further Reading

Amnesty International. (1998). *Betraying the young: Human rights violations against children in the U.S. justice system* (Publication No. AMR 51/57/98). New York: Amnesty International.

Bartollas, C. (2000). *Juvenile delinquency* (5th ed.). Needham Heights, MA: Allyn & Bacon.

Bartollas, C., & Miller, S. H. (1998). *Juvenile justice in America* (2nd ed.). Englewood Cliffs, NJ: Prentice Hall.

Bishop, D. M., & Frazier, C. S. (1991). Transfer of juveniles to criminal court: A case study and analysis of prosecutorial waiver. *Notre Dame Journal of Law, Ethics and Public Policy, 5,* 281–302.

Bishop, D. M., & Frazier, C. S. (1998). The influence of race in juvenile justice processing. *Journal of Research in Crime and Delinquency, 25,* 242–263.

Bishop, D. M., Frazier, C. S., & Henretta, J. (1989). Prosecutorial waiver: Case study of questionable reform. *Crime and Delinquency, 35*, 179–201.

Bishop, D. M., Frazier, C. S., Lanza-Kaduce, L., & Winner, L. (1996). The transfer of juveniles to criminal court: Does it make a difference? *Crime and Delinquency, 42,* 187–202.

Feld, B. C. (1999). *Bad kids: Race and the transformation of the juvenile court.* Oxford: Oxford University Press.

Fritsch, E., & Hemmens, C. (1995). Juvenile waiver in the United States 1979–1995: A comparison and analysis of state waiver statutes. *Juvenile and Family Court Journal, 46,* 17–35.

Griffin, P., Torbet, P. M., & Szymanski, L. (1998). *Trying juveniles as adults in criminal court: An analysis of state transfer provisions.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Howell, J. C. (1997). *Juvenile justice and youth violence.* Thousand Oaks, CA: Sage.

Shelden, R. G., & Brown, W. B. (2003). *Criminal justice in America: A critical view.* Boston: Allyn & Bacon.

Sickmund, M., Snyder, H. N., & Poe-Yamagata, E. (1997). *Juvenile offenders and victims: 1997 update on violence.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Snyder, H. N. (1999). *Juvenile arrests 1998.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Snyder, H. N., Sickmund, M., & Poe-Yamagata, E. (2000). *Juvenile transfers to criminal court in the 1990s: Lessons learned from four studies.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Strom, K. J., Smith, S. K., & Snyder, H. N. (1998). *Juvenile felony defendants in criminal courts.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Struckman-Johnson, C., Struckman-Johnson, D., Rucker, L., Bumby, K., & Donaldson, S. (1996). Sexual coercion reported by men and women in prison. *Journal of Sex Research, 33,* 67–76.

Torbet, P. M., & Szymanski, L. (1998). *State legislative responses to violent juvenile crime: 1996–1997 update.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

U.S. Department of Justice. (2001). *Delinquency cases waived to criminal court, 1989–1998.* Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Legal Cases

Kent v. United States, 383 U.S. 541 (1966).

WALLA WALLA WASHINGTON STATE PENITENTIARY

Construction began on the Washington State Penitentiary in 1886, and the first inmates were moved there in 1887. Located on 540 acres of farmland near the community of Walla Walla in eastern Washington, the penitentiary is the largest correctional institution in the state. It has a rated capacity of 1,825 inmates, but it generally houses between 2,200 and 2,500 male offenders.

Approximately 900 employees work at the institution, making it one of the largest employers in the area. Uniformed officers make up the bulk of the staff, with the prison employing 570 officers, sergeants, lieutenants, and captains. Other staff positions include medical and mental health coordinators and assistants, maintenance supervisors and workers, cooks, and stationary engineers.

INMATES

The Washington State Penitentiary holds inmates at all security levels. It is the only correctional facility in the state to house offenders who have been sentenced to the death penalty, and it also confines offenders who have been classified as maximum, close, medium, and minimum custody. As of January 2003, the minimum-security unit with a capacity of 174 inmates was holding 169 men. The four buildings in the medium-security facility—known as Adams, Baker, Blue Mountain, and Rainier—have a combined capacity of 1,147. In January 2003 they housed 822 inmates. The close-security section of the prison, with a capacity of 717, was inhabited at that time by 1,002 inmates, with an additional 549 held for emergency reasons, making a total of 1,551 men, or double the section's rated capacity.

A segregation unit in the main institution houses inmates who have violated prison rules, and the Special Housing Unit holds people in protective custody, those with mental health issues, and some who have been sentenced to death. The institution's Intensive Management Unit (IMU) has a 96-inmate capacity, but it is currently closed for renovations; all of the unit's residents have been sent to other Washington State facilities. Men who are sent to IMU do not come into direct contact with other prisoners, and they are normally allowed out of their individual cells for only one hour per day. They are not offered any work to keep them occupied. At the other end of the custody spectrum at the

penitentiary, some inmates in the minimum-security unit may work outside the institution's grounds on crews that are supervised by correctional staff.

EDUCATION, JOBS, AND PROGRAMMING

Depending on the custody level of the individual, the institution makes various education and training programs available, as well as work and recreation activities. Education is provided by the Walla Walla community college, and some of the programs include adult basic education, auto body vocational training, courses in office technology, and training in carpentry and barbering. Approximately 1,500 inmates take advantage of the opportunities to learn new skills and further their education. In addition, hundreds of volunteers and two full-time clergy schedule more than 200 separate religious programs per month.

Prisoners frequently work in positions that help to support and sustain the institution, taking jobs in food service, janitorial, and maintenance crews. Prisoners cultivate a large vegetable garden on the grounds of the penitentiary that provides thousands of pounds of fresh produce each year to supplement the institution's food supplies. This reduces the cost of feeding the population dramatically; the prison spends less than a dollar per meal and is often able to donate excess perishable foods to food banks in the local community. Other work programs in the facility include a metal plant that manufactures all license plates for the state as well as road signs and metal chair frames, and a garment factory that produces uniforms for the correctional officers and clothing for the inmates.

The penitentiary also runs KWSP, a television station, which provides an open link of communications between the inmates and the supervising staff. The TV station offers video production training for prisoners, and the station's media services are used by the Washington Department of Corrections.

CONCLUSION

The Washington State Penitentiary in Walla Walla has made a number of modernizing efforts in recent years. In this vein, the penitentiary has implemented a composting program to reduce a large proportion of the solid waste that is a by-product of the care and management of the individuals housed within its walls. The compost is then used on the grounds, specifically the garden areas, for fertilizing soil. This strategy not only saves money for the local taxpayers, it also aids in the cultivation of "on ground" foods. Despite such creative efforts, the penitentiary remains primarily a fortress of punishment, holding a large population of maximum-security offenders for many years as they serve out their lengthy sentences.

—David Carter and Michelle Inderbitzin

See also Capital Punishment; Control Unit; Correctional Officers; Death Row; Disciplinary Segregation; Food; History of Prisons; Maximum Security; Medium Security; Minimum Security; Prison Culture; Prison Farms; San Quentin State Prison; State Prison System

Further Reading

Hoffman, E., & McCoy, J. (1981). *Concrete mama.* Columbia: University of Missouri Press.

Jacobs, J. B. (1977). *Stateville: The penitentiary in mass society.* Chicago: University of Chicago Press.

Marquart, J. W., & Sorensen, J. R. (1997). *Correctional contexts: Contemporary and classic readings.* Los Angeles: Roxbury.

Washington State Department of Ecology. (2002, October 29). *Walla Walla prison fined for hazardous-waste violations* [Press release]. Retrieved September 16, 2004, from http://www.ecy.wa.gov/news/2002news/2002-201.html

WALNUT STREET JAIL

The Walnut Street Jail has been called "the cradle" of the penitentiary in the United States because the stages in the jail's development and use mirror developments in penal philosophy, criminal statutes, and prison architecture that occurred during the formative years of the new Republic. The Walnut Street Jail was originally authorized in 1773 to serve as a jail, a workhouse, and a house of corrections for the city of Philadelphia, replacing an older jail. During the Revolutionary War, it served as a military prison, but in 1784 it was returned to its original purposes.

In 1786, the Pennsylvania legislature, reflecting Beccaria's recommendations, revised the earlier 1718 English laws, replacing capital punishment for most felonies with sentences of "hard labor, publicly and disgracefully imposed." In Philadelphia, such sentences were carried out by prisoners in chains who cleaned and repaired the roads.

Shortly after the legislation was passed, the Philadelphia Society for Alleviating the Miseries of Public Prisons was formed; its members included Benjamin Franklin, Benjamin Rush, and influential members of the Quaker community, and it was chaired by William White, the Episcopal bishop of Philadelphia. In 1788, the society recommended to the legislature that "punishment by more private or even solitary labor" be substituted for the disorderly public punishment. Legislation passed in 1789 included the provision for hard labor in solitary confinement "for more hardened and atrocious offenders" as well as allowed the use of the Walnut Street Jail for felons from other parts of Pennsylvania, providing a prison for the state. In 1790, a three-story "penitentiary house" wing was added to the Walnut Street Jail; it had 16 solitary cells, eight large dormitory rooms, and space for exercise and gardens. A state penitentiary was born.

QUAKERS AND PRISON REFORM

The Philadelphia Quakers were instrumental in the establishment of this new prison. Earlier, the work of Richard Wistar and the Philadelphia Society for Assisting Distressed Prisoners, established in 1776, reflected the Quaker practice, exemplified in the life of Elizabeth Fry, of prison visitation. The members brought food and clothing to inmates in the jail and provided both physical comfort and spiritual support. The later Philadelphia Society for Alleviating the Miseries of Public Prisons, formed in 1787, was a reform-oriented organization with ties to the work of John Howard and similar groups in England. It included in its membership leading Quakers and other members of the political elite of Pennsylvania who were concerned with issues of public order after the disruption of the Revolutionary War and early nation building. While the society stressed the need for religious services and humane oversight of conditions in the jail, a major thrust of its work was the movement from public punishment to the use of the prison, in particular the reformative value of solitary confinement, as a means of penance and punishment.

PRISON CONDITIONS

In the remodeling of the Walnut Street Jail in 1790 to add a "penitentiary house," two floors of solitary cells were constructed on arches above the ground level. Each floor had eight cells facing a corridor, with a dividing wall down the middle of the corridor to prevent communication between inmates on opposite sides. The brick cells measured 6 feet by 8 feet and were 9 feet high. Each had double reinforced iron doors and a very small iron-grated window, which was high on the exterior cell wall in order to prevent the inmate from looking down on the street. There was no bed or chair, only a mattress on the floor. Finally, each of the cells had a water tap and a privy pipe, and the stoves in the passageways provided some heat.

With the provision of eight large dormitory rooms, an exercise yard, and gardens, the inmates in the prison were required to be vocationally productive. In addition to growing fruits and vegetables, male inmates beat jute for ship caulking, did woodworking, bricklaying, and construction, and made nails; female inmates made and mended clothing and did laundry. All inmates were required to wear uniforms of the same color, and they were required to work 9 to 10 hours per day in the yard and prison shops.

By 1797, the administrators of the Walnut Street Jail established the beginnings of a classification system in which the women and children confined there were separated from the men. The most dangerous and uncooperative inmates were placed in the dark solitary confinement cells, but they were rarely whipped or given corporal punishment, as was done in punitive prisons. However, most of these inmates were not allowed to work. They had to earn the privilege to work by completing a portion of their sentence with no disobedience.

The Walnut Street Jail opened the first prison school in the United States in 1798. Inmates were taught basic skills in reading, writing, and arithmetic. By the end of 1798, books and desks were purchased for the prison school. Prior to this, prison chaplains and Quaker volunteers taught the inmates to read the Bible.

LATER PROBLEMS

Although the solitary cells were built originally for "hardened and atrocious offenders," a 1794 legislative enactment required that all persons convicted of crimes should serve a portion of their sentences in solitary confinement. With other jails in the state unwilling to assume the financial burden of a penitentiary wing, the Walnut Street Jail became overcrowded, and the solitary cells and large dormitories were filled beyond capacity. Rapid increases in Pennsylvania's general population as well as in the state's prison population, along with the increased substitution of solitary confinement as a portion of prisoners' sentences, put pressure on the facility that it could not bear. By 1818, questions were also being raised as to whether solitary confinement was resulting in mental breakdowns and mental illness among prisoners.

Once it became clear that the jail could no longer function adequately, despite questions being raised regarding the consequences of solitary confinement, the Pennsylvania legislature voted to construct two new huge penitentiaries—the Eastern Penitentiary in Philadelphia (known as Cherry Hill) and the Western Penitentiary in Pittsburgh. The Eastern Penitentiary, which opened in 1829, was operated on the principles of solitary confinement instituted at the Walnut Street Jail. Inmates arrived at the prison wearing blindfolds, and they were not permitted to leave their cells or small private exercise yards until they were released at the end of their determinate sentences. Each inmate ate, worked, and slept alone and never saw or talked to another inmate. The famous "Pennsylvania system" came into being.

Although this system was not officially abandoned at the Eastern Penitentiary until 1913, problems with it became apparent very early on. Like correctional institutions elsewhere, such as London's Pentonville Prison, the penitentiary had a high number of prisoner suicides and mental health problems. It was also very expensive to run. Ideas that had seemed so radical and reformist at the end of the 18th century when first implemented at the Walnut Street Jail proved unwieldy and inhumane inpractice.

CONCLUSION

The Walnut Street Jail is an important part of U.S. penal history, as it contained the first penitentiary. Although the Pennsylvania system of total solitary confinement was gradually abandoned in favor of the Auburn congregate system, traces of this early mode of governance can be found in today's supermaximum secure facilities and in the practice of disciplinary segregation.

—Albert R. Roberts and H. Seth Roberts

See also Auburn Correctional Facility; Auburn System; Cesare Beccaria; Zebulon Reed Brockway; Disciplinary Segregation; Eastern State Penitentiary; Michel Foucault; Elizabeth Fry; History of Prisons; John Howard; Panopticon; Pennsylvania System; Philadelphia Society for Alleviating the Miseries of Public Prisons; Quakers; Rehabilitation Theory; Solitary Confinement; Supermax Prisons

Further Reading

Barnes, H. E., & Teeters, N. K. (1959). *New horizons in criminology* (3rd ed.). Englewood Cliffs, NJ: Prentice Hall.

Hirsch, A. J. (1992). *The rise of the penitentiary: Prisons and punishment in early America.* New Haven, CT: Yale University Press.

Ignatieff, M. (1971). *A just measure of pain.* London: Pantheon.

Lewis, O. F. (1967). *The development of American prisons and prison customs, 1776–1845.* Montclair, NJ: Patterson Smith.

Roberts, A. R. (1971). *Sourcebook on prison education: Past, present, and future.* Springfield, IL: Charles C Thomas.

Roberts, A. R. (Ed.). (1973). *Readings in prison education.* Springfield, IL: Charles C Thomas.

Teeters, N. K. (1955). *The cradle of the penitentiary: The Walnut Street Jail at Philadelphia, 1773–1835.* Philadelphia: Temple University Press.

U.S. Bureau of Prisons. (1949). *Handbook of correctional institution design and construction.* Washington, DC: U.S. Bureau of Prisons.

WAR ON DRUGS

Although the popular phrase *war on drugs* is frequently used, it is seldom defined. At least two methods can be used to determine when a national war on drugs begins. The first involves identifying key legislation and presidential announcements. The second involves the direct measurement of changes in the allocation of criminal justice resources to the enforcement of drug laws. The United States has a history of enacting antidrug laws at both the local (city and state) and national (federal) levels of government. The following discussion focuses on the federal level, because many states have followed the federal model in enacting the laws that underlie their drug policies. Furthermore, most federal prisoners are serving time for drug offenses; approximately 60% of federal prisoners are incarcerated for drug offenses, compared with fewer than 3% who are incarcerated for violent offenses.

HISTORY

The first drug law in the United States was passed as an ordinance in 1875 by the city of San Francisco. This local legislation outlawed the smoking of opium in opium dens in response to fears that Chinese men were "corrupting" white women who visited the dens. The Harrison Act of 1914 was the primary legislative vehicle implemented by the federal government to regulate narcotics in the United States. The federal government began to control the use of cocaine in the early 1900s and that of marijuana in 1937. These laws also linked drugs to specific minority groups. For example, politicians and news reporters fanned fears that "cocainized Negroes" might become impervious to bullets or engage in wild sexual rampages. Lawmakers used marijuana charges as a mechanism for stigmatizing and deporting Mexican immigrant workers.

If presidential announcements and legislative initiatives are used as indicators of the beginning of a war on drugs, four benchmark periods are identifiable: 1972, 1982, 1986, and 1988. President Richard M. Nixon declared the initial "war on drugs" in 1972. In February 1982, President Ronald Reagan also declared a "war on drugs." Until 1985, legislators, the mass media, and the public largely ignored these declarations. The goals of these antidrug campaigns were to reduce drug use by individuals, stop the flow of drugs into the United States, and reduce drug-related crimes.

The focus changed with the federal enactment of the Anti–Drug Abuse Acts of 1986 and 1988. These acts moved away from targeting major drug dealers and providing treatment for users and toward punishing users and street-level dealers. In 1986, the amount of money spent for the direct costs of the war on drugs at local, state, and national levels was $5 billion. Just 10 years later, in 1996, the annual total expenditure for the war on drugs across all levels was approximately $100 billion, with two-thirds of that being spent on law enforcement.

Criminal justice statistics further document the federal government's increasingly harsh response to drug offenders between 1982 and 1991. During this period, the number of persons who were prosecuted for drug offenses in the federal system declined. Of those who were charged, however, the number who were convicted and incarcerated for drug offenses increased significantly. Furthermore, given the mandatory minimum sentences included in the drug laws of 1986 and 1988, federal drug offenders who had minor or no past criminal records received much longer sentences than similarly situated offenders had received prior to the Anti–Drug Abuse Act of 1986. Current U.S. drug policies punish offenses related to crack cocaine more severely—by a ratio of 100 to 1—than those involving other forms of cocaine. For example, a person who is convicted of possessing 5 grams of crack is subject to a mandatory minimum sentence of 5 years; the threshold amount for the same sentence for powdered cocaine is 100 times as much: 500 grams.

ROLE OF THE MEDIA AND POLITICS

Politics and the media have both played important roles in the development of the current drug policies. The federal drug policies contained within the acts of 1986 and 1988 resulted from intense media attention preceding and coinciding with national elections. Beginning in 1984 and continuing into 1985, the media began reporting about "rock" cocaine in Los Angeles. In 1985, there was a newspaper account of cocaine abuse in New York that was followed later that year by discussion of crack cocaine. These reports were rather obscure, and the public was not overly concerned. However, in 1986, Len Bias and Don Rogers, two well-known athletes, died, allegedly as a result of their use of crack cocaine. At that point, the media began to focus on crack as "the issue of the year." All forms of news media (e.g., newspapers, magazines, and television) began to allocate unprecedented time and attention to covering crack cocaine. It was later determined that Bias and Rogers had not died from crack use, but rather from the use of powdered cocaine. This detail, however, received minimal attention, and media and policymakers' attacks on crack cocaine continued. By the time of the elections in November 1986, at least 1,000 stories concerning crack cocaine had appeared in the national print media alone. The major television networks had aired documentary-style programs that defined crack cocaine as a national epidemic. Crack cocaine became an ideal campaign issue for politicians.

In late October 1986, only days before the national elections, Congress enacted the Anti–Drug Abuse Act (ADA) of 1986. This legislation delineated the parameters of the current war on drugs. The emphasis of the ADA of 1986 was on punishment and social control. The ADA increased prison sentences for the sale and possession of drugs, eliminated probation or parole for certain drug offenders, increased fines, and provided for the forfeiture of assets. Most of the funds made available as a result of the ADA were directed toward law enforcement, expansion of prison facilities, interdiction, and efforts to reduce the supply of drugs. Congress expedited the enactment of the Anti–Drug Abuse Act of 1986. No committee hearings were held, and little in the official record regarding the act explains how the aforementioned 100 to 1 ratio for powdered cocaine to crack cocaine was developed. The record indicates that other ratios were considered, such as 50 to 1 in HR 5484 and 20 to 1 in S2849, which was sponsored by Senate Majority Leader Robert Dole on behalf of the administration. The reasons cited for the focus on crack include the following:

The War on Drugs

The war on drugs has significantly increased the populations of prisons nationwide. The federal prison population has grown from less than 30,000 in the late 1980s to over 150,000 at present. This influx of prisoners is directly related to the war on drugs and the locking up of low-level drug offenders. There aren't a lot of kingpins inside these fences.

The mandatory minimum sentences being handed out are keeping young, nonviolent, first-time offenders locked up for a decade or more of their lives. Most drug offenders are serving more time than rapists and murderers, all because of America's grandiose war on drugs. When I was growing up in suburban America I pictured prison as a violent netherworld of corruption, but having spent the last 10 years behind these fences I can honestly say that the days when violence ruled in prison are gone, in part due to the influx of low-level drug offenders. Basically, there are a bunch of young entrepreneurs in prison now who were trying to make their American dream come true by selling drugs. Easy money, you know? But due to the government's war on drugs crusade, tens of thousands of good people are locked up for decades of their lives, wasting taxpayer money. It doesn't seem like it is going to stop, either, as the feds keep building prisons and incarcerating people at a phenomenal rate.

What kind of country declares a war on its own people? The war on drugs is a war on people—people of color, poor people, minorities, and it is moving into the suburbs and college campuses. These places used to be safe havens for the youth of America, but not anymore.

Seth Ferranti
FCI Fairton, Fairton, New Jersey

1. Congress viewed the drug problem as a national "epidemic" in 1986 and considered crack to be the leading drug.
2. Congress deliberately differentiated crack from powdered cocaine.
3. Congress believed that crack was more dangerous than powdered cocaine and so decided to treat it differently.
4. Congress wanted the sentencing to be consistent with other mandatory minimum sentencing provisions and so decided to punish *major* traffickers with a mandatory minimum sentence of 10 years and *serious* traffickers with a mandatory minimum sentence of 5 years.

In order to select the appropriate level of punishment for each drug contained in the legislation of 1986, the subcommittee ordered staff to consult with agents of the Drug Enforcement Administration and prosecutors to determine the distribution patterns for various drugs, as well as to determine the amounts that would indicate a person was working at a high level within the market. The subcommittee established the threshold amounts for crack and powdered cocaine without the benefit of hearings.

In 1987, after the national elections and passage of the ADA of 1986, the media and the public turned their attention and concern to issues other than crack and drug abuse. Polls conducted by the *New York Times* and CBS found that only 3%–5% of the public considered drugs to be the most pressing social problem. However, in the 1988 presidential election, politicians again focused on drugs, particularly crack cocaine. Congress passed a subsequent Anti–Drug Abuse Act on October 22, 1988, approximately one and a half weeks before the election. The 1988 act included more funding for treatment and prevention and established the Office of Substance Abuse Prevention as a cabinet-level post. Most of the funding continued to be directed toward law enforcement and punishment, and enhanced penalties for certain crack cocaine offenses were enacted. Most important, the 1988 act amended 21 U.S.C. §844 to make crack the only drug and form of cocaine with a mandatory penalty for the first offense of simple possession. A person who possesses more than 5 grams of a substance that contains crack is to be punished with imprisonment for at least five years. Each prior conviction for possession of crack reduces the threshold amount for which a person may receive a five-year sentence. This type of penalty is not applied to other drugs. The first conviction for possession of any quantity of any other drug, such as heroin or powdered cocaine, results in a maximum penalty of only one year. In contrast, an offender found guilty of possessing powdered cocaine can be subjected to a mandatory minimum sentence of five years only if the amount equals or exceeds 500 grams.

MANDATORY MINIMUM SENTENCING

Mandatory minimum sentencing policy has become the primary weapon in the war on drugs. This policy requires judges to hand down sentences that are no less than the sentences prescribed in the applicable laws. No matter what mitigating or unusual circumstances exist, judges cannot exercise discretion and give sentences lower than the minimums that are outlined in the laws. Mandatory sentencing schemes began in the United States in 1790 for capital offenses. They were used extensively in the Narcotics Control Act of 1956, where they were applied to a great number of drug offenses related to importation and distribution activities and provided mandatory ranges from which a judge could choose a sentence. The ultimate goal of the mandatory provisions, as set forth by the Senate Judiciary Committee for the Narcotics Control Act, was to reduce violations of drug laws through deterrence and incapacitation.

During the years subsequent to passage of the Narcotics Control Act of 1956, Congress determined that mandatory minimum sentences were not reducing the number of drug law violations. In response, the legislators enacted the Comprehensive Drug Abuse and Control Act of 1970 and repealed most of the mandatory penalties for violations of drug laws. Congress had become convinced that mandatory minimum sentencing interfered with the rehabilitation of offenders. Furthermore, the

minimums inappropriately infringed on judicial discretion and did not assist in deterrence because prosecutors felt the penalties were too severe and so avoided charging offenders with violations that would invoke the penalties.

Nonetheless, in 1984, Congress reenacted a number of mandatory minimum sentencing schemes that focused on violations of the drug laws. The changes included mandatory minimum sentences for drug offenses committed near schools and for all serious felonies. Less serious felonies had to be punished with at least one year probation. Mandatory minimum sentences or enhancements of sentences were also brought in for the use of or carrying of a firearm during the commission of certain violent offenses. These laws at the federal level followed the legislative initiatives of the states, as mandatory minimum sentences for drug offenses were already enacted in 49 of the 50 states by 1983 (U.S. Sentencing Commission, 1997, p. 9).

Several years later, Congress enacted the Omnibus Anti–Drug Abuse Act of 1988. This legislative initiative singled out crack cocaine, specifying mandatory imprisonment for simple possession of more than 5 grams and applying the same penalties as the underlying substantive act to cases of conspiracy that involve the distribution, importation, or exportation of drugs. All persons convicted in the conspiracy, regardless of their roles, were required to receive the same sentence as mandated for the substantive offense. The role of the offender convicted of a drug offense at the federal level can be considered only for the purpose of sentence enhancement. If the offender played a minor role in the crime, this information cannot be used to reduce his or her sentence.

RACE AND THE WAR ON DRUGS

One of the consequences of the most recent antidrug campaign has been its disparate impact on black and other minority men and women. Approximately 40% of the individuals admitted to state prisons for drug offenses are black, even though blacks make up only 13%–15% of all drug users. Black men and black women are arrested, convicted, and incarcerated for drug offenses at much higher rates than are whites. This disparity is not explained by black people's use of drugs because research indicates that white people use drugs at equal and greater rates.

Antidrug policies and their administration contribute to the mass incarceration of black women and men, and poor people of all races, in U.S. prisons. The penalty structure—which focuses on crack cocaine (instead of other drugs and powdered cocaine, which whites more commonly use) and relies on mandatory minimum sentencing—has led to the increased incarceration of women in general and of black men and black women in particular. Black men represent the largest number of such inmates, but black women also have been significantly affected by the war on drugs. Between 1986 and 1991, there was an 828% increase in the number of black women who were incarcerated in the United States for drug offenses. This percentage of increase surpassed that of all other demographic groups, including black men (429%), white females (241%), Latina females (328%), Latino men (324%), and white men (106%).

CONCLUSION

The Anti–Drug Abuse Acts of 1986 and 1988 were developed as political responses to heightened public concern about powdered and crack cocaine that resulted from representations by the mass media. In the 1980s and 1990s, many organizations formed to oppose the "war on drugs." Together, organizations such as the Drug Policy Alliance and Common Sense for Drug Policy have joined prison reform advocates, civil rights groups, feminist organizations, and others to reduce or eliminate prison terms for drug possession and expand and improve drug treatment. Although public attention has been somewhat diverted from crack cocaine and drug abuse in general, and public support for harsh penalties is declining, the Anti–Drug Abuse Acts of 1986 and 1988 continue to dictate the fate of tens (or perhaps hundreds) of thousands of persons convicted of drug offenses.

—Stephanie R. Bush-Baskette

See also Determinate Sentencing; Drug Offenders; Drug Treatment Programs; Families Against Mandatory Minimums; Federal Prison System; Incapacitation Theory; Increase in Prison Population; Indeterminate Sentencing; Just Deserts Theory; Overprescription of Drugs; Race, Class, and Gender of Prisoners; Rehabilitation Theory; State Prison System; Three-Strikes Legislation; Truth in Sentencing.

Further Reading

Belenko, S. R. (1993). *Crack and the evolution of anti-drug policy.* Westport, CT: Greenwood.

Bush-Baskette, S. R. (2000). *The war on drugs and the black female: Testing the impact of the sentencing policies for crack cocaine on black females in the federal system.* Unpublished doctoral dissertation, Rutgers University.

Mauer, M., & Huling, T. (1995). *Young black Americans and the criminal justice system: Five years later.* Washington, DC: Sentencing Project.

Rasmussen, D. W., & Benson, B. L (1990). The crack attack: Politics and media in America's latest drug scare. In J. Best (Ed.), *Images of issues.* Hawthorne, NY: Aldine de Gruyter.

Rasmussen, D. W., & Benson, B. L. (1994). *The economic anatomy of a drug war.* Lanham, MD: Rowman & Littlefield.

Reinarman, C., & Levine, H. G. (1997). Crack in context: America's latest demon drug. In C. Reinarman & H. G. Levine (Eds.), *Crack in America: Demon drugs and social justice* (pp. 1–17). Berkeley: University of California Press.

U.S. Sentencing Commission. (1995). *Special report to the Congress: Cocaine and federal sentencing policy.* Washington, DC: Government Printing Office.

U.S. Sentencing Commission. (1997). *Special report to the Congress: Cocaine and federal sentencing policy.* Washington, DC: Government Printing Office.

WILLEBRANDT, MABEL WALKER (1889–1963)

Mabel Walker Willebrandt was the highest-ranking woman in the federal government when she served as assistant attorney general of the United States from 1921 to 1929. Her division's responsibilities in the Justice Department included Prohibition, taxes, and federal prisons. While her high-profile cases before the U.S. Supreme Court and her writing, lecturing, and political campaigning earned her the title "Prohibition Portia," she made lasting contributions to the federal prison system. Willebrandt was primarily responsible for the establishment of the first federal prison for women, in Alderson, West Virginia, and the first federal reformatory for first-time young male offenders, in Chillicothe, Ohio. She successfully secured paid work for federal prisoners at Leavenworth, reformed the administrations at the federal prisons in Atlanta and Leavenworth, and pressed for the appointment of Sanford Bates as the first head of the Bureau of Prisons.

BIOGRAPHICAL DETAILS

Born in a Kansas sod hut in 1889, the only child of Myrtle (Eaton) and David William Walker, Willebrandt became a teacher in the Michigan schools at the age of 17, a school principal in California at 22, and a lawyer at 27, having funded her legal education and that of her husband (Arthur Willebrandt) at the University of Southern California. An early member of the women's legal organization Phi Delta Delta, Willebrandt was a master networker. She worked with Miriam Van Waters to promote progressive causes before the California State Legislature. While establishing a law practice, she also served as assistant police court defender in Los Angeles, representing more than 2,000 defendants. Her record won her the nomination of California's Progressive Senator Hiram Johnson and appointment by President Harding in 1921 as assistant attorney general, the second woman to hold that post. She was 32.

HER CAREER

Willebrandt and the superintendent of prisons, Heber Votaw, set three priorities: establishing a federal prison for women, developing a federal reformatory for young males, and providing employment for prison inmates. The burgeoning convictions under the Harrison Drug Act (1914) and the Volstead Act (1918) presented a crisis for the federal prison system in the 1920s. The combination of low federal funding and federal guidelines made state institutions reluctant to continue to house federal prisoners.

The numbers of women convicted under federal statutes doubled after World War I, and there was no federal facility for women. Working with Votaw, the brother-in-law of President Harding, Willebrandt galvanized women's and prison reform organizations to deal with this crisis.

At a meeting in September 1923 at the Washington headquarters of the General Federation of Women's Clubs (GFWC), representatives of 21 national organizations unanimously approved a proposal to establish a federal institution for women prisoners on the cottage plan and pledged their lobbying support. The legislation passed in June. The Alderson site was selected, and Congress approved appropriations in 1925. Mary Belle Harris, appointed by Willebrandt as the first warden, praised her at the dedication of the model cottage facility as caring and fighting for Alderson as a "mother for her child" (quoted in the *New York Times,* November 28, 1928). Harris named Alderson's academic building Willebrandt Hall.

In November 1923, at another conference at GFWC headquarters, representatives from the American Bar Association, the American Council on Education, the YMCA, and others agreed to support legislation to establish a federal reformatory for first-time male offenders. Women's groups again passed resolutions endorsing the proposal. When Congress passed the legislation in January 1925, Camp Sherman in Chillicothe, Ohio, was selected from a list provided by the War Department. Willebrandt marshaled support to win funding for both Alderson and Chillicothe from tightfisted Republican Congresses.

Willebrandt worked with the National Committee on Prisons and Prison Labor and the organizations that had gathered at the 1923 GFCW conferences for prison industries. After her first visit to the federal prison in Atlanta, Willebrandt wrote to her parents, "The terrible idleness of the institution freezes my blood" (quoted in Brown, 1984, p. 97). Responding to an intensive lobbying effort, Congress finally authorized a shoe factory at Leavenworth penitentiary.

As in her Prohibition work, Willebrandt faced problems caused by political appointments and corruption in the federal prison system. She secured the resignation of two wardens at Atlanta and one at Leavenworth and appointed professional replacements. Some of the evidence of corruption was gathered through the controversial practice of planting FBI agents inside the prisons as inmates. Criticism of this practice, made public by a warden under attack, made headlines at the same time that Willebrandt faced a storm of press criticism for her vigorous campaigning for Prohibition enforcement and for Hoover in 1928 as the presidential candidate who would enforce the law. The political controversy, as well as the opposition of key congressmen, particularly Senator Samuel Shortridge of California, who were smarting over her removal of some of their political appointments in Prohibition enforcement, thwarted Willebrandt in her major ambition to be appointed a federal judge. In the flurry of 1928 newspaper coverage, Willebrandt's personal life made headlines as her 1924 divorce was made public.

CONCLUSION

Willebrandt left the Justice Department in June 1929. In her private practice, she represented Metro-Goldwyn-Mayer and several of its stars, including Clark Gable and Jean Harlow. Her major clients included the Screen Directors Guild, aviation and radio corporations, and the grape growers' association. Willebrandt argued more than 40 cases before the U.S. Supreme Court and was the first woman to head a committee of the American Bar Association. She died of lung cancer in April 1963 in Riverside, California. Her friend Judge John J. Sirica later observed, "If Mabel had worn trousers, she could have been President" (quoted in Brown, 1984, p. ix).

—Dorothy M. Brown

See also Alderson, Federal Prison Camp; Sanford Bates; Cottage System; Federal Prison System; Mary Belle Harris; Kathleen Hawk Sawyer; History of Prisons; History of Women's Prisons; Juvenile Reformatories; Three Prisons Act 1891; Volstead Act 1918

Further Reading

Bates, S. (1938). *Prisons and beyond.* New York: Macmillan.
Brown, D. M. (1984). *Mabel Walker Willebrandt: A study of*

power, loyalty, and law. Knoxville: University of Tennessee Press.

Harris, M. B. (1936). *I knew them in prison.* New York: Viking.

Keve, P. W. (1991). *Prisons and the American conscience: A history of U.S. federal corrections.* Carbondale: Southern Illinois University Press.

Rasmussen, C. (2001). "Prohibition Portia": The pioneering career of Mabel Willebrandt. *Women Lawyers Journal, 86,* 9–10.

WILSON v. SEITER

Inmates have been filing lawsuits in ever-increasing numbers since the federal courts made it easier for them to gain access to the courts in the 1960s. Inmates have frequently filed suits alleging that prison conditions such as overcrowded cells, inadequate restroom facilities, and unsanitary kitchens constitute violations of the prohibition of "cruel and unusual punishment" in the Eighth Amendment to the U.S. Constitution. A number of lower federal courts issued opinions in the 1970s and 1980s attempting to define the prison conditions that might constitute cruel and unusual punishment, but it was not until 1991 that the U.S. Supreme Court, in *Wilson v. Seiter,* clarified the issue by providing a definition of cruel and unusual punishment as applied to so-called conditions of confinement lawsuits.

WILSON v. SEITER

Pearly Wilson, an inmate at the Hocking Correctional Facility in Ohio, filed suit under 42 U.S.C. §1983, alleging that certain conditions of his confinement constituted cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. The conditions he cited included overcrowding, poor sanitation in bathrooms and kitchen facilities, inadequate heating and cooling, and poor ventilation. He sought an injunction as well as $900,000 in compensatory and punitive damages from prison officials. Wilson alleged that prison authorities ignored the conditions and refused to take appropriate remedial action.

The district court granted summary judgment for the prison officials on the ground that Wilson failed to establish that prison officials had acted with "deliberate indifference" to the prison conditions. The Sixth Circuit Court of Appeals affirmed the district court. In several earlier cases, the U.S. Supreme Court had used the "deliberate indifference" standard to determine when prison officials could be held liable for failing to provide adequate medical care (*Estelle v. Gamble,* 1976) or for using excessive force (*Whitley v. Albers,* 1986). Wilson's case was different in that he was claiming not that a particular act or failure to act had harmed him, but rather that prison conditions generally were so deplorable as to constitute a violation of the prohibition on cruel and unusual punishment. This is referred to as a *conditions of confinement lawsuit.*

The U.S. Supreme Court granted certiorari in the case and determined that the proper standard by which to judge conditions of confinement cases is the "deliberate indifference" standard. The decision was unanimous, but the Court split 5–4 on the rationale for the decision. The majority opinion was authored by Justice Antonin Scalia, and the concurring/dissenting opinion was penned by Justice Byron White.

THE MAJORITY OPINION

The majority opinion held that an inmate claiming that conditions of confinement constitute cruel and unusual punishment must show both the existence of an unacceptable condition *and* a culpable state of mind on the part of prison officials. There are two parts to this test—an objective component (the existence of a condition) and a subjective component (the state of mind of the prison official).

The objective component requires a showing of harm to the inmate. In the words of the Court, for a condition of confinement to violate the Eighth Amendment, it must be proven that the inmate is deprived of an "identifiable human need such as food, warmth, or exercise." This eliminated the so-called totality of conditions lawsuit, wherein inmates would allege that the sum total of a variety of minor problems amounted to a violation of the Eight Amendment's ban on cruel and unusual punishment. Now, an inmate must show that at least one condition, on its own, constitutes a violation of the ban on cruel and unusual punishment.

The subjective component requires the plaintiff to demonstrate that prison officials inflicted the harm intentionally, or at least were aware of the harm and did nothing to prevent it. The Court described this degree of knowledge as "wanton," but it is perhaps better understood as similar to the standard of care known as "recklessness" in tort law. Effectively, a prison official is responsible for a deplorable prison condition only if the official intentionally creates the condition or is aware of the condition and refuses to remedy the problem even though a remedy is available. The Court asserted that in cases where "the pain inflicted is not formally meted out as punishment by the statute or sentencing judge, some mental element must be attributed to the inflicting officer before it can qualify." The Court then applied the "deliberate indifference" standard first crafted in *Estelle v. Gamble* to conditions of confinement lawsuits.

Wilson, and the U.S. government arguing on his behalf as *amicus curiae*, sought to have the "deliberate indifference" standard limited to cases involving "short-term" or "one-time" prison conditions, such as the use of force on an inmate or the refusal of medical aid to a sick inmate—the situations where the standard had been previously applied in *Whitley* and *Estelle.* However, the majority in *Wilson* refused to limit the "deliberate indifference" standard to these instances and instead applied it to all conditions of confinement lawsuits.

THE DISSENTING OPINION

Four members of the Court agreed with the judgment in this case, but dissented on the application of the "deliberate indifference" standard to conditions of confinement lawsuits generally. These justices argued that conditions of confinement cases should not include a determination of the subjective component, as the effect of poor prison conditions on inmates is the same regardless of the state of mind of prison officials. The intent of officials should be irrelevant when the injury is based not on their direct actions (such as refusing requested medical care, as in *Estelle,* or using excessive force, as in *Whitley*) but on the existence of poor conditions within the prison. After all, the dissenting justices argued, the injury to the inmate caused by the poor prison condition is what is at issue, not whether the injury was intended by prison officials. The dissenting justices also noted that prison officials might use the "deliberate indifference" standard as a way to avoid responsibility for inhumane prison conditions, by arguing that they had done everything in their power to remedy the condition (such as overcrowding or poor facilities), but could not do more without the necessary resources.

Finally, the dissenting justices also took issue with the majority interpretation of the holding of prior cases such as *Estelle* and *Whitley.* They pointed out, particularly, that the majority failed to address the decision in *Hutto v. Finney* (1978), a prior Supreme Court case involving conditions of confinement lawsuits, which appeared to support the dissent's position that the subjective intent of prison officials is irrelevant.

RELATED CASES

Left undecided by the Court in *Wilson* were the degree and nature of the injury that must be suffered by the inmate in order for a violation of cruel and unusual punishment to occur. This issue was addressed in subsequent cases. In *Hudson v. McMillian* (1992), the Supreme Court held, in an opinion written by Justice Sandra Day O'Connor, that there is no requirement that an inmate suffer "significant injury" in order for an excessive use of force incident to be considered a violation of the Eighth Amendment. Even minor injuries may give rise to a constitutional violation if prison officials maliciously and sadistically use force to cause harm. This case involved a lawsuit by a Louisiana inmate who alleged he was the victim of excessive force that resulted in some minor injuries that did not require medical attention.

In *Helling v. McKinney* (1993), the Supreme Court, per Justice White, held that there is no requirement that an inmate be currently suffering or has already suffered an injury from conditions of confinement in order to file a lawsuit. The possibility of future injury is enough. This case involved a Nevada

inmate who filed suit against prison officials, claiming that his involuntary exposure to environmental tobacco smoke from his cellmate's and other inmates' cigarettes posed an unreasonable risk to his health.

SIGNIFICANCE OF THE CASE

Wilson v. Seiter is a significant corrections law case because it substantially limits the ability of inmates to recover damages or to obtain injunctive relief from prison officials in lawsuits involving the conditions of confinement. An inmate must establish both the existence of a deplorable condition and that prison officials manifested "deliberate indifference" to the existence of the condition. Establishing an unconstitutional condition may be relatively easy for an inmate plaintiff, but proving that prison officials were aware of the condition and chose to do nothing about it is more difficult. The majority of the Supreme Court clearly felt that injury alone should not be enough to allow an inmate to prevail—there must be individual culpability on the part of prison administrators. In many instances the deplorable prison condition will be caused not by the action or inaction of prison officials but by circumstances beyond their control, such as outdated facilities or inadequate state budgets.

—Craig Hemmens

See also Deprivation; Eighth Amendment; *Estelle v. Gamble; Habeas Corpus*; Health Care; Importation; Jailhouse Lawyers; Overprescription of Drugs; Prison Litigation Reform Act 1996; Prisoner Litigation; Section 1983 of the Civil Rights Act; Women's Health

Further Reading

Branham, L. S. (2002). *The law of sentencing, corrections, and prisoners' rights.* St. Paul, MN: West.

Fliter, J. A. (2001). *Prisoners' rights: The Supreme Court and evolving standards of decency.* Westport, CT: Greenwood.

Hemmens, C., Belbot, B., & Bennett, K. (2004). *Criminal justice case briefs: Significant cases in corrections.* Los Angeles: Roxbury.

Smith, C. E. (2001). *Law and contemporary corrections.* Belmont, CA: Wadsworth.

Legal Cases

Estelle v. Gamble, 429 U.S. 97 (1976).

Helling v. McKinney, 509 U.S. 25 (1993).

Hudson v. McMillian, 503 U.S. 1 (1992).

Hutto v. Finney, 437 U.S. 638 (1978).

Whitley v. Albers, 475 U.S. 312 (1986).

Wilson v. Seiter, 501 U.S. 294 (1991).

WITSEC

WITSEC is the acronym for the Federal Witness Security Program. WITSEC was established by the Organized Crime and Control Act of 1970 in recognition of the government's need to provide long-term protection to witnesses in cases involving organized crime figures and groups (e.g., La Cosa Nostra, or the Mafia). Witnesses needed such protection because these groups had a history of witness intimidation and execution in order to defeat the cases against them.

HISTORY

Until 1940, few prosecutions of organized crime figures and groups had been successful. Those who were convicted were usually found guilty of federal income tax violations, cases related to immigration, and cases pursued without witness cooperation. Cases that could be prosecuted only with the cooperation of witnesses, such as those involving extortion, theft, and blackmail, were generally unsuccessful.

Another obstacle to the prosecution of members of organized crime groups was the position the FBI took with regard to such groups as the Mafia. Until 1957, the FBI denied that the Mafia existed. In 1957, a meeting of Mafia "bosses" took place in the small town of Apalachin, New York. When tens of known organized crime leaders were arrested, the FBI was forced to accept the presence of such groups. However, prosecuting the members of these groups was difficult for two reasons. First, witnesses were afraid to come forward because their protection had historically been little more than a bus ticket out of town. Second, it was well-known that the elimination of one member of a criminal group would not result in the elimination of the organization itself.

The Organized Crime and Control Act made provisions to tackle both of these problems. Most

important, it established the Federal Witness Security Program. The act details a chain of command, with WITSEC administered by the U.S. attorney general and maintained by the U.S. Marshals Service. It provides for a means to screen potential witnesses for psychological problems. Additionally, as in the case of parole and probation screenings, the program is empowered to determine a witness's eligibility with regard to his or her potential for recidivism as well as subsequent offending.

The second problem encountered in prosecuting organized crime cases, prosecuting the group as a criminal enterprise, was addressed by the Racketeer Influenced and Corrupt Organization (RICO) statute. Prosecutions under this statute rely heavily on the use of witnesses to corroborate evidence of a group as a criminal enterprise. Although it was not instituted by WITSEC or even as a result of the program, RICO has proven to be very beneficial to prosecutors of alleged organized crime groups such as La Cosa Nostra (the Mafia) and the Hell's Angels outlaw motorcycle group.

PROVISIONS OF WITSEC

Persons who enter WITSEC can fall into one of three main categories: witnesses of a criminal act, criminals who testify against their peers and colleagues, and family members of protected witnesses. The program works to protect witnesses (and their families) by relocating them to undisclosed locations. At these places, members of the U.S. Marshals Service maintain security through frequent communications with the witnesses, especially in the event of threats. Surveillance equipment as well as the physical presence of marshals who may be visibly armed may be used to thwart potential threats.

In addition to physical security, WITSEC provides for establishing the witness in an occupation. This may involve the procurement of a college degree, and several colleges and universities are known to take part in this program. Establishing a career criminal in a legitimate occupation can be difficult, given that often such individuals have no training outside of criminal enterprises. In cases where it is necessary, WITSEC provides job training. The program has two goals in establishing witnesses in occupations: First, doing so aids in recreating the witnesses (if necessary) as valued members of society; second, the program aims to help witnesses provide for themselves and their families once their testimony is no longer required and payments from the government cease.

The program also provides for the education of any minor children of witnesses. School transcripts are "cleaned," meaning that any notations of previous schools, teachers' names, and the like are removed. This enables witnesses' children to enter school without endangering the security of their households.

The protection of a witness and his or her family may be maintained for the family members' entire lives, but most witnesses leave the program after several years. The most common reason witnesses leave the program is the perception that the threats against them have been eliminated. Another reason is that witnesses and their families feel constrained by the program and wish to regain control over their lives. Witnesses may also be expelled from the program. Such expulsion is usually the result of a witness's committing additional crimes, usually felonies. Misdemeanors and similar offenses generally are not viewed as grounds for expulsion from the program.

PROTECTED WITNESSES AS PRISONERS

Due in part to plea bargains, many criminals who are protected witnesses are never incarcerated. However, some are. Usually, incarcerated protected witnesses are housed not with the correctional institution's general population, but in a segregated housing unit. Segregated (sometimes referred to as *protective custody*) housing units often have single-person cells. Because the protected prisoner population is relatively small and not subjected to the potential violence seen in the general population, these prisoners are often accorded more personal freedom than other prisoners. The combination of increased personal freedom and better living conditions results in protected witnesses being perceived as a "higher class" of prisoner. Protected witnesses are perceived as being at or near the top of the prisoner hierarchy. This accords them additional

respect and deference from other prisoners. Similar deference and respect are accorded incarcerated members of La Cosa Nostra (the Mafia) and large outlaw motorcycle groups (e.g., the Hell's Angels and the Outlaws).

In addition to other inmates' perceptions of protected witnesses, prison administrators also view protected witnesses as different from other prisoners. For example, because their status as protected witnesses hinges on their compliance with the terms of their plea bargains, they are not expected to take part in criminal or even deviant activity while incarcerated. In effect, protected witnesses are held to a higher standard of personal behavior than are prisoners in the general population. A protected witness's deviation from the expected model behavior can result in an increased prison sentence, negation of the original plea bargain, or placement into the general population.

CONCLUSION

WITSEC cases have a higher conviction rate than cases using federal task forces and various joint operations. From the 7,160 witnesses currently in the program, an 89% conviction rate has been achieved since 1971. Even so, the American public does not always wholly accept the use of protected witnesses in some cases. In the case of John Gotti, the protected witness had admitted to being involved in at least 19 murders. When this became known, a group consisting of the families of the victims of the murders in which he was involved filed a civil suit against the protected witness. In addition, law enforcement officials are not always in favor of the use of protected witnesses. In several instances, WITSEC's relocation of known offenders has caused problems. In one case, police questioned a man who had been convicted of murder but released him when the FBI returned his fingerprints with the statement that no file existed on the individual. Through WITSEC, the man's entire criminal history had been eliminated.

Ultimately, providing some offenders with witness protection appears to be necessary in the fight against organized crime. However, like many other practices in the U.S. criminal justice system, this policy is controversial and must therefore continually be justified.

—Robert B. Jenkot

See also Celebrities in Prison; Control Unit; Disciplinary Segregation; Federal Prison System; Gangs; John Gotti; Politicians; Volstead Act 1918

Further Reading

Aronson, H. (1978). *Deal.* New York: Ballantine.
Earley, P., & Shur, G. (2002). *WITSEC.* New York: Bantam.
Maas, P. (1997). *Underboss: Sammy "The Bull" Gravano's story of life in the Mafia.* New York: HarperCollins.

WIVES OF PRISONERS

Criminologists rarely study or even acknowledge the wives (or domestic partners) of prisoners. However, the role of wives in the lives of their incarcerated partners has a significant bearing on how their partners do their time, whether family bonds will be maintained, and what circumstances their partners will face in the community when they are released. The wives themselves are affected by their involvement in the criminal justice system by virtue of their partners' incarceration, by the strains of separation on their relationships, and by societal views of them as wives of prisoners.

STIGMA

Wives of prisoners are often seen as guilty by association. The public perception of convicted criminals is overwhelmingly negative, and wives of these individuals suffer from a similar stigma. It is the rare person who can understand why a wife would remain supportive of a "bad" person, a person whom society sees as "other." Although these women are perceived as losers, in fact they endure hardships in ways that demonstrate resourcefulness, patience, flexibility, and commitment. In addition, the poverty and minority status of most prisoners and their families adds to their difficulty. They face societal stigmas of racism and classism, and they often have few resources with which to deal with the challenges incarceration presents.

Because of the stigma of incarceration, many wives of prisoners choose to live some version of a secret or double life. They may not tell employers that their partners are incarcerated for fear of losing their jobs or casting suspicion on their character. They may also not tell the truth to their landlords. Not all of their family members may know what is actually going on. They may tell some friends but not others. Some wives of prisoners do not even admit to their children where their fathers really are, saying instead that they are in school, in the military, or working out of state. Although the fear of rejection may actually be greater than any actual mistreatment these women may receive, managing secrets becomes a way of life for many of them. Because of this, they are often denied much-needed support from community members.

RELATIONSHIP REALITIES

Although there are some similarities between the lives of the wives of prisoners and those of wives in other relationships characterized by separation, such as military wives and wives of businessmen, the restraints that prison imposes on a relationship are significant. In addition to the stress of separation, prisoners' wives experience lack of privacy, lack of adequate communication channels, financial hardship, children without their father's presence, loneliness, and prison system rules and degradation. Perhaps the biggest source of tension in these marriages is jealousy. Incarcerated husbands fear that their wives will leave them for other men, and this fear drives many to be suspicious of everyone and everything. Prisoners' wives need to reassure their partners continually of their commitment to the relationship.

While incarcerated partners deal with the stresses of life inside the prison or jail, their wives are dealing with financial and family decisions, running households, visiting at the prison, working, and parenting by themselves. The challenge of sharing the life decisions that spouses make when communication must be achieved via short (and monitored) telephone calls, letters, and visits (which may be behind glass) is monumental. Sharing a life and family requires communication and ways of resolving conflict. The power imbalance that results when one partner is incarcerated often complicates matters. The person on the outside has the bulk of the resources on which the incarcerated person depends. This is not a healthy dynamic for a relationship. The pressures that prisoners' wives are under and the needs they have often clash with the pressures and needs of their incarcerated mates.

FAMILY FINANCES

Prisoners are often dependent on their wives for money and for items such as clothing, food, and cigarettes, which may be sent in packages (depending on state regulations). Wives maintaining families on the outside have the extra burdens of (possibly) exorbitant phone bills due to collect calls from their prisoner husbands; the travel costs of prison visiting, which can include bus fare or gas money, hotel costs, and food expenses; and legal fees associated with their husbands' ongoing appeals. The typical low-income family must struggle to meet these expenses. Some wives have their telephone companies block long distance collect calls to avoid the temptation of accepting calls from their husbands that result in high bills; others have their phones turned off due to failure to pay their bills. Most of the public does not realize the significant burden that accepting collect calls from prisons can place on families as a result of the high costs that the phone companies negotiate with departments of corrections. This harms the families' ability to stay in touch.

Wives of prisoners often must support two branches of their families on one income. Their children may not understand the new budget restraints, and their husbands may not be sympathetic to the stresses their wives are under. Finances are a considerable source of tension for most couples. Those couples who were comfortably middle-class before incarceration often fall into financial difficulties, a different type of adjustment for these families.

VISITING

Because of prison administrators' interpretation of their mandate to ensure public safety, prisoners'

wives (and other visitors) are subjected to restrictive visiting conditions. These may include searches, strip searches, limited visiting hours, lack of privacy, crowded and noisy visiting rooms, strict dress codes, and rules related to touching, kissing, and whether a child can sit in a father's lap. Many prison visiting rooms have no activities for children or have limits on what children can bring into the visiting room.

One barrier that wives face is the insensitivity of guards. Many wives must travel long distances with their children to get to the prison to visit, and they may also be stressed or upset; even knowing this, guards often apply rules arbitrarily, displaying their position of power through the threat of visit termination. A guard may decide that an item of clothing a wife wore on one visit is unacceptable the next. One guard might allow visitors to wait in an inner doorway to get out of the cold, whereas another may refuse such a courtesy. An officer who overlooks a hug between a couple sets a more relaxed tone, whereas one who rushes over to warn the couple of visit termination adds to pressure.

Some wives limit their visits with their incarcerated husbands because of such treatment or because their children have nightmares after being at the facility. Others visit as often as they can. The circumstances vary, but what is common for all wives of prisoners is that visiting at a prison or jail is a degrading experience.

Most states have furlough systems in which prisoners in minimum security can earn home passes for short visits with their families. Some states allow conjugal visits and other extended forms of visitation in which wives and immediate family members can visit prisoners on the prison grounds for a few nights in a separate area such as a small trailer park or in special cabins. Although such visits can enhance family unification, prison administrators often use this privilege as a means to control the family; the privilege can be taken away as a punishment. Also, the prisoner is subject to counts and inspections at any time during a conjugal visit and can be called by prison authorities at any time during a furlough.

ROLE OF THE FAMILY

The prisoner's family should be seen as an active agent of rehabilitation and a unit that can help the prisoner during incarceration and with reentry into society. Instead, the prison system generally makes it difficult for prisoners' wives to play a positive role. The punitive nature of the prison system undermines the ability of wives and their incarcerated partners to engage in their roles as spouses and parents. The carrying out of these roles is essential for bonding in families and for connecting individuals to the larger society. Through these roles, spouses share emotional support, decision making, parenting, and role modeling, and in general create the context for acting in the world. Identity building is also based on role taking. The wives of prisoners can find a sense of self in part through helping and planning for the future with their husbands, contributing to home life, and nurturing their children.

SUPPORT ORGANIZATIONS

Many agencies, such as Friends Outside, work to assist the wives and other family members of prisoners. These agencies provide information about visiting, low-cost overnight housing for visitors, clothing in cases when visiting wives have dressed contrary to institutional dress codes, transportation to prisons, and other services, such as reentry support for families once prisoners have been released, including programs for children. These agencies can be powerful sources of support for prisoners' wives and families.

CONCLUSION

Wives of prisoners are frequently degraded as a result of their association with their inmate husbands, yet they often fulfill the socialized female roles of caretaker and nurturer. In this sense, prisoners' wives who stay in their relationships are successful despite societal stigma. For most, given their gender, race, and class, their life chances may not be much better if they were not married to these particular men. They might still be in the same low-wage jobs, for instance. However, their lives are significantly negatively affected by the incarceration of their loved ones due to the additional family hardships they endure. In spite of these hardships, many wives stand up to the system. They continue

to support their partners, and many speak out about the injustice of the prison system.

Every U.S. state could examine its rules related to families of prisoners—visiting, privacy, communication, special programming—to find ways to help these families and strengthen their family bonds rather than hinder them. Through such proactive steps, states can directly support the wives and indirectly support the incarcerated men. Society would also benefit from prisons' adoption of pro-family policies. Wives of prisoners are an untapped resource. Rather than seeing them as a group to be controlled, prison administrators could treat them as the allies and rich resources they really are.

—Lori B. Girshick

See also Children; Children's Visits; Conjugal Visits; Correctional Officers; Deprivation; Fathers in Prison; Importation; Mothers in Prison; Parenting Programs; Prisonization; Race, Class, and Gender of Prisoners; Rehabilitation Theory; Visits

Further Reading

Burstein, J. (1977). *Conjugal visits in prison.* Lexington, MA: Lexington.

Fishman, L. T. (1990). *Women at the wall.* Albany: State University of New York Press.

Girshick, L. B. (1996). *Soledad women: Wives of prisoners speak out.* Westport, CT: Praeger.

Swan, L. A. (1981). *Families of black prisoners: Survival and progress.* Boston: G. K. Hall.

WOMEN PRISONERS

Women prisoners are no longer an invisible population in the United States. They represent a growing number of those incarcerated nationwide. In recent decades, the number of women imprisoned in state and federal prisons has increased dramatically, rising from 12,000 in 1980 to more than 96,000 in 2002. As of 2002, California, Texas, and the federal prison system held nearly 40% of all women prisoners. In California alone, the female prison population rose from 1,316 in 1980 to more than 10,000 in 2002. In the federal system, the women's prison population increased from 5,011 in 1990 to 11,281 in 2002. Although the current incarceration rate for women continues to be far lower than the rate for men (60 per 100,000 women versus 902 per 100,000 men), the number of women in state and federal prisons since 1980 has increased at a rate nearly double the rate for men. Between 1995 and 2002, the annual rate of growth in the number of female prisoners averaged 5.4%, compared with the 3.6% average increase in the number of male prisoners.

Despite these figures, there does not appear to be a corresponding increase in women's criminality. In 1998, nearly two-thirds of women in state prisons were serving sentences for nonviolent offenses. Women are arrested and incarcerated primarily for property and drug offenses, with drug offenses representing the largest source of the increase in the number of women prisoners in 1998. On the contrary, the proportion of women imprisoned for violent crimes has continued to decrease. In other words, the greater tendency to incarcerate women appears to be the outcome of larger forces that have shaped U.S. crime policy. These include the "war on drugs" and related changes in legislation (e.g., federal and state mandatory sentencing laws), law enforcement practices, and judicial decision making.

PATHWAYS TO PRISON

In order to understand or develop correctional policies and interventions that address the specific needs of women prisoners, one must examine the population's key characteristics. Women prisoners have different personal histories and pathways to crime than their male counterparts. Their most common pathways to crime emerge from their experiences of physical, sexual, and emotional abuse; poverty; and substance abuse. Women face life circumstances that tend to be specific to their gender, such as sexual abuse, sexual assault, domestic violence, and the responsibility of being the primary caregiver of dependent children.

Women offenders are often triply marginalized by their race, class, and gender. They are predominantly from low-income communities, disproportionately likely to be women of color, undereducated, and unskilled, with sporadic employment histories. Moreover, they are mostly young, single heads of households with at least two children.

African American women are particularly overrepresented in correctional populations. Although they constitute only 13% of women in the United States, nearly 50% of women in prison are African American. Black women are eight times more likely than white women to be incarcerated.

The Bureau of Justice Statistics estimates that 11 of every 1,000 women will be incarcerated at the federal or state level at some point in their lives. This probability varies by racial and ethnic membership. Thus approximately 5 of every 1,000 white women, 15 of every 1,000 Hispanic/Latina women, and 36 of every 1,000 African American women will be incarcerated at some point during their lifetimes.

OFFENSE HISTORIES

Nearly three-fourths of all women in U.S. prisons are serving sentences for nonviolent offenses, and more than 50% have one or no prior criminal convictions. They are less likely than men to have committed violent offenses and more likely to have been convicted of crimes involving drugs or property. Often, their property offenses were economically driven, motivated by poverty and by their abuse of alcohol and other drugs.

Approximately 28% of women in state prisons and 7% of women in federal prisons were serving sentences for violent crimes in 1998. Three out of four women serving prison sentences for violent offenses committed simple assault. The majority of those serving time for violent offenses had prior relationships with their victims, as intimates, relatives, or acquaintances.

In general, women are less likely to commit homicide than are men. Moreover, when women kill, they are more likely than men to do so in self-defense. Since 1980, rates of homicide by women have been declining steadily. The per capita rate of murder committed by women in 1998 was the lowest recorded since 1976. Of the 60,000 murders committed by women between 1976 and 1997, more than 60% involved a victim who was an intimate or family member of the offender. At the end of 2001, 3,581 prisoners were under sentence of death in the United States, and 51 of those prisoners were women.

PHYSICAL AND SEXUAL ABUSE

Women under correctional supervision are more likely than women in the general population to have experienced physical and sexual abuse in their childhoods and adult lives. About half of all women prisoners have been physically or sexually abused before coming to prison. Compared with imprisoned men, imprisoned women are three times more likely to have been physically abused and six times more likely to have been sexually abused since age 18. Nearly 6 in 10 women prisoners have experienced past physical or sexual abuse. More than three-quarters of women reporting abuse have been sexually assaulted.

Ironically, it is women's very victimization that often leads them to prison, as researchers routinely find that women who have been sexually and physically abused are more likely to abuse drugs. Such women in turn then become vulnerable to arrest and incarceration.

SUBSTANCE ABUSE

There appears to be a strong link between female criminality and drug use. Research consistently indicates that women are more likely to be involved in crime if they are drug users. Incarcerated women use more drugs and use them more frequently than do men. Approximately 80% of women in state prisons have substance abuse problems. About half of women offenders in state prisons had used alcohol, drugs, or both at the time of their offense. Nearly one-third of women serving time in state prisons report committing their offenses to obtain money to support a drug habit. About half describe themselves as daily users. On every measure of drug use, women offenders in state and federal prisons report higher usage than their male counterparts.

THE WAR ON DRUGS

In 1979, 1 in 10 women in U.S. prisons was serving a sentence for a drug conviction. Today, this figure is 1 in 3. Nationwide, the number of women incarcerated for drug offenses rose by 888% from 1986

to 1996. Thus much of the increase in the population of women prisoners is a direct result of the war on drugs and, in particular, of the policy of mandatory minimum sentences. The emphasis on punishment rather than treatment has brought many low-income women and women of color into the criminal justice system. People who in past decades would have been given community sanctions are now being sentenced to prison.

Although most of the attention concerning the impact of the war on drugs has focused on the criminal justice system, policy changes in the areas of welfare reform, housing, and other social policy arenas have also combined to create a disparate impact on drug-abusing women. For example, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 specifically denies federal assistance to drug felons. This act imposes a lifetime ban on receiving food stamps or assistance from a federal grant for anyone convicted of a drug felony. These provisions have had significant consequences for women in prison and their families, given that women incarcerated for drug offenses constitute a considerable portion of the female prison population.

PHYSICAL AND MENTAL HEALTH

Women frequently enter correctional facilities in poor health, and women prisoners experience more serious health problems than do their male counterparts. Their health issues are often related to poverty, poor nutrition, inadequate health care, and substance abuse. Women also have more medical problems related to their reproductive systems than do men. About 6% of the women who enter U.S. prisons are pregnant at the time. The specific health consequences of long-term substance abuse are significant for all women, but they are particularly troubling for those who are pregnant.

Sexually transmitted diseases are also a problem among women prisoners. The rate of HIV infection is higher among females than among males. Women prisoners are 50% more likely than male prisoners to be HIV-positive. Moreover, the number of women prisoners infected with HIV has increased, whereas the number of infected male offenders has decreased.

Many women enter the corrections system having had prior contact with the mental health system. As a result, women in prisons have a higher incidence of mental disorders than do women in the community. One-quarter of women in state prisons have been identified as having a mental illness. The most common diagnoses for these women are depression, posttraumatic stress disorder (PTSD), and substance abuse. PTSD is a psychiatric condition often seen in women who have experienced sexual abuse and other trauma.

Many of the women who have serious mental illness also have co-occurring substance abuse disorders. These women are likely to experience significant difficulties in correctional settings, as they may be unable to understand all that is going on around them. Such women often end up in segregation for failing to follow orders. They may also try to harm themselves.

CHILDREN

Approximately 70% of all women under correctional supervision have at least one child who is under age 18. Two-thirds of incarcerated women have children under 18, and about two-thirds of women in state prisons and half of women in federal prisons lived with their young children prior to entering prison. It is estimated that 1.3 million minor children in the United States have mothers who are under correctional supervision and more than a quarter of a million minor children have mothers in jail or prison.

Incarcerated mothers and their children face numerous problems. Mothers in prison must overcome multiple obstacles to maintain relationships with their children. Although they were often the primary caretakers of their children prior to incarceration, many of them never see their children during the period that they are confined, given that more than half of the children never visit their mothers during incarceration. Distance from the prison, lack of transportation, and limited economic resources on the part of the children's caregivers can pose barriers to visitation by children.

Grandparents, primarily maternal grandmothers, are most likely to be the caregivers of the children of women prisoners. About one-quarter of the children live with their fathers, and about 10% are in foster care or group homes. Of the children in foster care, many experience multiple foster care placements and are separated from their siblings. Inadequate family reunification services during incarceration and inability to meet contact requirements and statutory schedules for reunification, such as those required by the Adoption and Safe Families Act of 1997, put incarcerated mothers at risk of losing their parental rights.

EDUCATION AND EMPLOYMENT

In 1998, it was estimated that 56% of women in state prisons and 73% of women in federal prisons had high school diplomas. Less than half of women in state prisons were employed at the time of their arrest, compared with nearly 60% of male offenders. Most of the jobs that women prisoners held before incarceration were low-skill and entry-level jobs with low pay. Women are also less likely than men to have engaged in vocational training prior to incarceration, and they have more difficulty finding employment when they are released from prison.

CONCLUSION

In summary, the number of women in U.S. prisons has increased dramatically in recent decades. The expansion of the women's prison population has been fueled primarily by increased rates of incarceration for drug law violations and other less serious offenses. Women of color have been affected most of all.

The mass incarceration of women has led to reform efforts by activists, academics, lawyers, community-based agencies, correctional professionals, and current and former women prisoners. Advocates are calling for sentencing reforms, alternative sanctions, resistance to prison expansion, and assistance to women reintegrating back into their communities. These efforts have begun to influence correctional policy and practice in terms of the development of gender-responsive programs and services and the expansion of community-based programs for women.

In order for reformers to be successful, they must pay attention to the needs and characteristics of the women behind bars. To that end, a national profile of women prisoners reveals the following about them as a group:

- Disproportionately women of color
- In their early to mid-thirties
- Likely to have been convicted of drug or drug-related offenses
- Fragmented family histories, with other family members also involved with the criminal justice system
- Survivors of physical and/or sexual abuse as children and adults
- Significant substance abuse problems
- Multiple physical and mental health problems
- Unmarried mothers of minor children
- High school diploma or GED but limited vocational training and sporadic work histories

A review of the backgrounds of women prisoners indicates that there may be more effective ways to address their criminality in noncustodial settings. An understanding of the characteristics of women prisoners suggests the need for gender-responsive correctional policies and programs that specifically target women offenders. Community-based programs focusing on drug treatment, physical and mental health care, job training and placement, affordable housing, and family reunification may help reduce the rate of women's imprisonment.

—Barbara E. Bloom

See also African American Prisoners; Alderson Federal Prison Camp; Bedford Hills Correctional Facility; Bisexual Prisoners; Children; Classification; Cottage System; Angela Y. Davis; Drug Offenders; Drug Treatment Programs; Elizabeth Gurley Flynn; Group Therapy; Hispanic/Latino(a) Prisoners; History of Women's Prisons; HIV/AIDS; Increase in Prison Population; Individual Therapy; Lesbian Prisoners; Lesbian Relationships; Mothers in Prison; Native American Prisoners; Overprescription of Drugs; Parenting Programs; Prison Industrial Complex; Race, Class, and Gender of Prisoners; Rape; Resistance;

Self-Harm; Sex—Consensual; Sexual Relations with Staff; Suicide; Termination of Parental Rights; Transgender and Transsexual Prisoners; War on Drugs; Women's Health; Women's Prisons

Further Reading

Belknap, J. (2001). *The invisible woman: Gender, crime, and justice.* Belmont, CA: Wadsworth.

Bloom, B., Owen, B., & Covington, S. (2003). *Gender-responsive strategies: Research, practice and guiding principles for women offenders.* Washington, DC: National Institute of Corrections.

Bureau of Justice Statistics. (1999). *Women offenders* (Special report). Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2002). *Prisoners in 2001.* Washington, DC: U.S. Department of Justice.

Chesney-Lind, M. (1997). *The female offender: Girls, women, and crime.* Thousand Oaks, CA: Sage.

Muraskin, R. (2003). *It's a crime: Women and crime.* Upper Saddle River, NJ: Prentice Hall.

Owen, B. (1998). *In the mix: Struggle and survival in a women's prison.* Albany: State University of New York Press.

WOMEN'S ADVOCATE MINISTRY

Women's Advocate Ministry, Inc., known as WAM, is a nonprofit organization established in 1983 to assist women newly incarcerated at Rose M. Singer Correctional Facility at Rikers Island in New York State. WAM provides advocacy and services to these women and their children. WAM offers active outreach, crisis intervention, and referral and supportive services. Staff members of the organization serve as liaisons among the women, their families, and their lawyers, in addition to providing referrals for many types of services these women may need.

HISTORY

In 1983, after having accompanied an accused woman to court and viewing firsthand the criminal justice system at work, Rev. Dr. R. Elinor Hare founded the Women's Advocate Ministry and began its crisis intervention program as a one-person effort. Initially, WAM served women in the Brooklyn criminal and supreme courts, under the auspices of the Brooklyn division of the Council of Churches of New York City. Within six months, however, demands for services were so great that the program was expanded to the courts in Manhattan and Queens, and soon thereafter to the Bronx. After 10 years of service to the organization, Dr. Hare retired in February 1993, and Rev. Annie M. Bovian replaced her as executive director.

Bovian, an ordained United Church of Christ minister, is a graduate of Harvard University School of Divinity, where she also attended Harvard Law School. She initiated the bilingual Hispanic Mother/Child Program for incarcerated mothers. In September 2001, she began a pilot program at the Westchester Valhalla Jail for Women that replicates WAM's Rikers Island program for incarcerated women and their children. In 1997, Bovian, along with Sr. Helen Prejean, author of *Dead Man Walking,* won the prestigious Lives of Commitment Award at Auburn Theological Seminary for her work with women in the criminal justice system.

SERVICES AND TARGET POPULATION

According to WAM, each year approximately 14,000 women are processed at the Rose M. Singer Correctional Facility at Rikers Island. On any given day, as many as 1,800 women are held at the jail, including pregnant women and women who have just given birth, who are housed with their newborns in the Rikers Island Health Services Nursery Program. During 1999, more than 1,000 of the women who entered the Rikers facility were pregnant, and at least 180 of them gave birth while incarcerated. Because the nursery at the facility can accommodate only 15 babies with their mothers, most of the babies must be immediately placed in foster care or with relatives, which disrupts the maternal bond. Research has indicated that family ties remain a strong factor in released prisoners' successful reentry into the community.

Throughout the years, members of WAM have directed their efforts toward supporting women prisoners and improving their possibilities of integrating back into society and staying out of the criminal justice system. WAM also educates

women about their responsibilities and rights as parents. WAM argues that women prisoners and their newborns should be placed in residential rehabilitation programs, to help them stay together as a family unit. The organization also recommends placing women who need drug treatment in residential programs that allow them to start on the road to recovery while remaining close to their families.

Over a period of 12 months, WAM served approximately 750 women going to court in New York City and more than 950 children of incarcerated mothers. Since 1993, WAM has helped 276 mothers and their children find housing, and only 8 of these women have since returned to the criminal justice system. WAM serves primarily minority women ages 18 to 35 who have been welfare recipients. Approximately 85% of the women served are low-level drug users with little or no education or job experience. Most of these women come from New York City's five boroughs. WAM is the only program in the city that provides court advocacy from arrest until the closure of a case, a period that can range from three months to three years. WAM believes it makes a difference for a woman's future if there is someone standing beside her throughout the arrest, court, and prison experiences.

In early 1998, while Rev. Annie Bovian was interviewing some new mothers in the nursery at Rikers, one of the mothers told her about her ordeal of being shackled while in labor and being taken to the hospital to give birth. A *New York Times* reporter interviewed Bovian after reading an Amnesty International article that she helped write. As a result, a member of the New York State Assembly put forth Bill No. A3292, which passed in January 2001; this legislation makes it illegal for authorities to shackle a woman who is in custody and in labor while she is being transported to the hospital to give birth.

RESOURCES AND FUNDING

WAM does not receive city, state, or federal funding. In order to connect women with the resources they need to help themselves and their children, WAM has established a strong resource and referral network of providers. To bolster its advocacy work, WAM is a member of the New York State Criminal Justice Alliance and the Coalition of Women's Prisoners. Through these memberships, WAM is able to maintain a presence in the public eye and work with groups that share its mission and have a strong commitment to the population it serves.

CONCLUSION

WAM acquires its clients by word of mouth; women are referred by the Chaplain's Office at Rikers Island, correctional officers, and inmates who have experienced the benefits of the program. WAM also reaches out to women who attend workshops given at the Rose M. Singer Correctional Facility. WAM has an affable relationship with the Department of Corrections, which helps to achieve WAM's goal of placing every woman into a program and preventing women prisoners from falling between the proverbial cracks.

—Darcy J. Purvis

See also Activism; Bedford Hills Correctional Facility; Children; Children's Visits; Families Against Mandatory Minimums; Elizabeth Fry; Mothers in Prison; November Coalition; Parenting Programs; Prison Nurseries; Prisoner Reentry; Quakers; Race, Class, and Gender of Prisoners; Religion in Prison; Resistance; Rikers Island Jail; Women Prisoners; Women's Prisons

Further Reading

Figueira-McDonough, J., & Sarri, R. (Eds.). (2002). *Women at the margins: Neglect, punishment, and resistance.* Binghamton, NY: Haworth.

Radosh, P. (2002). Reflections on women's crime and mothers in prison: A peacemaking approach. *Crime and Delinquency, 48,* 300–315.

Renzetti, C., & Goodstein, L. (Eds.). (2001). *Women, crime, and criminal justice: Original feminist readings.* Los Angeles: Roxbury.

Travis, J., Robinson, L. O., & Solomon, A. (2002). Prisoner reentry: Issues for practice and policy. *Criminal Justice, 17*(4), 12–18.

WOMEN'S HEALTH

In the past decade, the number of women inmates in U.S. correctional institutions and the average length of their sentences have increased dramatically. At the same time, there has been an influx of ill and generally unhealthy women into these institutions. These women often have different treatment needs and problems than their male counterparts. In a prison system designed primarily for men, women's health needs are often not addressed by prison policies, programs, and procedures. Medical issues that relate to women's reproductive health and to the psychosocial issues that surround the imprisonment of single female heads of households are often overlooked. Women in prison complain of the lack of regular gynecological and breast exams and argue that their medical concerns are often dismissed as exaggerated.

MEDICAL SERVICES FOR WOMEN IN PRISON

Adequate provision of medical care is one of the most pressing problems facing women prisoners. A review of existing studies on health care services for women inmates reveals that (1) access to treatment for both general and drug-related health problems is limited, (2) the health care provided to women prisoners is mediocre, and (3) prison medical professionals are often underskilled. In addition to suffering many of the same illnesses as their male counterparts—HIV/AIDS, hepatitis, sexually transmitted diseases, tuberculosis, and other communicable diseases and mental illnesses—women prisoners have medical needs over and beyond the treatment of these. Women in custody have an increased incidence of chronic health problems, including asthma, gynecological disease, nutrition problems, and convulsive seizure disorders, yet the implementation of innovative in-house medical treatment has not kept pace with the diverse needs of the ever-increasing population.

Women often require more medical attention than men, and so women's prisons have to deal with greater demand for adequate health care. This is especially true for women who enter prison pregnant and require prenatal care. Their pregnancies are often considered to be high risk, and many are complicated by drug and alcohol abuse, smoking, and sexually transmitted infections (e.g., HIV, hepatitis B). These factors, when combined with poor social support and histories of abuse, put these women and their newborns at even greater risk for increased perinatal and postnatal morbidity and mortality. Firsthand accounts suggest that many pregnant women in prison do not receive regular pelvic exams or sonograms. They also receive little to no education about prenatal care and nutrition, they are unable to alter their diets to suit their changing caloric needs, and they are subjected to remaining shackled during delivery and to being denied labor support from family members. After delivery, the new mothers are not permitted to breast-feed, and they are allotted between 24 and 72 hours to bond with their infants before the babies are turned over to family members for guardianship or enter the state's foster care system. Although some model prenatal care and parenting programs do exist, there are not enough of these programs to reach the thousands of pregnant women in U.S. prisons. Those women in prison who wish to terminate a pregnancy face additional problems, because even though according to U.S. law abortion is a fundamental right of every woman, abortion is generally not very accessible to women in prison.

A host of other problems related to health care exist in women's prisons, including a lack of availability of specific medications and specialized services. Because women's prisons are relatively small institutions, policymakers find it hard to justify installing extensive medical services. Consequently, women inmates requiring greater medical attention than the prison provides must be transported to hospitals, which could enhance their access to care. However, when the prisons are located in rural areas, transporting inmates to urban medical centers can be problematic, thereby posing greater risks for the inmate-patient. Such issues have been the subject of litigation in New York and other states (see, e.g., *Todaro v. Ward,* 1977). Even when the courts uphold an inmate's petition for better

medical attention, however, prison administrators often react slowly to the court orders. In California, for example, the 1995 *Shumate v. Wilson* class-action lawsuit challenged several aspects of negligent care in women's prisons: the lack of access to doctors; the failure to provide follow-up care to chronically ill women; constant interruption of treatment involving medications such as insulin, antihypertension medicines, and protease inhibitors; and the failure to provide consistent preventive care such as Pap smears and mammograms. Yet since the *Shumate* suit was settled and the prisons found to be in compliance with all provisions of that settlement (a finding disputed by the women plaintiffs and their attorneys), women have continued to die as a result of negligent care (Talvi, 1999).

SPECIAL HEALTH NEEDS OF IMPRISONED WOMEN

Many imprisoned women are survivors of physical and sexual abuse and have lacked previous health care in their communities, two factors that put them at even greater risk for developing life-threatening illnesses such as HIV/AIDS, hepatitis C, and HPV/cervical cancer. Studies have shown that AIDS has been identified as the eighth leading cause of death among women ages 15 to 44 in the United States. Women at high risk of infection (drug abusers and the economically disadvantaged) are concentrated in prison populations, and the risk is especially serious for incarcerated women, who often receive the smallest piece of the resource pie.

In addition to the physical effects of drug use, addicted offenders may suffer from numerous psychological and emotional effects. Suicidal thoughts, suicide attempts, depression, poor conduct, and personality disorders are but a few of the possible drug-related mental health challenges that correctional mental health workers face today in working with women prisoners.

Moreover, despite being imprisoned and presumably safe from harm, in multiple prisons throughout the United States women are victims of sexual abuse by prison staff, at times during routine medical examinations. In 1999, ABC's news program *Nightline* ran an investigative series on conditions of women in prison, focusing on California's Valley State Prison (VSP). According to *Nightline,* prisoners at VSP filed, on the average, 400 medical complaints each month in 1999. One common complaint involved unnecessary and unwanted cervical exams and Pap smears. "I went to see [the prison doctor] to ask him if he could give me a blood test to see if I have arthritis. He wanted to give me a Pap smear and I didn't understand. What's that have to do with it?" one prisoner asked. Dr. Anthony DiDomenico, at the time chief medical officer at VSP, told *Nightline* host Ted Koppel: "This is a group of women that are isolated. And I've heard women tell me that they would deliberately like to get examined—it's the only male contact they get." DiDomenico's shocking taped comments provoked a storm of outrage, and he was reassigned within the California Department of Corrections.

In 1999, Amnesty International found that many women in prisons and jails throughout the United States continued to be victims of rape and other forms of sexual abuse by male staff. Women complained that staff continued to use sexually offensive language and that male staff members touched female inmates' breasts and genitals while conducting searches and watched the women while they were naked.

As the U.S. population in general ages, and as determinate sentencing policies and strict sentencing guidelines continue, inmates—in particular, women—will age within the nation's correctional facilities. Expenses stemming from medical services extend beyond the costs of medication and routine laboratory work; prison administrators will have to alter the physical features of the institutions to accommodate inmates who use wheelchairs and/or those who might require hospice services. Moreover, programmatic offerings will need to reflect the complex and diverse needs of an aging population. Training programs on how to secure Social Security benefits will be of more interest and use to the growing numbers of elderly women inmates than cosmetology or secretarial training programs.

NEEDED HEALTH CARE CHANGES

The quality of health care in prisons is as widely varied as the quality of health care in the free world. It is impossible to generalize about conditions across one state's correctional institutions, much less across the entire country. We do know, however, that health services delivery within prisons has been increasingly strained over the past decade, for two primary reasons: (1) More inmates are coming into the prisons, and (2) new inmates are less healthy than their counterparts of just a decade ago. Compared with women in the general U.S. population, a much higher percentage of women in jails and prisons have serious health problems. The street lifestyle that many female inmates have led (e.g., drug and alcohol abuse, poor diet, possibly indiscriminate sexual behavior, restricted access to medical services, and the tendency to neglect medical problems) means that when they enter prison they are likely to require medical attention and education to help them take better care of themselves when they are released back into the community (Acoca, 1998; Zaitzow, 2001).

Numerous changes in prison policies, programs, and procedures are necessary if health care in prisons is to improve. Many of these changes must occur within prison institutions to strengthen prisoner access to health care (urgent care, preventive care, chronic care, specialty care) and health education materials. Other institutional changes must address the issues of assuring patient confidentiality, facilitating prisoners in taking partnership in their health care decisions, and providing continuity of follow-up care, especially when an outside physician is consulted. Unfortunately, these types of changes may require a transformation of the prison culture. The mission of prisons may need to be redefined, correctional staff members retrained, and the health care budget reevaluated.

Changes within the institution, however, cannot be isolated from changes in the community at large. For example, to ensure continuity of care for those released from prison, changes in prison health care must be accompanied by improvements in access to health care services in the greater community. Furthermore, the general public, in the form of oversight committees or accreditation organizations, must be more involved in reviewing the standards of care within prisons. In short, the general public and public health care systems may need to reevaluate how incarceration affects public health and redefine their own mission of building and maintaining healthy communities.

Although the changes needed to improve prison health care may seem unattainable, there are ways in which health care providers, working with women prisoners, can have positive impacts on the system and the health care of all prisoners. The first step is for health care providers to develop knowledge about the institutional barriers that interfere with the provision of quality health care in prisons. Defining the obstacles, however, must be combined with an understanding of prisoners' backgrounds and the ways in which prison life fosters a milieu of fear and distrust. By evaluating and measuring these two factors, health care providers can set the foundation for successfully advocating for the health of incarcerated women. Furthermore, they will establish the groundwork for effectively designing and implementing programs that have the potential to mitigate and remove the barriers to providing quality health care in prison.

CONCLUSION

The urgency of the situation faced by women prisoners demands an all-out effort to stop the deaths and change the health care system. The passion for justice is driven by the women prisoners themselves, who, at great risk to themselves, come forward to let the world know about what goes on behind the walls. Their demands are being taken up by their family members, their advocates, and a growing community of people who support them. Some of the key demands include the abolition of the medical technical assistant position, the granting of compassionate release to women who are dying in prison, abolition of the $5.00 payment required of prisoners for medical visits, removal of the prison health care system from control of the Centers for Disease Control and Prevention, and an

independent investigation of the ongoing medical crisis in women's prisons.

There is no doubt that the provision of health-related services to inmates means an increased burden for the nation's correctional systems. Against the backdrop of the "war on terrorism" and the resulting budget cuts that have had a nationwide impact, the last thing on most people's minds is spending money on health care for prisoners. Yet tens of thousands of prisoners suffering from undiagnosed or untreated communicable diseases, chronic diseases, and mental illness are being released into communities around the nation. And thousands more are scheduled for release in the next few years.

The nation's response to this challenge will be influenced by fiscal realities, court mandates, humanitarian concerns, and public beliefs regarding the treatment deserved by inmates. It must be remembered that most prisoners are eventually released from prison and reenter the free society. Without programs to address the unique physical, emotional, sexual, and drug-related problems of female inmates and prisoners in general, our prisons will be returning high-risk (not in a criminal sense) individuals to the free community. Maintaining and improving the health status of prisoners, as well as providing preventive health care during incarceration, can substantially reduce future economic, social, and health care burdens for parolees, their families, and the state. If the government continues to disregard the explosive situation developing in prisons and within communities where released prisoners reside, there will be a health care crisis of epidemic proportions.

—Barbara Zaitzow

See also Dental Care; Doctors; Eighth Amendment; Elderly Prisoners; *Estelle v. Gamble*; Gynecology; Health Care; HIV/AIDS; Mothers in Prison; Optometry; Parenting Programs; Psychological Services; Suicide; Women Prisoners; Women's Prisons

Further Reading

Acoca, L. (1998). Defusing the time bomb: Understanding and meeting the growing health care needs of incarcerated women in America. *Crime and Delinquency, 44,* 49–70.

Amnesty International. (1999). *United States of America: "Not part of my sentence"—Violations of the human rights of women in custody.* Retrieved September 16, 2004, from http://www.web.amnesty.org/library/index/ENGAMR510011999

Beck, A. (2000). *Prisoners in 1999.* Washington, DC: U.S. Department of Justice.

Farmer, A. (2002). *Mothers in prison losing all parental rights.* Retrieved from the National Organization for Women Web site: http://www.now.org/eNews/june2002/062102prison.html

Greifinger, R. (2002). *The health status of soon-to-be-released inmates: A report to Congress.* Retrieved from the National Commission on Correctional Health Care Web site: http://www.ncchc.org/pubs/pubs_stbr.html

Harrison, P. M., & Beck, A. J. (2002). *Prisoners in 2001.* Washington, DC: U.S. Department of Justice.

Lanier, M. (1999). HIV-related issues for incarcerated women in the twenty-first century. In R. Muraskin & A. R. Roberts (Eds.), *Visions for change: Crime and justice in the twenty-first century* (2nd ed.). Upper Saddle River, NJ: Prentice Hall.

Lindquist, C. H., & Lindquist, C. A. (1999). Health behind bars: Utilization and evaluation of medical care among jail inmates. *Journal of Community Health, 24,* 285–303.

Maeve, M. K. (1999). Adjudicated health: Incarcerated women and the social construction of health. *Crime, Law, and Social Change, 31,* 49–71.

Talvi, S. (1999, August). *Criminal procedure.* Retrieved from http://www.mojones.com/info/fnpfaq.html#fnp

Zaitzow, B. H. (2001). Whose problem is it anyway? Women prisoners and HIV/AIDS. *International Journal of Offender Therapy and Comparative Criminology, 45,* 673–690.

Legal Case

Todaro v. Ward, 565 F.2d 48 (2d Cir. 1977).

WOMEN'S PRISONS

Since the 19th century, women offenders in the United States have been held in separate women's facilities. These institutions have always been shaped by ideas of gender as well as by the pathways that lead women to them. Because there are a number of differences between women's and men's prisons, it is important to examine women's institutions separately.

EVOLUTION OF THE CONTEMPORARY WOMEN'S PRISON

In the first American prisons, women were housed in sections of men's prisons, where they suffered

from neglect and abuse. Left alone for long periods of time, denied regular exercise, education, work assignments, or religious instruction, women inmates were also particularly vulnerable to sexual assault by male officers and inmates. Much like today, most of the early women prisoners were incarcerated for crimes related to their gender and the struggles in their lives—drunkenness, petty theft, and prostitution.

The first prison for women in the United States was approved by the Indiana legislature in 1869 and opened in 1873. The Indiana Reformatory Institution for women and girls ushered in a new era of punishment. By 1917, 14 states had established similar penal institutions for women. Although the conditions in the reformatories were somewhat better than those in earlier facilities, these institutions often confined women in another way, by reinforcing traditional feminine and domestic images. Usually built in the "cottage style," reformatories housed women in relatively small buildings that were designed to replicate the ideal middle-class home. Instead of male prison guards, prison matrons supervised the inmates; the matrons were meant to serve as models of respectability, domesticity, and femininity. These reformatories sought to rehabilitate their residents through training and education in cooking, cleaning, sewing, and other conventional domestic activities.

Women sent to the reformatories were usually those who had been convicted of moral or sexual crimes that transgressed the strict standards of middle-class sexual behavior and gender role expectations. They also tended to be white. Women of color continued to be sent to the more traditional custodial prisons, which lacked any programs or separate housing for them. Their different treatment was often justified by racist beliefs that they were morally inferior and would be immune to the treatment offered in the reformatories.

After the 1930s, the establishment of separate prisons for women became the norm. Some of these prisons were built specifically for women, whereas others were originally built as male or juvenile facilities. Several decades after the first reformatories, the cottage style gave way to "campus style," which continued the use of small housing units and open green spaces. Also in this period, some jurisdictions experimented with "co-correctional" facilities. Co-correctional prisons confined women and men in the same institution and provided shared programming in education and job opportunities. Living quarters were separate, and interactions between female and male prisoners were formally controlled. This method sought to resolve some of the earlier problems faced by women in prisons by increasing their access to programs and services and promoting a more normal social environment. Critics of co-correctional facilities, however, asserted that women overall were disadvantaged by the presence of male inmates due to the increased surveillance required to control sexual activity, the tendency of male inmates to dominate desirable jobs and the informal social world of the inmates, and continued pressure for sexual arrangements. As a result, few systems today continue to use the co-correctional model.

THE MODERN PRISON FOR WOMEN

Most U.S. states have a relatively small number of prisons for women. Larger states, such as California, Texas, and New York, may have four or five women's facilities, whereas smaller states typically have one. Almost all women prisoners, however, are incarcerated far from their homes, friends, and families. They are typically distant from services that are more available in urban communities. In the 1980s and 1990s, as more women were sentenced to prison under the enhanced sanctions against drug offenders, women's prisons became increasingly crowded. In response, some states began to build new facilities for women. In doing so, they usually used designs based on men's prisons. These "New Generation" prisons typically have two types of housing: units intended to hold women who pose disciplinary problems and dormitories or rooms holding six to eight women. Rarely do women live alone in cells.

Unlike men's prisons, the majority of women's facilities in the United States encompass all classification and security levels. These institutions are often rated at an "administrative security level" and either mix women of all security levels or attempt to

establish some internal housing categories, housing women of differing security levels in separate units. With the exception of newly arrived prisoners and the small numbers held in the more restrictive special housing units (also known as "administrative segregation" or "security housing units"), most women prisoners remain in the general population. Regardless of security level classification, these prisoners work, attend school, and participate in other programs in close contact with all other inmates, whose classifications may range from minimum to maximum custody. Lifers and short-termers mingle in housing units, in work or education assignments, and in recreational areas. Given the relative rarity violence in the women's prisons, such group housing arrangements do not cause problems, as they might in men's institutions.

The disproportionate sanctioning through disciplinary procedures and commingling of women of all custody levels within a few "general purpose" facilities often results in the "overclassification" of women prisoners. Few jurisdictions in the United States have developed classification instruments that adequately assess the custody and security needs of women. As women prisoners are typically housed in these administrative-level facilities, the majority are subjected to the relatively severe custody conditions required by the presence of a small number of high-risk women. Additionally, women who represent minimal risk to the community are often "overconfined" because of the lack of community corrections and "camp" facilities for women.

The small numbers of women who are housed in higher-security housing units are usually confined to their cells and experience the most restrictive custody. In their cells for an average of 23 hours a day, they eat their meals alone and are allowed very limited recreation and visiting privileges. Only a small percentage of the total female prison population is held in special housing units, but the conditions these prisoners face are often severe.

Privacy is a scarce commodity in women's prisons. In addition to crowded conditions, shared housing units, and the need for surveillance, the presence of male staff undermines inmates' abilities to attend privately to personal hygiene and grooming. Men make up from 50% to 80% of the custody staff in women's prisons, supervising housing units and observing showers, toilets, and the rooms or cells where inmates dress. Although most prisons prohibit strip searches and body cavity searches of female inmates by male staff, Human Rights Watch has found that males have observed these procedures as they have been conducted by female staff.

SEXUAL ABUSE

Research indicates that women in prisons are often at risk of sexual abuse by prison staff. In a review of sexual abuse in selected U.S. prisons, Human Rights Watch (1996) investigators have identified four specific issues concerning sexual abuse of women prisoners: (1) the inmate's inability to escape the abuser, (2) ineffectual or nonexistent investigative and grievance procedures, (3) lack of employee accountability (either criminally or administratively), and (4) little or no public concern. The investigators bluntly state that being a woman in a U.S. state prison can be a terrifying experience.

Sexual misconduct in prisons includes sexual abuse, sexual assault, sexual harassment, physical contact of a sexual nature, sexual obscenity, invasion of privacy, and conversations or correspondence of a romantic or intimate nature. The potential abuse of power inherent in staff-inmate relationships is at the core of staff sexual misconduct. It is this inherent difference in power between staff and inmates that makes any consensual relationship between a staff member and an inmate impossible. Misconduct can take many forms, including inappropriate language, verbal degradation, intrusive searches, sexual assault, unwarranted visual supervision, denying of goods and privileges, and the use or threat of force. It is also important to note that female officers have also been found to be involved in this serious misconduct, although the more publicized pattern appears to involve male staff with female inmates. In addition, some standard procedures in correctional settings (e.g., searches, restraints, and isolation) can have profound effects on women who have histories of trauma and

abuse, often retraumatizing women who have posttraumatic stress disorder.

PRISON CULTURE FOR WOMEN

Prison sociologists look at how prisoners "do their time" in terms of prison culture. Prison culture includes the ways in which prisoners define their experience in prison, how they learn to live in prison, how they develop relationships with other prisoners and staff, and how they change the way they think about themselves and their place within the prison and the free world. The first studies of women's prison culture found a social structure based on the family and traditional sex roles, and on same-sex relations. Researchers found that the world of women's prisons was quite different from that of the male culture: prison culture among women was tied to gender role expectations of sexuality and family, and prison identities were at least partially based on outside identities and experiences.

Contemporary work examining women's prison culture suggests that little has changed. The core of prison culture among women continues to be shaped by inmates' personal relationships with other prisoners, which are both emotionally and physically intimate; by their connections to family and loved ones in the free community, or "on the street" in the language of the prison; and by their commitments to their pre-prison identities.

The prison family is one of the primary forms of social organization in the women's prison. Although some of these families are based on intimate same-sex couple relationships, the majority of these complicated prison relationships provide emotional, practical, and social connections in the uncertain world of the prison. A key element in surviving prison life is negotiating an aspect of prison culture known as "the mix." In its shortest definition, the mix is any behavior that can bring trouble and conflict, whether with staff or other prisoners. A variety of behaviors can put an inmate in the mix; research has found that the issues prisoners mention most frequently are related to "homo-secting," involvement in drugs, fights, and "being messy"—that is, involvement in conflict and trouble.

RACE AND ETHNICITY

Women who are members of minority groups are disproportionately represented in the U.S. prison population, with the percentage of African American women prisoners growing at increasing rates. In spite of this racial and ethnic composition, race relations and conflicts are not a primary feature of the social order of women's prisons. Although racial and ethnic identity is a predominant factor in men's prisons, in women's prisons the issues of race and ethnicity form a minor subtext that mediates relations among women prisoners and between prison workers. Women in prisons typically live and work in integrated housing units and job assignments and often form personal relationships that cross racial lines.

Racial and ethnic gangs have not yet appeared in women's prisons to the extent they are found in men's prisons. Although some small number of women may enter prison with some street gang or clique affiliations, the subculture of the women's prison offers little support for these pre-prison identities. Women seeking the personal and community ties found in street gangs are likely to find substitutes within prison families or other personal relationships. Unlike in some men's prisons, housing assignments in women's prisons are not routinely made based on inmates demographic or gang affiliations.

WOMEN'S SERVICES AND PROGRAMS

Given that men constitute more than 90% of the U.S. prison population, the majority of policies in most prison systems have been designed to manage the behavior of male prisoners. In spite of the increasing population of female prisoners, the male model of corrections continues to dominate. Women continue to be a correctional afterthought, as prison administrators focus on the problems presented by the male majority. Many systems lack any written policies concerning the management and supervision of female inmates or parolees. Policy areas that may affect female and male inmates differently include procedures for pat searches and strip searches; availability of commissary items,

particularly health and beauty items; allowable personal property; and transportation and restraint policies for pregnant women.

The contemporary criminal justice system has placed a low priority on the gender-related treatment needs of female offenders. The lives of female offenders are shaped by socioeconomic status as well as by women's experiences of trauma and substance abuse and their relationships with partners, children, and family. Most women prisoners have had economic and other social disadvantages that have been compounded by trauma and substance abuse histories. Women offenders are also typically undereducated and unskilled. Contemporary research has shown that these factors propel women into substance abuse, crime, and subsequent imprisonment.

Although many researchers and advocates argue that programs and services for women in prison should address such factors, rehabilitative programs for women offenders are typically based on generic programs that make few gender distinctions. In particular, there is evidence from academic research and litigation that women's prisons lack adequate or appropriate services in several areas. For example, women's prisons are deficient relative to men's prisons in the educational and vocational programs they offer. Men's prisons typically provide a greater variety of such programs and training for more skilled (and better-compensated) occupations. In contrast, women are offered a narrow range of training programs for stereotypically "female" occupations, such as cosmetology and low-level clerical work. Women in prison receive fewer institutional work assignments and lower rates of pay than do male inmates, and men have greater access to work-release programs.

Health care is similarly inadequate in many women's prisons. With health care poorly funded, both the physical and the mental health needs of women prisoners are often neglected. In addition to needing basic health care, women prisoners often have specific health problems, such as HIV/AIDS, hepatitis C, and other conditions related to their risky sexual and drug-using behavior prior to arrest. Pregnancy and women's reproductive health are also neglected by most prison systems. It has been estimated that from 25% to more than 60% of the women in U.S. prisons today require mental health services. Many women prisoners are dually diagnosed with substance abuse and mental health problems. These conditions are usually not addressed adequately in the prison environment.

A lack of appropriate substance abuse treatment has also been documented in women's prisons. The vast majority of women offenders need substance abuse services. Programs are often hampered by insufficient individual assessment; limited treatment for pregnant, mentally ill, and violent women; and the lack of appropriate treatment and vocational training. Finally, few prison programs address the high degree of violent victimization that many women prisoners have experienced, both as children and adults. This abuse has implications for their emotional and physical well-being and may be tied to drug abuse and other offending behaviors.

CONCLUSION

An understanding of contemporary women's prisons requires knowledge of the history and evolution of these institutions, the impact of public policy on women's sentencing, and the ways in which these prisons are different from those designed for male offenders. Recent research on women's prison culture, the ways in which prison services can address women's pathways to prison, and the importance of gender-responsive policy and parity in funding and program and service provision has increased attention to these often ignored institutions.

—Barbara Owen

See also Alderson, Federal Prison Camp; Bedford Hills Correctional Facility; Campus Style; Co-correctional Facilities; Cottage System; Rose Giallombardo; History of Women's Prisons; Lesbian Prisoners; Lesbian Relationships; Mothers in Prison; Prison Culture; Nicole Hahn Rafter; Resistance; Sex—Consensual; Mabel Walker Willebrandt; Women Prisoners; Women's Health

Further Reading

Amnesty International. (1999). *United States of America: "Not part of my sentence": Violations of the human rights of women in custody.* New York: Amnesty International.

Belknap, J. (2001). *The invisible woman: Gender, crime, and justice.* Belmont, CA: Wadsworth.
Bloom, B., Chesney-Lind, M., & Owen, B. (1994). *Women in California prisons: Hidden victims of the war on drugs.* San Francisco: Center on Juvenile and Criminal Justice.
Bloom, B., Owen, B., & Covington, S. (2002). *Gender-responsive strategies: Research, practice and guiding principles for women offenders.* Washington, DC: National Institute of Corrections.
Bureau of Justice Statistics. (1999). *Women offenders* (Special report). Washington, DC: U.S. Department of Justice.
Chesney-Lind, M. (1997). *The female offender: Girls, women, and crime.* Thousand Oaks, CA: Sage.
Giallombardo, R. (1966). *Society of women: A study of a women's prison.* New York: Wiley.
Heffernan, E. (1972). *Making it in prison: The square, the cool, and the life.* New York: Wiley.
Human Rights Watch, Women's Rights Project. (1996). *All too familiar: Sexual abuse of women in U.S. state prisons.* New York: Ford Foundation.
Mauer, M., Potler, C., & Wolf, R. (1999). *Gender and justice: Women, drugs and sentencing policy.* Washington DC: Sentencing Project.
Owen, B. (1998). *In the mix: Struggle and survival in a women's prison.* Albany: State University of New York Press.
Pollock, J. (2002). *Women, prison and crime.* Pacific Grove, CA: Brooks/Cole.
Rafter, N. Hahn. (1985). *Partial justice: Women in state prisons, 1800–1935.* Boston: Northeastern University Press.
Ward, D., & Kassebaum, G. (1965). *Women's prisons: Sex and social structure.* Chicago: Aldine-Atherton
Watterson, K. (1996). *Women in prison: Inside the concrete womb* (rev. ed.). Boston: Northeastern University Press.

WORK-RELEASE PROGRAMS

Work-release programs permit inmates to work for pay in the community during the last few months of their confinement. Wisconsin, Vermont, and several other states began to implement work-release programs on a local level in the early 1900s. It was not until 1955, however, that the concept caught on at the state level. By 1972, every state except Mississippi and Nevada had work-release programs or were establishing such programs. At that time, approximately 60% of all inmates in work-release programs were found in a handful of states: California, Florida, Massachusetts, North Carolina, and Wisconsin. Today, although most states authorize work-release programs, only one-third of prisons operate them, and fewer than 5% of eligible prisoners participate in them. Work-release programming has declined since the 1980s, when federal funding ceased and the public's interest in rehabilitation shifted to an emphasis on "getting tough on crime." In addition, a few highly publicized and sensational failures (such as the case of Willie Horton) convinced the public that programs such as work-release threaten public safety.

OVERVIEW

Work-release programs are designed to allow inmates to develop job skills and discipline and to give them opportunities to perform meaningful community service. The types of work-release assignments vary widely. Inmates may be employed (sometimes in work crews) cleaning public spaces such as parks and fairgrounds, assembling playground equipment, installing irrigation systems, repairing streets, installing storm-drain lines, or building curbs and sidewalks. Other assignments require workers who are plumbers, electricians, carpenters, cabinetmakers, sheet metal workers, or landscapers. Inmates may work on city, state, or federal projects or for private employers who participate in work-release programs, including labor and food services.

Inmates' participation in work-release programs is considered a privilege rather than a right. In each program, inmates must meet certain requirements in order to participate. For example, in Idaho, violent offenders must be within 18 months of parole; nonviolent offenders must be within 24 to 30 months of release. Issues that may disqualify an inmate from participating in a work-release program include being convicted of sexual battery, serving multiple commitments to prison, attempting to escape in the past, and having been terminated from a community release program during the current sentence for a rule violation or disciplinary action.

The wages paid to participants in work-release programs also vary widely. Inmates in some programs can be paid as little as $2–$3 per hour, whereas others are employed for $7.50 per hour or

more. Nearly all jurisdictions with work-release programs charge participants some form of fees or require the inmates to share some costs. One-fifth of such programs charge inmates for room and board. In Florida, for example, 45% of the net pay an inmate earns while on work-release goes to reimbursing the state for room and board, 10% goes to family assistance (including child support), 10% goes to the inmate's savings account, $50 per week goes toward the inmate's personal incidentals, and any remaining amount goes into the inmate's saving account.

THE CASES FOR AND AGAINST WORK-RELEASE

Allowing nonviolent inmates to work prior to their parole or release dates offers a number of benefits for the incarcerated and for society. Released inmates have a hard time finding work, and their lack of marketable skills can lead them to reoffend. In the past, prisoners were forced to perform meaningless tasks in prison that did not prepare them for life after release. Inmates improve their chances of success after release if they have a legal way of earning money to provide for themselves. Work-release gives an inmate an opportunity to learn a trade and to learn how to manage personal finances.

The widely cited benefits of work-release programs include improving inmate behavior, ensuring that fines are paid, permitting cities and states to undertake work that would otherwise be deferred or delayed, and possibly reducing the costs of incarceration to taxpayers. Work-release programs can allow individuals to pay off or reduce fines that they would otherwise face upon release, to save some money to aid their reentry into society, and to assist their families and friends with household expenses. Also, returning to a jail in his or her home community to participate in work-release prior to release can facilitate an inmate's transition back into the community.

Most experts agree that work-release programs contribute to the rehabilitation of many inmates released each year. However, the extent to which work-release programs reduce costs and recidivism rates is not clear, as research findings are mixed. Studies of work-release programs in the state of Washington found that the programs did not significantly reduce costs and recidivism. Work-release programs are not necessarily less expensive than keeping inmates in prison; if infractions and rule violations are punished with incarceration, then the initial cost savings are reduced or eliminated. Nonetheless, the research in Washington did find that work-release programs prepared inmates for transition back into society and were associated with only negligible safety risks. Middle-aged offenders and offenders convicted of property crimes were most likely to participate in work-release. Hispanic offenders were less likely to participate than were white or black offenders. The most successful offenders in the Washington work-release programs were older white offenders who had no prior criminal records. Other findings suggest that programs that prepare inmates for employment through education, social support, job training, and prerelease placement services may be the most successful.

Critics of work-release programs frequently cite concerns about safety and the use of cheap prison labor. For example, in 1995, Virginia's work-release program was halted because a participant in the program escaped and committed a violent crime. The program was later reinstated, but on a much smaller scale. As noted, studies of Washington's work-release program and others have found that most participants complete these programs successfully. Of those who are returned to prison, the most frequent reasons are failure to abide by curfew, absconding from the program, drug possession, and other program rule infractions. New law violations account for a very small percentage of those returned. In the Washington study cohort of 965 people, no offender committed a violent felony while in the program. Fewer than 5% of the participants committed new crimes while on work-release, and 99% of those crimes were less serious property offenses, such as forgery or theft.

Trade unions and businesses have criticized the use of cheap prison labor. To avoid conflicts with union collective bargaining agreements and the private sector, work-release programs frequently

have policies that limit the use of prison work crews to specific projects. For example, an Oregon work-release program has collective bargaining agreements with police, fire, and service employees' unions that limit seasonal and temporary employment of work-release participants to six months. To avoid conflicts, the city has an administrative policy that limits the use of prison work crews to tasks on particular programs and projects for which there is minimal competition with the private sector. Inmates may also work on selected other tasks identified by the city manager, such as grounds and turf maintenance and the repair of facilities and infrastructure.

CONCLUSION

Although support for work-release programs declined in the 1980s, renewed interest in prisoner reentry since 2000 suggests a return to an emphasis on the rehabilitative value of prerelease employment in the community. Many potential problems with work-release programs can be ameliorated through careful prescreening of participants, the provision of orientation for nonprison work-site employees, good supervision and support for participating inmates, and the placement of inmates in jobs that have not been filled by nonprisoners.

—Jeanne Flavin

See also Community Corrections Centers; Electronic Monitoring; Furlough; Home Arrest; Incapacitation Theory; Labor; Parole; Prerelease Programs; Prison Industry Enhancement Act 1994; Prisoner Reentry; Recidivism; Rehabilitation Theory; Vocational Training Programs

Further Reading

Bushfield, B., & Bushfield, S. (2000). Time out. *Planning, 66*(6), 16.

Nielsen, A. L., Scarpitti, F. R., & Inciardi, J. A. (1996). Integrating the therapeutic community and work release for drug-involved offenders. *Journal of Substance Abuse Treatment, 13,* 349–358.

Seiter, R. P., & Kadela, K. R. (2003). Prisoner reentry: What works, what does not, and what is promising. *Crime and Delinquency, 49,* 360–388.

Skorackyj, O. (2000). Work release programs help inmates succeed. *Sheriff, 52*(4), 22–24.

Turner, S., & Petersilia, J. (1996). *Work release: Recidivism and corrections costs in Washington State.* Washington, DC: National Institute of Justice.

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YOUNG LORDS

The gang known as the Young Lords formed in 1958 as an assembly of Puerto Rican adolescent males living in what was then one of Chicago's most impoverished neighborhoods. In the mid-1960s, the Young Lords redirected their energy from turf-oriented, intergang warfare to a spirited attack on the city of Chicago's urban renewal program, a gentrification effort that ultimately displaced thousands of poor minorities from the neighborhood. By 1968, the Lords had matured into a formidable and radical group taking part in the national civil rights movement, working alongside the Black Panther Party, the Young Patriots Organization, and other left-leaning groups to critique capitalism's oppression of poor people of color. In the early 1970s, the Lords and their compatriots set their sights on the American prison system in hopes of revolutionizing the treatment of prisoners through militant action. To some extent their tactics worked, but in 1975 the Chicago Young Lords disbanded under the pressure of political infighting, police suppression, and narcotics addiction among the group's membership.

ORIGINS

The evolution of the Young Lords is inextricably bound to the migration patterns and experiences of Puerto Ricans. With demand for factory labor at an all-time high in the late 1940s, U.S. companies recruited heavily from Puerto Rico, enrolling thousands of Puerto Rican farm workers in contract labor agreements. Newly arrived Puerto Rican immigrants faced many of the same barriers and challenges their European predecessors had confronted: institutional racism, dilapidated housing, concentrated poverty, inadequate health care, unsanitary living conditions, failing schools, unresponsive government agencies, and physical attacks at the hands of their new non–Puerto Rican neighbors.

In the 1950s and 1960s, gentrification and urban renewal pushed Puerto Ricans and Mexicans from their original Chicago settlement areas on the near west side into Lincoln Park, a then-slumlike neighborhood situated three miles north of the downtown business district. Many of them encountered resistance and antagonism from white ethnics who had settled in the neighborhood in earlier migration waves. In response, some formed indigenous self-support groups, such as mutual aid associations, burial societies, community trust funds, and street gangs. These homegrown organizations gave rise to a second generation of street organizations, the most prominent among them being the Young Lords.

DEVELOPMENT AND STRUGGLE AGAINST URBAN RENEWAL

The Young Lords gang was founded in 1958 when Orlando Davila and Sal de Riviero organized

themselves and their friends to defend against the violent attacks that were being perpetrated on immigrants by the neighborhood's white ethnic gangs. The group remained a turf-oriented recreational and fighting gang until the early 1960s. Around that time, the local YMCA dispatched a "detached social worker" to assist the Young Lords in overhauling the group's organizational structure and activities. The YMCA program's long-term objective was to transform the street gang into an organized, hierarchical, formal group with a prosocial agenda. This intervention solidified the gang and inculcated in its members a belief in the value of collective ideology, financial self-sufficiency, and mission. These efforts, in turn, unwittingly laid the organizational foundation for the Young Lords' later involvement in leftist political struggle.

Beginning in late 1967, the Young Lords established themselves as a political force to be reckoned with. In this period they combined militant takeovers of legitimate institutions (e.g., churches, police stations, city offices) with the development and operation of community-based organizations, such as free health clinics, child care facilities, cultural centers, and even a methadone maintenance program for heroin addicts. In late 1969, the Young Lords achieved their political zenith when they joined forces with the Black Panthers and the Young Patriots Organization (a former street gang of white ethnics) to create the original Rainbow Coalition.

INFLUENCE ON PRISONS

The militant revolutionary tactics of the Black Panther Party and the Young Lords dovetailed with the burgeoning prisoners' rights movement of the 1960s and 1970s. In these two decades, incarcerated Panthers and Lords redefined themselves as political prisoners. Deaths of imprisoned Puerto Ricans, according to the Young Lords, amounted to a form of genocide perpetrated on poor people of color by American capitalists.

The Young Lords directly supported the 19-month occupation of Alcatraz by Native Americans attempting to symbolically reclaim the island. Led by Mohawk Indian Richard Oakes, the group of 100 "Indian people" (most of whom were young urban college students) controlled the island from November 1969 until June 1971. Several incarcerated Lords also helped to orchestrate the Folsom State Prison strike of November 1970, a 17-day protest that ignited the prison labor movement and provoked a national conversation about inmate wages, working conditions, and civil rights. Finally, the Lords assisted in galvanizing the Attica uprising of 1971.

ATTICA

In the summer of 1971, several imprisoned Young Lords, Black Panthers, and radical Black Muslim Nationalists studied together in a student-led sociology course at Attica. On the basis of their experience in the class, they formed an alliance to bring about prison reform. They called themselves the Attica Liberation Faction (ALF). The ALF submitted grievances and demands to the superintendent of Attica, who responded by seeking the state prison commissioner's permission to transfer the "troublemakers" whose names appeared on the list of demands. The commissioner, Russell G. Oswald, rejected the superintendent's plea and instead began communicating directly with the ALF. Although this seemed at first to be a symbolic victory, the members of the ALF quickly grew to resent what they perceived to be Oswald's unresponsiveness and equivocation.

On September 9, 1971, in less than 20 minutes, the inmates of Attica took over the prison's main cellblocks, passageways, and yards, and took 49 hostages. Some 60% of Attica's 2,243 inmates participated in the revolt, and 75% of the insurgent inmates were either black or Puerto Rican. The ALF, led by the Black Muslims, drafted a long list of demands ranging in nature from lofty (e.g., complete amnesty for all inmates involved in the uprising) to prosaic (e.g., food and medical care). Commissioner Oswald recognized the demands and agreed to enter into negotiations with the ALF. Over the next few days, the negotiations grew increasingly heated. A

few high-ranking Young Lords traveled to Attica to serve as negotiators. However, both sides continued to dig their heels in deeper, and their equally entrenched resolve eventually led all parties to lose hope in the prospect of a peaceful, mutually agreeable outcome.

The uprising ended violently when officers of the New York State Police, accompanied by a phalanx of heavily armed prison guards, stormed the cellblocks in an effort to end the takeover conclusively. In the process, 29 inmates and 10 hostages lost their lives, and 88 others were shot. Only days after this tragedy, the governor of New York appointed a board of observers and inquirers to inspect and monitor Attica for 30 consecutive days. The board articulated several concerns, including overcrowded cells, inadequate medical care, unsatisfactory food and bathing facilities, and insufficient inmate access to legal counsel, and made corollary recommendations for change. These recommendations induced systemic change at Attica and at other prisons around the country.

CONCLUSION

By 1975, the Chicago Young Lords had more or less come to an end. The organization's demise can be attributed to several interrelated factors, including internal struggles over status and power, effective police suppression, heroin addiction among the membership, attenuated connections to local political leaders, and insufficient money, resources, amicable media outlets, and decision-making power. Other conflicts beleaguered the Chicago Young Lords as well, one of the thorniest of which was the sexism displayed by the male members.

Many of the female associates of male Lords were active in the flourishing women's rights movement and would no longer tolerate their "second-class citizenship" in the Young Lords Organization (YLO). So they created the Young Lordettes. Then Angie Navedo, a longtime YLO associate, founded Mothers and Others (MAO), a group of Latinas affiliated with YLO. MAO's mission was to counteract the "male dominated leadership of YLO and address the need for inclusion of women and children in YLO's efforts to develop the community." Navedo and her fellow MAO members kept the YLO politically, socially, and financially solvent while Jimenez and other male leaders were repeatedly jailed. But despite the existence of the Lordettes and MAO, sexism continued to weaken YLO's integrity.

Before disbanding, the Young Lords strengthened the prisoners' rights movement of the late 1960s and the 1970s, producing considerable benefits for prisoners everywhere. Assessing the group's precise impact is impossible, but it is fair to argue that the Young Lords' collaborations with other leftist political groups forced the country to consider seriously the plight of its prisoners. Many of these deliberations set the stage for positive, enduring changes in prison policy.

—Gregory S. Scott

See also Alcatraz; Aryan Brotherhood; Aryan Nations; Attica Correctional Facility; Black Panther Party; Bloods; Crips; Gangs; Hispanic/Latino(a) Prisoners; Puerto Rican Nationalists; Race, Class, and Gender of Prisoners; Resistance; Riots; Violence

Further Reading

American Correctional Association. (1983). *The American prison: From the beginning . . . a pictorial history.* Laurel, MD: American Correctional Association.

Browning, F. (1970, October). From rumble to revolution: The Young Lords. *Ramparts,* pp. 19–25.

Chicago Police Department. (1967, April 17). Puerto Rican community: City of Chicago. *Investigator's Report.* (Available from the archives of the Chicago Historical Society).

Hutchison, R. (1988). The Hispanic community in Chicago: A study of population growth and acculturation. *Research in Race and Ethnic Relations, 5,* 193–229.

McKay, R. B. (Ed.). (1972). *Attica: The official report of the New York State Special Commission on Attica.* New York: Bantam.

McKelvey, B. (1977). *American prisons: A history of good intentions.* Montclair, NJ: Patterson Smith.

Oswald, R. G. (1972). *Attica: My story.* Garden City, NY: Doubleday.

Rieger, H. M. (1969). *Redeveloping Chicago's Lincoln Park area.* Unpublished doctoral dissertation, Southern Illinois University.

YOUTH CORRECTIONS ACT 1950

The U.S. Congress enacted the Youth Corrections Act (YCA) in 1950 during an era when the "rehabilitative ideal" was the main focus of the juvenile justice system. The act established a system for the treatment and rehabilitation of offenders under the age of 22 who were convicted of crimes in the federal system or in the District of Columbia. The main purpose of the legislation was to expand federal judges' sentencing discretion so that they could tailor punishment to the rehabilitative needs of individual young offenders. Juveniles who qualified under the guidelines usually had to have little or no criminal history, although certain mitigating circumstances could also be introduced. The intent was that YCA offenders would receive lesser sentences; would be kept apart from hardened criminals, either in prison facilities or on probation; and would receive training in job skills and life skills through work and academic programs, psychological counseling, and other rehabilitative programming.

The YCA guidelines established an indeterminate sentencing system for young offenders who were released from incarceration and/or probation supervision once they were determined to be rehabilitated. Beginning in the mid-1970s, when the overall philosophy and purpose of the criminal justice system shifted from rehabilitation to deterrence and incapacitation, the YCA came under attack. A rising fear of juvenile crime during the 1980s ultimately led to the repeal of YCA in 1984.

HISTORY

In 1948, the U.S. Congress passed the Federal Juvenile Delinquency Act, which provided funding for states to operate separate, specialized systems for juvenile offenders. This act was merely a formality and another indication of support for rehabilitation, as many states had already been operating separate systems for juvenile offenders.

During the 1940s and 1950s, juvenile justice research across the United States was focused on the "rehabilitative ideal." The American Law Institute, the national organization responsible for research on the criminal justice system, released a report titled "The Model Youth Correction Authority Act," which recommended indeterminate sentences for youth under a separate correctional authority. This model was based primarily on the English Borstal system of correctional programming, in which youth are housed separately from adult offenders and are provided with vocational and education training along with psychological treatment. The English Borstal system includes indeterminate sentencing, with youthful offenders being released once they are rehabilitated. The similarities between the English Borstal system and the YCA were quite evident.

LEGISLATIVE INTENT OF YCA

The legislative history of YCA indicates congressional concern with the disproportionate amount of crime committed by juveniles as compared with adults and with the high rates of recidivism for some juvenile offenders. The act sought to rehabilitate juveniles to prevent them from pursuing a life of crime.

Under YCA, a federal judge had several sentencing options: (1) to sentence the young offender to probation only; (2) to sentence the young offender to a rehabilitation program with an indeterminate sentence length not to exceed six years; (3) to sentence the young offender to a rehabilitation program with an indeterminate sentence length exceeding six years, but not exceeding the otherwise maximum sentence prescribed by law; and (4) after a thorough review of the risk posed by the offender and the benefit to be obtained from available programming, to sentence the young offender under standard adult provisions if the court found the young offender would not benefit from a rehabilitative sentence under YCA. However, the only criminal offenders explicitly excluded in YCA were those convicted of violent crimes while armed. Thus, potentially, a young offender with a first-degree murder charge could be sentenced under YCA and then released after a period much shorter than an adult sentence if the offender was determined to be rehabilitated.

In addition to the focus on rehabilitation in the sentencing provisions, legislators also wished to reduce the harmful effects on young offenders of being incarcerated with others who had more serious criminal histories. Thus the YCA required that young offenders sentenced under the proposed guidelines were to be segregated from more hardened career criminals. The best options were to keep YCA offenders in their own facilities, to place them in separate wings of general institutions, or simply to sentence them to probation programs in the community, where they were less likely to come into contact with more serious offenders.

Finally, legislators emphasized the rehabilitative ideal when they indicated that a YCA conviction would be automatically vacated, or "set aside," once a youthful offender was given a certificate of rehabilitation releasing him or her from correctional control. By including this automatic vacation of court conviction in the act's language, the legislators made clear their intent to offer YCA offenders a fresh start after rehabilitation by ensuring they would not have to endure the stigma of mistakes made in their youth.

CRITICISMS, APPEALS, AND REPEAL

Opponents criticized many aspects of YCA, from its legislative intent to aspects of its implementation in the criminal justice system. There were general complaints about lenient sentences and lack of protection for the community. There were also concerns about racial disparities and discrimination in the sentencing process. Critics cited widespread inequities in judges' discretionary sentencing under YCA as well as the disparate decisions made by criminal justice officials concerning when young offenders should be considered rehabilitated.

Many observers contended that offenders with long criminal histories were being sentenced under YCA, which, they argued, was not part of the original legislative intent. Victims' advocates argued that violent offenders were released under sentences much shorter than those they would have faced for the same charges under the adult criminal justice system. They also claimed that many YCA offenders had long criminal histories and frequently reoffended, suggesting that the act failed to protect community safety. Opponents from inside the system who were attempting to rehabilitate these YCA offenders complained that some of them showed no interest in the programming and were disruptive to those who were making attempts to reform themselves.

Supporters of YCA, however, contended that the program did protect community safety by rehabilitating offenders who otherwise may have turned to lives of crime due to the harmful effects of incarceration. They also argued that young persons should not have to cope with the label of *convicted offender* for the rest of their lives for mistakes they made in their nascent years. Some proponents claimed that failures to rehabilitate were the results of lack of proper funding of programs and of YCA offenders' being segregated from their natural support systems. In other words, as YCA offenders were segregated from adults, they were concomitantly segregated from contact with their families and other people of support in their lives; this placement so far away from their homes hindered their rehabilitation process.

Many appeals and much debate arose concerning the practice of expunging the criminal records of young offenders sentenced under YCA. Advocates for this strategy asserted that because the overall intent of YCA was to allow young offenders an opportunity to turn their lives around, expunging criminal records, and thus removing their stigmatizing effect, was just an extension of the overall YCA rehabilitative philosophy. Advocates contended that all records of young offenders' criminal offenses should be removed. Others, however, argued that the total removal of the records was more than the legislature intended; they asserted that an indication in the court record that the conviction was later "set aside" was enough to remove any harmful labeling effects.

CONCLUSION

Eventually, the opponents of YCA won. During federal legislative hearings in 1984, a package of

crime measures dealing with federal spending was proposed. In addition to the cost of rehabilitation programming, critics pointed to the growing rates of serious youth violence in the United States. They also noted that during 1976 almost 2,000 offenders were sentenced under YCA guidelines, and that the number had fallen to approximately 600 in 1983. The repeal package was passed rather quickly and easily, to the surprise of some supporters of YCA, who were unaware that repeal was part of the legislative hearings at the time.

Abandoning YCA changed the juvenile justice system in many ways. It both signaled the end of indeterminate sentencing and resurrected the process of dealing with young offenders in adult courts and institutions. Such changes have resulted in increasing numbers of young offenders serving their time in adult facilities. As a result, the repeal of YCA consolidated more punitive approaches to crime and justice, shifted the juvenile justice system away from the rehabilitative ideal, and made the treatment of young offenders more like that of adults.

—Darcy J. Purvis

See also Child Savers; Detained Youth and Committed Youth; Federal Prison System; Gerald Gault; Juvenile Detention Centers; Juvenile Justice System; Juvenile Offenders: Race, Class, and Gender; Juvenile Reformatories; *Parens Patriae*; Rehabilitation Act 1973, Rehabilitation Theory

Further Reading

Gottfredson, M. R., Chandler, M. A., & Cohen, L. E. (1983). Legal aim, discretion, and social control: A case study of the Federal Youth Corrections Act. *Criminology, 21,* 95–118.

Johnson, J. A. (2001, April). New York's new approach to juvenile rehabilitation services. *Corrections Today, 63,* 112–118.

Kane, T. R. (1985). *Impact of the Youth Corrections Act.* Washington, DC: National Institute of Justice.

Kane, T. R. (1987). Youth Corrections Act: An overview of research. *Federal Probation, 51*(1), 30–34.

Moon, M. M., Sundt, J. L., Cullen, F. T., & Wright, J. P. (2000). Is child saving dead? Public support for juvenile rehabilitation. *Crime and Delinquency, 46,* 38–60.

Ubah, C. B. A. (2002). Critical examination of empirical studies of offender rehabilitation–correctional education: Lessons for the 21st century. *Journal of Correctional Education, 53,* 13–19.

Appendix

Bureau of Prison Facilities, Alphabetical by State

Appendix

The following list includes the addresses, telephone numbers, and directions for traveling to the institutions of the federal prison system. I have also included, where possible, a brief description of work, education, recreation, medical services, religion, and prerelease courses available in each facility. The prisons are ordered alphabetically. The list is as complete as possible, although some of the more recent facilities are not included and some of the entries are more detailed than others.

Most of the information has been drawn from each institution's Admissions and Orientation booklets and from the Bureau of Prisons' Web page, www.bop.gov. Some details have been added from the 1999 edition of the *Alan Ellis Federal Prison Guidebook* (Ellis & Shummon, 1999). Others come from official reports, including the Bureau's annual publication *State of the Bureau*. I have also used architectural reports and accounts of visits by foreign observers. Because of space considerations, I do not specify the source of each detail. Because much of the information is based on documents that are themselves a few years old, it is inevitable that some of the courses, work options, and other details will have changed. In particular, the figures for the current population, which are taken from the Federal Bureau of Prisons' "Weekly Population Report" listed on their Web site for February 14, 2001, are just meant as a rough guide to overcrowding in each establishment.

FEDERAL PRISON CAMP ALDERSON

Address	Federal Prison Camp Alderson Glen Ray Road, Box B Alderson, WV 24910
Location	In the foothills of the Allegheny Mountains, 270 miles southwest of Washington, D.C., 12 miles south of Interstate 64, off State Highway 3. The area is served by airports in Lewisburg, Beckley, and Roanoke, Virginia. It is also served by Amtrak and by commercial bus lines.
Contact Numbers	Tel: 304-445-2901 Fax: 304-445-2675
Judicial District	Southern West Virginia
Security Level	Minimum
Male/Female	Female
Capacity	838
Current Pop.	858
Staff	191
History/Description	Opened in April 1927, Alderson was the first federal institution for women. Prisoners are housed in cottages and dormitories.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. There are six vocational training programs, all of which lead to outside certification or accreditation: accounting clerk, administrative clerk, clerk typist, horticulture, library assistant, and office management. There are also 12 apprenticeships: HVAC, baker, bricklayer, carpenter, computer peripheral operator, cook, dental assistant, electrician, landscape gardener, painter, plumber, and power house operator. The parenting program LIFT (Linking Inmate Families Together) is designed to help inmate mothers maintain family relationships. It has two main components: an education course and a children's center, adjacent to the visiting room, where inmates and children can spend weekend days together. There are also regular workshops about child development and family skills. College classes are available through Ashland Community College.

Work	Unicor textile factory
Recreation	Indoor and outdoor activities, including pool tables and weights
Drug Treatment	One of five national residential drug treatment programs for female offenders. Alderson also offers nonresidential drug treatment, drug education, and various prisoner groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visits are held Thursday through Monday from 8:00 a.m. to 3:15 p.m. Each month, inmates are given 10 visiting points. Weekday visits cost 1 point and weekend visits cost 3 points. There is a children's center for the weekend visits.
Religion	Two full-time chaplains, plus a contract rabbi and imam and a Native American sweat lodge.

FEDERAL CORRECTIONAL INSTITUTION ALLENWOOD (LOW)

Address	Federal Correctional Institution Allenwood (Low) P.O. Box 1500 White Deer, PA 17887
Location	Facility located 197 miles north of Washington, D.C., and 11 miles south of Williamsport, Pennsylvania, 2 miles north of Allenwood, on State Highway 15. The area is served by the Williamsport-Lycoming County Airport and by commercial bus lines.
Contact Numbers	Tel: 717-547-1990 Fax: 717-547-0342
Judicial District	Middle Pennsylvania
Security Level	Low
Male/Female	Male
Capacity	992
Current Pop.	1,387
Staff	217
History/Description	Opened in December 1992, this facility has a campus-style layout with dormitory-style housing. There are three separate compounds house plus a witness security unit (WITSEC). "Security is provided by the perimeter fence, detection system and armoured patrol vehicles. The units are arranged in two wings of 62 cubicles, each joined by central offices for the unit manager and staff, and a large multi-purpose room for inmate use" (Spens, 1994, p. 43).
Education	Education includes ABLE (Adult Basic Level Examination) testing, GED, ESL, adult continuing education, parenting, job search skills, and correspondence classes. The Education Department offers vocational training in drafting and computer as well as a dental assistant apprenticeship.
Work	Unicor furniture factory
Food/Commissary	Meals served cafeteria style with salad bar, drinks, and hot food. There is a coffee hour on weekends and holidays. Some food items can also be attained from the commissary. Inmate sales are made Monday through Thursday from 11:00 a.m. to 1:00 p.m. and from 4:30 p.m. to 7:30 p.m. Inmates may shop in the commissary once a week. Shopping days are determined by the last two digits of the five-digit section of the register number (e.g., in "12345-678," "45" would be the indicated number).
Recreation	Recreation includes softball, soccer, volleyball, and basketball leagues; handball courts, outdoor weight equipment, track, indoor weight/exercise area and squash ball court. The law and leisure libraries are open Monday through Saturday. There is also a Leisure Center with three music rooms, two art rooms (including ceramics, painting, and drawing), and card tables, open daily 12:45 p.m. through 8:30 p.m.
Medical	Sick call sign-up is held from 6:15 a.m. to 6:45 a.m. Monday, Tuesday, Thursday, and Friday, excluding holidays. All emergencies should be reported to a supervisor as quickly as possible; it is their responsibility to contact health services. All athletic injuries are to be reported to staff immediately. Failure to do so may result in disciplinary action.
Counseling	Individual counseling and crisis intervention are also available for personal/emotional problems and drug/alcohol abuse treatment.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

HIV/AIDS	Information on services related to HIV/AIDS will be provided by the Health Services staff during admission and orientation.
Gym	The gymnasium is closed during the summer months, though it will be open in inclement weather. No hard-sole shoes permitted on the gymnasium floor.
Visits	Visiting hours 8:00 a.m. to 3:00 p.m., Thursday through Sunday and federal holidays. Every calendar month each inmate is given 12 points. Each weekday visit costs 1 point, and each weekend or holiday visit costs 2 points.
Religion	There are two full-time chaplains as well as contract and volunteer representatives of different faiths.
Release Preparation	The Release Preparation Program offers classes and information seminars concerning the personal, social, and legal responsibilities of civilian life.

FEDERAL CORRECTIONAL INSTITUTION ALLENWOOD (MEDIUM)

Address	Federal Correctional Institution Allenwood (Medium) P.O. Box 2500 White Deer, PA 17887
Location	See Federal Correctional Institution Allenwood (Low)
Contact Numbers	Tel: 717-547-7950 Fax: 717-547-7751
Judicial District	Middle Pennsylvania
Security Level	Medium; administrative
Male/Female	Male
Capacity	839
Current Pop.	1,400
Staff	301
History/Description	Opened in August 1993. “Arranged radially around the western edge of the courtyard, the entries of the four housing units of the medium security compound, Federal Correctional Institution, focus to the centre of the space, effectively minimising hidden corners. The triangular shape of the housing units promote the Bureau’s desire for increased interaction between inmates and staff. An elevated officer’s station near the entry to the dayroom affords maximum visual supervision of cells, corridors, dayrooms and support spaces” (Spens, 1994, p. 42).
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There is also a vocational training course in carpentry.
Work	Unicor furniture factory
Food/Commissary	Commissary is open from Monday through Thursday after the 4:00 p.m. count. Prisoners may shop once per week.
Recreation	Recreation includes team sports, exercise, music, and crafts
Medical	Sick call is from 7:00 a.m. to 7:30 a.m. four times a week; 24-hour emergency care is available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:30 a.m. to 3:30 p.m. Thursday through Monday. Prisoners are entitled to five visits per month. There is a separate children’s room.
Religion	Two full-time chaplains and a contract rabbi who visits twice per month.

FEDERAL PRISON CAMP ALLENWOOD

Address	Federal Prison Camp Allenwood P.O. Box 1000 Montgomery, PA 17752
Location	Two hundred miles north of Washington, D.C., and 7 miles south of Williamsport, Pennsylvania. The area is served by the Williamsport-Lycoming County Airport and commercial bus lines.
Contact Numbers	Tel: 717-547-1641 Fax: 717-547-1504

Judicial District	Middle Pennsylvania
Security Level	Minimum
Male/Female	Male
Capacity	567
Current Pop.	734
Staff	121
History/Description	Opened in April 1952; this was originally Lewisburg camp, becoming independent in the mid-1970s. There are three housing units, two for the general population and one for prisoners in the Residential Drug Abuse Treatment Program.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, vocational training provided in horticulture (certified by the National Occupational Training Institution).
Work	Twenty-five job details, including a small Unicor warehouse. Requests to change jobs considered after a period of 45 days, 90 for Unicor.
Food/Commissary	Meals are served cafeteria style with the option of a soup and salad bar. Lunch is called according to detail assignment during the week. One piece of fresh, uncut fruit may be taken from the Food Service Department.
Recreation	Recreation includes weights, basketball, flag football, softball, tennis, handball/racquetball, soccer, boccie, volleyball, horseshoes, ping-pong, and billiards. Programs are offered in leather crafts, ceramics, and drawing/painting.
Medical	Sick calls are scheduled between 6:00 a.m. and 6:30 a.m. Monday, Tuesday, Wednesday, and Friday. If you become ill after this time, you should report to work and notify your supervisor, who will in turn notify Health Service for an appointment. New inmates who refuse medical examinations may be subject to disciplinary action. In a medical emergency you should report to your detail supervisor or a staff member on your unit. Dental services are available.
Counseling	Many counseling groups are offered, some facilitated by unit correctional counselors and others by the chief psychologist. Those given by correctional counselors include The Worried Well—Anxiety and Related Issues; Surviving Divorce: Fatherhood; Men's Issues, Eight Steps of Man, Relaxing Stress; Secrets to Successful Relationships; Depression; Adult Children of Dysfunctional Families; Men Are From Mars, Women Are From Venus; Keeping Love Alive; and Reclaiming Your Inner Child. Classes on Spirituality and Psychology, Anger Control, Psychology of Family Secrets, Empathy Groups for Inmates, and African American Cultural Issues are given by the chief psychologist. All groups are advertised on bulletin boards. There are also programs that deal with substance abuse and gambling addiction, as well as individual counseling.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting room hours are 8:00 a.m. to 3:30 p.m. on weekends and federal holidays and 5:00 p.m. to 10:00 p.m. Monday, Thursday, and Friday. Visitors may not arrive earlier than 15 minutes before the start of visiting hours and must arrive before the cutoff time. Visits are allocated on a point system, each inmate receiving 12 points each month. Weekend visits cost 2 points, weekdays cost 1, and visits on all federal holidays are free. Phones are available in the visiting room for visitors to arrange transportation. Arrangements can be made for handicapped visitors. Visits to inmates hospitalized in the community may be limited to immediate family members.
Religion	The Pastoral Care Department provides a number of services. They arrange for visits with members/leaders of various religious communities for inmates, provide greeting cards for inmates to send to family and friends, assist inmates in obtaining personal religious items, offer a religion library, and provide a bus service to the chapel before every religious service. The chaplain is also available for counseling and guidance.
Release Preparation	Visits relating to release preparation (i.e., with prospective employers, parole advisors, and sponsors) can be arranged and approved by the unit manager.

U.S. PENITENTIARY ALLENWOOD

Address	U.S. Penitentiary Allenwood P.O. Box 3500 White Deer, PA 17887

Location	See Federal Correctional Institution Allenwood (Low)
Contact Numbers	Tel: 717-547-0963 Fax: 717-547-6124
Judicial District	Middle Pennsylvania
Security Level	High
Male/Female	Male
Capacity	640
Current Pop.	1,085
Staff	356
History/Description	Opened November 1993. There are four housing units of two levels, with 16 cells per floor arranged around two sides of the central dayroom. In the third dayroom, recreational and counseling facilities block the units from views to the surrounding site. "The buildings of the U.S. Penitentiary form its inner security wall, the perimeter of which is completed by a continuous enclosed circulation corridor. The outer perimeter is secured by a double line of fencing with rolled barbed tape installed between the fences. A perimeter intrusion detection system is located at the inside fence and a road for patrol vehicles runs at the outside of the perimeter fence. Six guard towers, located near the corners of the security fence, maintain constant supervision over the facility and surrounding site" (Spens, 1994, pp. 41-42).
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. A private vendor offers college classes in the evenings. Vocational training in the building trades and fitness center management is available to help inmates acquire marketable skills.
Work	Unicor upholstery factory and institutional maintenance jobs (i.e., Food Service, unit orderly, maintenance shop).
Food/Commissary	Self-service meals that may include salad bars and special diet programs. Commissary is open on weekdays. Prisoners may shop once per week.
Recreation	Recreation includes intramural team sports such as softball, basketball, and volleyball as well as physical fitness and weight reduction programs. There are also arts and crafts programs, and musical instruments are available in the recreation area.
Medical	Sick call from 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Wednesday, and Friday. Emergency medical treatment is available 24 hours a day.
Counseling	Clinical psychologists are on staff to provide assessment and treatment for such problems as depression, anxiety, and interpersonal issues. Treatment is offered through individual and group psychotherapy.
Drug Treatment	Residential drug treatment program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 8:00 a.m. to 3:00 p.m. from Thursday through Monday. Inmates are allocated 8 points per month. Weekday visits cost 1 point, and weekend visits cost 2 points. There is a children's room available.
Religion	There are two full-time chaplains. Contract and volunteer personnel are available to represent a variety of faiths.

FEDERAL CORRECTIONAL INSTITUTION ASHLAND

Address	Federal Correctional Institution Ashland P.O. Box 888 Ashland, KY 41105-0888
Location	In the highlands of northeastern Kentucky, 125 miles east of Lexington and 5 miles southwest of Ashland. Off State Route 716, 1 mile west of U.S. 60.
Contact Numbers	Tel: 606-928-6414 Fax: 700-358-8552
Judicial District	Eastern Kentucky
Security Level	Low
Male/Female	Male

Capacity	662
Current Pop.	1,098
Staff	329
History/Description	Opened in September 1940. Housing ranges from dormitories to regular cell blocks.
Admission and Orientation	One week
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. College classes are also available though Ashland Community College and Ohio State University. Apprenticeships are offered in the following areas for one or two inmates at a time: auto body repairman, draftsman, auto mechanic, electrician, baker, machinist, cook, plumber, dental lab technician, powerhouse operator, bricklayer, steamfitter, carpenter, and painter. Vocational training programs are available in drafting, auto body, welding, auto mechanics, and woodworking.
Work	Inmates must stay on a job 90 days before requesting a new job. Work options include plumbing, painting, masonry, electrical work, cooking, baking, tailor, barber, and a Unicor furniture company.
Food/Commissary	Commissary is open on week nights. Shopping hours listed on unit.
Recreation	Recreation includes athletic and competitive activities plus weights, crafts, nutrition, and stress reduction.
Medical	Routine medical/dental care and nonemergency sick call sign-up is available Monday, Tuesday, Thursday, and Friday from 6:00 a.m. to 6:30 a.m. Health Department offers a Health Promotion Disease Prevention Program to raise awareness about health-related topics like smoking cessation, diets, stress management, exercise, and infectious diseases.
Counseling	There are three full-time psychologists and one drug treatment specialist for the Federal Correctional Institution and satellite camp. Psychology offers a range of services including evaluations, crisis intervention, personal development, and therapy.
Drug Treatment	Nonresidential program; 40-hour drug education, class; groups on relapse prevention, breaking barriers, values, and criminal thinking; and Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 8:00 a.m. to 3:15 p.m. Thursday through Monday.
Religion	Three full-time chaplains; a sweat lodge for Native Americans.

FEDERAL PRISON CAMP ASHLAND

Address	Federal Prison Camp Ashland P.O. Box 888 Ashland, KY 41105-0888
Location	Adjacent to Federal Correctional Institution Ashland
Contact Numbers	Tel: 606-928-6414 Fax: 700-358-8552
Judicial District	Eastern Kentucky
Security Level	Minimum
Male/Female	Male
Capacity	296
Current Pop.	275
History/Description	The camp opened in 1990. It is designed to hold nonviolent offenders. Prisoners are housed in dormitories.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. College classes are also available through Ashland Community College.
Work	Work assignments include Food Service, camp clinic orderlies, education clerks and orderlies, librarians, sanitation workers, camp maintenance, unit orderlies, camp chapel, camp recreation, camp driver, power plant, machine shop, Federal Correctional Institution front-entrance orderlies, administration building orderlies, and Unicor clerks and laborers in the warehouse.

Food/Commissary	Meals are served in the dining hall from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and from 3:00 p.m. to 4:45 p.m. during the week. On weekends and federal holidays, they are served at the same time except that brunch from 10:00 a.m. to 11:30 a.m. replaces lunch. Commissary is open on Tuesdays.
Recreation	The recreation building contains three pool tables, cable television, and exercise equipment. Each housing unit has card tables for playing board games and has cable television.
Medical	Emergency medical care is available at all times. Sick call is from 7:00 a.m. to 7:30 a.m. on Monday, Tuesday, Thursday, and Friday. Daily pill-line hours will be posted.
Counseling	There are three full-time psychologists and one drug treatment specialist for the Federal Correctional Institution and satellite camp.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays.
Religion	There is one full-time chaplain in the camp.
Other	No smoking in any indoor area.

FEDERAL PRISON CAMP ATLANTA

Address	Federal Prison Camp Atlanta 601 McDonough Blvd., S.E. Atlanta, GA 30315-0182
Location	Adjacent to U.S. Penitentiary Atlanta
Contact Numbers	Tel: 404-635-5100 Fax: 404-331-2137
Judicial District	Northern Georgia
Security Level	Minimum
Male/Female	Male
Capacity	488
Current Pop.	447
Staff	The camp administrator is the senior level staff member.
History/Description	The camp was opened in 1984 next to U.S. Penitentiary Atlanta. Housing is dormitory style with two-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, apprenticeships include electrician, plumber, and sewing machine mechanic.
Work	You must remain on your work assignment for 180 days before you will be considered for another one. Jobs available include bus cleaning detail, electric shop, air conditioning and refrigeration, barber, commissary orderly, dental clinic orderly, Food Service, laundry, unit orderly, plumbing, recreation detail, business office, quality assurance, education aide, and law library clerk. Prisoners may also work in the Unicor textile factory, although there is a long waiting list.
Food	Meals are served in the dining room from 6:00 a.m. to 7:00 a.m., from 10:30 a.m. to 12:00 p.m., and after the 4:00 p.m. count during the week. On weekends and holidays times are the same except brunch is served from 10:45 a.m. to 12:00 p.m.
Recreation	Recreation includes indoor and outdoor activities, such as physical fitness, weight reduction programs, basketball, and hobby crafts.
Medical	Medical sick call is from 7:00 a.m. to 7:15 a.m. Monday, Tuesday, Thursday, and Friday. Dental sick call is held on the same days from 7:00 a.m. to 7:30 a.m. Pill-line hours will be posted.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:00 a.m. to 3:30 p.m. on weekends and federal holidays. Prisoners are allowed up to three adult visitors at any one time.
Religion	One full-time chaplain is available.
Other	This is a nonsmoking facility. All smoking only in outdoor areas.

U.S. PENITENTIARY ATLANTA

Address	U.S. Penitentiary Atlanta 601 McDonough Blvd., S.E. Atlanta, GA 30315-0182
Location	In the southeast quarter of Atlanta, at the junction of Sawtell Avenue and McDonough Boulevard, off Interstate 20 (Exit 26) or Interstate 285 (Exit 39). Atlanta is served by the Hartsfield International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 404-635-5100 Fax: 404-331-2137
Judicial District	Northern Georgia
Security Level	High/administrative
Male/Female	Male
Capacity	2,007
Staff	713
Current Pop.	1,894
History/Description	This was the second federal penitentiary to be built in the United States; it opened in January 1902. It contains general housing units, a detention center, and a satellite camp. Housing varies from one-person cells to open dormitories. It is located about 15 minutes by taxi from the Atlanta airport.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, vocational training classes include barbering, custodial maintenance, cook, electrician, and plumber. Further information about the courses is available from the Education Department. The law library is open during nonworking hours, including weekends and holidays.
Work	Jobs include law library clerk, Food Services, mechanical services, institution hospital, education/recreation clerks and tutors, safety clerks, sanitation workers, housing unit orderlies, and a Unicor textile factory. The factory produces mailbags, battle dress uniforms, and mattresses. There is a waiting list.
Food/Commissary	Meals are served in the dining room from 6:00 a.m. to 7:00 a.m.; from 10:30 a.m. until finished; and after the 4:00 p.m. count during the week. On weekends and holidays, times are the same except brunch is served from 10:45 a.m. until finished. Prisoners are allowed to shop at the commissary once per week.
Recreation	Recreation includes indoor and outdoor activities such as team sports, physical fitness, and weight reduction programs, as well as music and hobby crafts.
Medical	Medical and dental sick call is from 6:00 a.m. to 7:00 a.m. on Monday, Tuesday, Thursday, and Friday in the dental clinic. Pill-line hours will be posted. Emergency medical care is available at all times.
Counseling	Counseling classes include stress management, anger management, and a 40-hour drug education program. Psychology Services also runs the 15-month CODE program (Challenge, Opportunity, Discipline, Ethics) for high-security offenders and "Living Free," in which prisoners are asked to review the costs and benefits of their lifestyle and develop a plan for positive change.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:30 a.m. to 3:00 p.m. on Monday, Thursday, Friday, weekends, and federal holidays. Even- and odd-numbered inmates will be allowed visiting privileges on alternate weekends. Each prisoner is allowed five visits per month. A maximum of four adults and three children will be allowed to visit at any one time. Smoking is not permitted in the visitors room.
Religion	There is an All Faiths Chapel.

FEDERAL CORRECTIONAL INSTITUTION BASTROP

Address	Federal Correctional Institution Bastrop Box 730 Highway 95 Bastrop, TX 78602

Location	Thirty miles southeast of Austin, 8 miles south of Elgin, and 8 miles north of Bastrop. Off Highway 95. The area is served by the Robert Mueller Municipal Airport in Austin (27 miles from the facility).
Contact Numbers	Tel: 512-321-3903 Fax: 512-304-0117
Judicial District	Western Texas
Security Level	Low
Male/Female	Male
Capacity	793
Current Pop.	1,299
Staff	272
History/Description	Opened August 1979; housing is in two-person rooms and dormitories. There is a separate Residential Drug Abuse Treatment Program housing unit.
Education	Education includes GED, ESL, adult continuing education and correspondence classes.
Work	Jobs include maintenance, Food Services, and Unicor textile factory and graphics/services.
Food/Commissary	Meals served in dining room. Prisoners may shop at the commissary twice per week.
Recreation	Recreation includes intramural sports and arts and crafts. Physical fitness and weight reduction programs are also offered. Musical instruments are available in the recreation area and may be used there only. Federal Correctional Institution Bastrop is a participant in the Artist-in-Residence Program, wherein professional artists are employed for 1 year in selected institutions to establish visual or performing arts programs and to pursue their own art forms in prison settings. The program is funded jointly by the Federal Bureau of Prisons and the National Endowment for the Arts.
Medical	Sick call is from 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday, except holidays. Emergency medical care is available at all times.
Counseling	Inmates have access to an on-site psychologist; a psychiatrist is available by appointment. There is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 8:00 a.m. to 3:00 p.m. Thursday through Monday.
Religion	Staff chaplains as well as contract and volunteer representatives of different faiths are available.
Pre-Release	Classes and information seminars are offered on the personal, social, and legal responsibilities of civilian life. Information sessions with U.S. Probation Officers, U.S. Parole Commission members, and other agencies and potential employers are available.

FEDERAL PRISON CAMP BASTROP

Address	Federal Prison Camp Bastrop Box 730 Highway 95 Bastrop, TX 78602
Location	Adjacent to Federal Correctional Institution Bastrop.
Contact Numbers	Tel: 512-321-3903 Fax: 512-304-0117
Judicial District	Western Texas
Security Level	Minimum
Male/Female	Male
Capacity	122
Current Pop.	155
History/Description	Housing is in open dormitories.
Education	Education includes GED, ESL, adult continuing education and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays.

FEDERAL CORRECTIONAL COMPLEX BEAUMONT (ADMINISTRATIVE)

Address	Federal Correctional Complex Beaumont (Administrative) P.O. Box 26015 Beaumont, TX 77720
Location	On the southeast Texas Gulf Coast, about an hour from Houston. Off U.S. 10. The street address is Route 4, Box 5000, Hebert Road, 77705. Beaumont is served by the Beaumont Port Arthur regional airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 409-727-8187 Fax: 409-626-3401
Judicial District	Eastern Texas
Security Level	Administrative
Staff	224
History/Description	The Federal Corrections Complex at Beaumont opened a series of facilities from 1996 to 1999. Beaumont's administrative facility provides various administrative services to the Beaumont Federal Correctional Complex. These include a business office, a personnel office, a training department, and a warehouse, as well as computer services, facilities, safety, and medical services operations.

FEDERAL CORRECTIONAL INSTITUTION BEAUMONT (LOW)

Address	Federal Correctional Institution Beaumont (Low) P.O. Box 26025 Beaumont, TX 77720-6025
Location	On the southeast Texas Gulf Coast, about an hour from Houston. Off U.S. 10. The street address is Route 4, Box 5000, Hebert Road, 77705. Beaumont is served by the Beaumont Port Arthur regional airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 409-727-8172 Fax: 409-626-3500
Judicial District	Eastern Texas
Security Level	Low
Male/Female	Male
Capacity	1,536
Current Pop.	1,946
Staff	203
History/Description	Opened in September 1996.
Admission and Orientation	Forty-hour A&O program begins the Monday after arrival. During the program, prisoners receive no visits
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are vocational training courses.
Work	Jobs include Food Services, maintenance, and Unicor textile factory. Unicor inmates are required to complete the Basic Diesel Engine Repair Vocational Training class.
Food/Commissary	Food is served during the week in the dining hall from 6:00 a.m. to 10 minutes after the last call, from 10.45 a.m. to 10 minutes after the last call, and after the 4:00 p.m. count clears to 10 minutes after the last call. On weekends and federal holidays, meal times are from 7:00 a.m. to 10 minutes after the last call and once the 10:00 a.m. count clears to 10 minutes after the last call. The evening meal will be served at the same time as on the weekdays. Commissary is open on weekday evenings.
Recreation	Indoor recreation facilities include an exercise room equipped with various aerobic exercise equipment, pool tables, ping-pong tables, television viewing areas, musical equipment, hobby craft opportunities (leatherwork, art, etc.), and various games. Outdoor facilities include softball fields, soccer field, outdoor basketball court, handball/racquetball court, volleyball court, and boccie ball courts.

Medical	Medical care is available 24 hours a day, 7 days a week, and is provided by the University of Texas Medical Branch (UTMB). Coverage includes basic and specialist medical, dental, optometry care. A patient may be taken into the community if a specialty consultation is needed, but routine sick call triage occurs each morning at 6:15 a.m. to 6:45 a.m. Monday, Tuesday, Thursday, and Friday, except on holidays, at the Health Services Unit (HSU). Inmates who become ill after the sick call triage period should request that their work supervisor or unit officer call the HSU for an emergency appointment. Inmates will not be seen without staff advising the Health Services Unit that an emergency exists. Inmates in the Special Housing Unit will be provided routine sick call once daily by a member of the Health Services staff.
Counseling	The Psychology Department offers a wide range of programs, some of which are similar to those available in a community mental health center. These include services for those having temporary adjustment problems as well as for those having more prolonged and serious mental disorders. The department has a therapy library with material in both English and Spanish. There are books, audiotapes, and videotapes available to inmates under a structured program. A number of 6-week and 12-week courses are offered, including Written Communications, Goal Setting and Time Management, Career Counseling (Basic and Advanced), Anger Management, Stress Management (Basic and Advanced), Transitional Services, 40-Hour Drug Education, Living Free, Verbal Communications, Psychological Wellness, Victim Empathy, Nonresidential Drug Program—Commitment to Change, Fathering Group, and Breaking Barriers. Many of these groups are run in English and Spanish. Psychiatric consultation for treatments involving prescription medication is available, if necessary, following assessment by a psychologist.
Drug Treatment	Residential Drug Abuse Program (RDAP), nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. Self-help books about drug and alcohol abuse are located in the Self Improvement Library. Transitional services for 500-hour drug abuse program graduates are provided by the Drug Treatment Specialists.
Gym	An indoor exercise room equipped with aerobic exercise equipment.
Visits	Visiting hours from 8:00 a.m. to 3:00 p.m. on Monday, Tuesday, Saturday, Sunday, and federal holidays and from 5:00 p.m. to 9:00 p.m. on Fridays. No visitors will be processed after 7:45 p.m., and all visitors will begin being processed out of the institution at 8:45 p.m. Inmates are given 12 points for visits each month, where visits on weekends or federal holidays cost 2 points and other visits only 1 point. No more than four adult visitors may visit at a time.
Religion	Two full-time chaplains.

FEDERAL CORRECTIONAL INSTITUTION BEAUMONT (MEDIUM)

Address	Federal Correctional Institution Beaumont (Medium) P.O. Box 26045 Beaumont, TX 77720-6045
Location	As above.
Contact Numbers	Tel: 409-727-0101 Fax: 409-720-5000
Judicial District	Eastern Texas
Security Level	Medium
Male/Female	Male
Capacity	1,152
Current Pop.	1,601
Staff	198
History/Description	Opened in January 1999. There are three unit teams that include 12 general population housing units.
Admission and Orientation	Inmates are given a case management and medical screening at the time of arrival. They should be immediately provided with a copy of the institution's rules and regulations, which include information on inmate rights and responsibilities. They should also be assigned to a specific unit team.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.

Work	Unicor textile factory.
Food/Commissary	Commissary times vary according to housing unit. Times are posted.
Medical	Federal Correctional Complex Beaumont Medical Services are provided by the University of Texas Medical Branch (UTMB). Medical sick call Monday through Friday 6:15 a.m. to 6:45 a.m. at the Health Services Unit (HSU). Emergency dental care can be signed up for in regular sick call. Routine dental care must be requested in writing. Emergency medical care is available at all times.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting room is nonsmoking.
Religion	Staff chaplains of specific faiths are available, as well as contract and volunteer representatives of other faiths. Special religious diets, holiday observances, and other worship activities are coordinated through the chaplain's office. Information about these programs is available from the chaplains.

FEDERAL PRISON CAMP BEAUMONT

Address	Federal Prison Camp Beaumont P.O. Box 26035 Beaumont, TX 77720-6035
Location	Adjacent to U.S. Penitentiary Beaumont
Contact Numbers	Tel: 409-727-8188 Fax: 409-626-3700
Judicial District	Eastern District of Texas
Security Level	Minimum
Male/Female	Male
Capacity	350
Current Pop.	281
History/Description	Opened in October 1997; housing is dormitory style.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 8:30 a.m. to 3:30 p.m. on weekends and federal holidays. No more than three adult visitors at any one time.

U.S. PENITENTIARY BEAUMONT

Address	U.S. Penitentiary Beaumont P.O. Box 26035 Beaumont, TX 77720-6035
Location	On the southeast Texas Gulf Coast, about an hour from Houston. Off U.S. 10. The street address is Route 4, Box 5000, Hebert Road, 77705. Beaumont is served by the Beaumont Port Arthur regional airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 409-727-8188 Fax: 409-626-3700
Judicial District	Eastern Texas
Security Level	High
Male/Female	Male
Capacity	960
Current Pop.	1,151
Staff	286

History/Description	Opened in April 1997. The prison has three units that contain a total of 12 different housing units containing double-bunked and single cells.
Admission and Orientation	The A&O program, held in the Education Department, should last for 2 weeks, during which time prisoners will be familiarized with the expectations and facilities of the prison. Incoming prisoners will be medically screened by University of Texas Medical Branch (UTMB), Galveston, Texas, staff. On arrival prisoners will be given an inmate account card that is necessary for the commissary, trust fund, and inmate telephone system. You must carry this card with you at all times.
Education	Education includes GED, ESL, adult continuing education, correspondence classes, and a variety of vocational training programs. A 6-month program in business and computers is offered by Lamar College.
Work	Unicor runs a battle dress uniform factory that is part of the Textile Group (Military). There is a long waiting list for this job.
Food/Commissary	During the week, meals are served at the following times: breakfast, 6:00 a.m. to 7:00 a.m.; lunch, 10:50 a.m. to 12:00 p.m.; and dinner, after the 4:00 p.m. count has cleared. On the weekends and holidays, breakfast is from 7:00 a.m. to 8:00 a.m. and lunch from 10:00 a.m., with dinner from 4:00 p.m. The commissary is open each Monday and Thursday from 10:45 a.m. until 12:45 p.m. for Open House, ITS sales, and access to the inmate photo credit machine only. Housing units will be permitted to shop at different times.
Recreation	Recreation includes arts and crafts as well as various forms of physical recreation. All recreation activities will normally open after the 4:00 p.m. count clears and will normally remain open until 8:30 p.m. Prior to the 4:00 p.m. count, inmates will be required to have an authorized pass with them.
Medical	Schedules for sick call will be posted. Emergency care is available at all times. Times for medication line (also called "pill line") will be posted at the hospital, housing units, and Education Department. Eyeglasses may also be requested.
Counseling	CODE (Challenge, Opportunity, Discipline, Ethics) for high-security offenders. There is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes.
Visits	Visiting hours from 8:00 a.m. to 3:00 p.m. Thursdays, Fridays, Saturdays, Sundays, Mondays, and federal holidays. No more than five visitors are allowed at any one time. Inmates receiving visits will be participating in a 36-point system, which translates to 36 points per month. During the weekday for every hour of visiting 1 point will be deducted. During weekends and holidays 2 points will be deducted for every hour of visitation.
Religion	Approved volunteers and contract clergy will, with the staff chaplain, offer a variety of religious services and counseling.
Release Preparation	Twelve to 18 months before release, a release preparation program will be offered by the Education Department.
Other	Incoming and outgoing mail will be read by staff. Telephones are available from 6:00 a.m. to 10:00 p.m., 7 days a week.

FEDERAL CORRECTIONAL INSTITUTION BECKLEY

Address	Federal Correctional Institution Beckley P.O. Box 1280 Beaver, WV 25813
Location	The city of Beckley is approximately 51 miles southeast of Charleston, West Virginia, and 136 miles northeast of Roanoke, Virginia. The institution's street address is 1600 Industrial Park Road. The area is served by airports in Charleston and Beckley and by Amtrak and commercial bus lines.
Contact Numbers	Tel: 304-252-9758 Fax: 304-256-4955
Judicial District	Southern West Virginia
Security Level	Medium

Male/Female	Male
Capacity	1,152
Current Pop.	1,646
Staff	349
History/Description	Opened January 1996; prisoners are housed in dormitories and in two- or three-person cells.
Admission and Orientation	At the end of the A&O program, prisoners will complete a 2-week institutional adjustment program known as BRAVE LITE. They will then be assigned to a job detail.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. Bluefield State College offers a number of vocational courses, including building, computer, and horticulture. Apprenticeships include carpentry, cook, dental assistant, and electrical maintenance.
Food/Commissary	Commissary is open from Monday through Thursday in the afternoons.
Work	Jobs include Food Service, barber, maintenance, orderly, and a Unicor upholstery factory that produces chairs.
Recreation	Recreation includes exercise bikes, team sports, and crafts. Musical instruments are also available.
Medical	Emergency medical care is available at all times. Sick line and pill-line hours will be posted.
Counseling	BRAVE (Beckley Responsibility and Values Enhancement), for those under 32 years of age, is a 6-month program designed to assess education needs, learning problems, and "social functioning." The course is designed to help individuals adjust to prison life and improve social skills. It was introduced after it was found that most of the participants involved in the 1995 prison disturbances were young men.
Drug Treatment	Residential Drug Abuse Treatment Program, as well as nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

FEDERAL PRISON CAMP BECKLEY

Address	Federal Prison Camp Beckley P.O. Box 1280 Beaver, WV 25813
Location	Adjacent to Federal Correctional Institution Beckley.
Contact Numbers	Tel: 304-252-9758 Fax: 304-256-4955
Judicial District	Southern West Virginia
Security Level	Minimum
Male/Female	Male
Capacity	269
Current Pop.	343
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There are also vocation courses in horticulture and apprenticeships in a variety of areas, including auto mechanics, baking, cooking, HVAC, horticulture, landscape gardening, and plumbing.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a variety of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

FEDERAL CORRECTIONAL INSTITUTION BIG SPRING

Address	Federal Correctional Institution Big Spring 1900 Simler Avenue Big Spring, TX 79720-7799
Location	Midway between Dallas and El Paso, on the southwest edge of Big Spring, at the intersection of Interstate 20 and U.S. Highway 80. The area is served by Midland/Odessa Airport, a small municipal airport, and commercial bus lines.

Contact Numbers	Tel: 915-263-6699 Fax: 915-268-6860
Judicial District	Northern Texas
Security Level	Low
Male/Female	Male
Capacity	506
Current Pop.	752
Staff	256
History/Description	Opened in June 1979. It was originally a federal prison camp, becoming a federal correctional institution in 1990.
Admission and Orientation	A 4-hour program upon commitment.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. The prison offers college-level courses using contract instructors from Howard College. Prisoners must cover their fees and maintain a 2.5 GPA. Vocational training courses are available in soldering (Unicor), commercial housekeeping, plumbing, building, masonry, electrical, HVAC, computer-aided drafting, and basic computer. Prisoners may also enroll in correspondence courses. The law library is open Monday through Friday and on Sundays. Hours will be posted. In addition, there is a leisure library and a Spanish library.
Work	Jobs include Food Service, maintenance, and a Unicor electronics factory that employs approximately 300 prisoners. There is a lengthy waiting list.
Food/Commissary	Meals are served in the dining room during the week from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and from 4:30 p.m. to the last call. On the weekends they occur from 6:30 a.m. to 7:30 a.m., from 10:30 a.m. until the last unit is called, and from 4:30 p.m. until the last unit is called. Commissary is open Tuesday through Friday once the 4:00 p.m. count clears until 6:30 p.m.
Recreation	Recreation includes basketball, softball, tennis, soccer, and flag football. There are also seven full-size pool tables, two ping-pong tables, three television rooms, quiet game room, music room, foosball table, and shuffleboard. Various hobby crafts are available, including ceramics, leatherwork, painting, knitting, and beadwork.
Medical	Sick call is from 6:00 a.m. to 6:30 a.m. on Monday, Tuesday, Thursday, and Friday. Prisoners with acute dental problems may sign up for dental care at the same time. Medication is distributed four times a day at various hours.
Counseling	The Psychology Department is located in the Sunset South Unit office complex.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Weights and aerobic equipment, including stationary bikes, rowing machines, step machines, and tread-wheels.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on the weekends and on federal holidays. Prisoners are allowed no more than five visitors, including children, at any one time.
Religion	There are two full-time staff chaplains, a contract Hispanic Protestant minister, a contract imam, and a large number of other volunteer ministers and lay people from various faith groups.
Other	Stamps or prestamped envelopes may not be sent in to prisoners.

FEDERAL PRISON CAMP BIG SPRING

Address	Federal Prison Camp Big Spring 1900 Simler Avenue Big Spring, TX 79720-7799
Location	Adjacent to Federal Correctional Institution Big Spring.
Contact Numbers	Tel: 915-263-6699 Fax: 915-268-6860

Judicial District	Northern Texas
Security Level	Minimum
Male/Female	Male
Capacity	144
Current Pop.	128
History/Description	Opened in 1992; prisoners provide labor force for other nearby prisons and local federal agencies.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Food/Commissary	Commissary is open on Tuesday and Thursday.
Medical	Sick call 6:00 a.m. to 6:30 a.m. on Sunday, Monday, Wednesday, and Thursday.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. Prisoners may have an unrestricted number of visits. There is a separate children's room available.
Religion	One full-time chaplain. Services are also offered in Spanish.

FEDERAL PRISON CAMP BORON

Address	Federal Prison Camp Boron P.O. Box 500 Boron, CA 93596
Location	In the Mojave Desert, 37 miles west of Barstow and 75 miles north of San Bernardino. On State Highway 395, 6 miles north of Kramer Junction. The area is served by airports in Ontario, San Bernardino, and Los Angeles, as well as by Amtrak and by commercial bus lines.
Contact Numbers	Tel: 619-762-6230 Fax: 619-762-5719
Judicial District	Central California
Security Level	Minimum
Male/Female	Male
Capacity	439
Current Pop.	526
Staff	104
History/Description	Opened in 1979, the facility is located in a former Air Force Radar Station. Housing is primarily dormitory style, with some two-person rooms.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, vocational training classes include autoCAD, carpentry, EMT, fire science, typing/word processing.
Work	There is a Unicor electronics factory.
Food/Commissary	Commissary is open in the evenings on Tuesday through Thursday.
Recreation	Recreation includes weights, team sports, games, music, and crafts.
Medical	Sick call 6:30 a.m. to 7:00 a.m., Monday, Tuesday, Thursday, and Friday.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes.
Visits	Visiting hours from 4:45 p.m. to 9:15 p.m. on Friday and from 7:15 a.m. to 3:15 p.m. on weekends and federal holidays. Each month prisoners are given 40 points; 1 hour of visit costs 1 point. There is a children's playroom and an outside playground.
Religion	One full-time chaplain and a contract rabbi and imam.

METROPOLITAN DETENTION CENTER BROOKLYN

Address	Metropolitan Detention Center Brooklyn 100 29th Street Brooklyn, NY 11232
Location	In the Sunset Park section of Brooklyn, one of the five boroughs of New York City. Brooklyn is served by LaGuardia, Kennedy, and Newark Airports; Amtrak (Pennsylvania Station); and commercial bus lines (42nd Street Port Authority).
Contact Numbers	Tel: 718-840-4200 Fax: 718-832-4225
Judicial District	Eastern New York
Security Level	Administrative
Male/Female	Male and female
Capacity	578
Current Pop.	2,457
Staff	286
History/Description	Opened January 1994.
Education	Education includes GED, ESL, adult continuing education, parenting, word processing, and correspondence classes. The parenting program for female offenders includes anger management, discipline, foster care, and coping with confinement.
Work	Inmates may apply for a limited number of paid work positions via a request to the correctional counselor.
Recreation	Recreation programs include indoor and outdoor activities and intramural sports. Physical fitness and weight reduction programs are also available.
Medical	Sick call: Monday, Tuesday, Thursday, and Friday beginning at 8:00 a.m.
Counseling	Unit staff members are available for informal counseling sessions and formal group counseling. Each unit has an assigned psychologist available to provide counseling and other mental health services. A contract psychiatrist is available by appointment.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 12:30 p.m. to 8:30 p.m. on Monday, Wednesday, Thursday, and Friday and from 7:30 a.m. to 3:30 p.m. on weekends and federal holidays. No more than three adults may visit at any one time and an unlimited number of children.
Religion	A full-time chaplain and rabbi are both available as well as contract and volunteer representatives of other faiths. There are many programs for Jewish prisoners. Information on religious programs is available from the chaplain and on unit bulletin boards.
Release Preparation	Standard classes. Only Unit 2 South.

FEDERAL PRISON CAMP BRYAN

Address	Federal Prison Camp Bryan P.O. Box 2197 1100 Ursuline Bryan, TX 77805-2197
Location	Ninety-five miles north of Houston and 165 miles south of Dallas. In the town of Bryan at the intersection of Ursuline Avenue and 23d Street. The area is served by Easterwood Airport in College Station, as well as by commercial bus lines.
Contact Numbers	Tel: 409-823-1879 Fax: 409-775-5681

Judicial District	Southern Texas
Security Level	Minimum
Male/Female	Female
Capacity	720
Current Pop.	667
Staff	153
History/Description	Opened in July 1989, the prison is located in a 37-acre compound. It is designed to hold short-term offenders with average sentences of 5 years or less.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there is a 1-year certificate program in information management from Blinn College. There is also a Parenting Program taught by bureau staff that offers eight areas of study including building self-esteem, developing trust, parenting from a distance, understanding your role as a parent, and the family unit. Inmates enrolled in parenting program engage in special art classes and other activities with children on the weekend in the children's center. Contact personnel and volunteers from Texas A & M University assist on weekend. In addition, there are five occupational training programs, all of which lead to outside certification or accreditation in business technology, computer aided drafting, computer refurbishing, cosmetology, and master gardener. Plus there is an apprenticeship program that leads to outside certification or accreditation in dental hygiene. Finally, law and leisure libraries are open 7 days a week. Hours will be posted.
Work	Jobs available include Food Service, orderlies and clerks in the medical department, facilities, librarians, clerks and teacher's aides in the Education Department, clothing dispensers and clerks in the clothing room, institutional maintenance, community details, and the Unicor distribution center, which employs approximately 60 to 80 inmates in production, assembly, warehouse, and distribution of products. There is a waiting list for Unicor.
Food/Commissary	Meals are served in the dining hall. Hours will be posted. The commissary is open from 4:30 p.m. to 7:30 p.m. from Monday to Thursday.
Recreation	Various indoor and outdoor activities, including weights, team sports, aerobics, arts and crafts, health and fitness, and special activities.
Medical	Sick call is from 7:15 p.m. to 7:45 p.m. on Sunday, Monday, Wednesday, and Thursday. The institution does not have 24-hour health services. Medication is dispensed three times a day. Hours will be posted. Dental sick call is available for anyone with an emergency. Hours are from 7:30 a.m. to 7:45 a.m. Monday, Tuesday, Thursday, and Friday.
Counseling	In addition to individual therapy and crisis intervention, frequent group offerings are available in managing stress, depression, and anger, controlling impulses, relationships, self-improvement issues, assertiveness, problems related to childhood abuse, and domestic violence.
Drug Treatment	One of five national residential drug treatment programs for female offenders. The program is based on cognitive-behavior therapy. The participants are taught that they are responsible for their own behavior and the choices they make. They learn skills to improve their ability to manage their lives and to prevent a relapse. Also available are a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:00 p.m. to 9:00 p.m. on Fridays and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. There is a children's center in the visiting room.

INTENSIVE CONFINEMENT CENTER BRYAN

Address	Intensive Confinement Center Bryan P.O. Box 2197 1100 Ursuline Bryan, TX 77805-2197
Location	Adjacent to Federal Prison Camp Bryan.
Contact Numbers	Tel: 409-823-1879 Fax: 409-775-5681
Judicial District	Southern Texas

Security Level	Minimum
Male/Female	Female
Capacity	132
Current Pop.	109
History/Description	The first and only female facility of this kind, activated in July 1992 as an alternative correctional setting for women. It is like a boot camp. During the 6-month program, prisoners are housed in two dormitories that are separate from the camp inmates. Participation is voluntary.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there is the same parenting program as at Federal Prison Camp Bryan (see above).
Work	One occupational training program: horticulture.
Other	This is a tobacco- and smoke-free institution.

FEDERAL CORRECTIONAL INSTITUTION BUTNER (LOW)

Address	Federal Correctional Institution Butner (Low) P.O. Box 999 Butner, NC 27509
Location	Near the Research Triangle area of Durham, Raleigh, and Chapel Hill, 5 miles off Interstate 85 on old Highway 75. The area is served by the Raleigh Durham Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 919-575-5000 Fax: 919-575-5023
Judicial District	Eastern North Carolina
Security Level	Low
Male/Female	Male
Capacity	992
Current Pop.	1,215
Staff	244
History/Description	Opened in January 1996.
Education	Education includes GED, ESL, adult continuing education, life skills, parenting, and correspondence classes. College courses through Vance Granville Community College are also available. Vocation courses include industrial sewing, office technology, and environmental housekeeping.
Work	Jobs include Food Service, maintenance, and Unicor graphics/services and a textile factory that makes shirts for the U.S. military.
Food	Food is served in a central dining area where staff, inmates, and visitors eat together.
Recreation	Recreation includes indoor and outdoor activity, weights, and crafts.
Drug Treatment	A nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	The gym has a separate weight-lifting area.
Religion	There is a small chapel next to a multipurpose auditorium into which it can be opened.

FEDERAL CORRECTIONAL INSTITUTION BUTNER (MEDIUM)

Address	Federal Correctional Institution Butner (Medium) P.O. Box 1000 Butner, NC 27509
Location	As above.
Contact Numbers	Tel: 919-575-4541 Fax: 919-575-6341

Judicial District	Eastern North Carolina
Security Level	Medium/Administrative
Male/Female	Male
Capacity	513
Current Pop.	883
Staff	367
History/Description	Opened in April 1976, it provides outpatient and psychiatric care within a medium-secure facility. The low-rise concrete buildings are located in a landscaped grassy area. There are six separate housing units. The housing areas include a dayroom and an indoor recreation area with a pool table (Home Office, 1985, pp. 41-42). The population is divided into eight different housing units, each of which is named after a regional university. Clemson, Georgia Tech, and Virginia hold general population; State and Wake Forrest hold the residential drug treatment program; Duke and North Carolina are chronic mental health units; and Maryland houses a special sexual offender component. Town hall meetings are held periodically in the housing units to make announcements and discuss changes in the policy and procedures of the unit.
Admission and Orientation	First 1 to 2 weeks.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are vocational classes such as HVAC, building, computers, and apprenticeship programs in baking, cooking, HVAC, and optics. College-level courses taught by contract instructors from nearby community or 4-year colleges. The prisoner must pay for his own college program, but the institution will try to help him obtain funding.
Work	Institutional maintenance jobs are usually the first job assignment for every incoming prisoner. These include work in Food Service or in maintenance. There is also a Unicor optics factory with a significant waiting list.
Recreation	Recreation includes arts and crafts and indoor and outdoor activities. Musical instruments are available in the recreation area.
Medical	Sick call is 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Emergency care is available at any time. There is a fully staffed mental health hospital. Controlled medication is distributed on daily pill line at various housing units depending on the prisoner's classification.
Counseling	Each unit has at least one psychologist. There are also a variety of volunteer-run programs. In addition, Duke and North Carolina housing units offer special assistance and counseling for those suffering chronic mental health problems, and Maryland Unit runs the 24-bed Sexual Offenders Treatment Program. Psychology services are also available to victims of sexual assault. The Habilitation Program deals with high-security inmates who have behavioral problems related to mental health issues and adjustment problems.
Drug Treatment	A 9-month Residential Drug Abuse Treatment Program is run by the Psychology Department in Duke and North Carolina housing units. This program is based on the idea of a therapeutic community. Prisoners participate in individual and group counseling and education that is offered by nine drug therapists in addition to regular unit psychologists. Also available are a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes. Also houses the law library.
Visits	Visiting hours are Monday, Thursday, and Friday from 1:00 p.m. to 8:00 p.m. and Saturday, Sunday, and federal holidays from 8:00 a.m. to 3:00 p.m. Each inmate is given 16 points a month. A weekday visit counts as 1 point. A visit on the weekend or on a holiday counts as 4 points. A maximum of three adults may be present at any one visit.
Religion	Three full-time chaplains plus a contract rabbi and a Native American sweat lodge.
Release Preparation	Staff will address concerns about readjusting to the community, education, and vocational opportunities. Prisoners may also be eligible for furloughs and placement in community corrections centers.

FEDERAL MEDICAL CENTER BUTNER

Address	Federal Medical Center Butner P.O. Box 1500 Butner, NC 27509
Location	As above.
Contact Numbers	Tel: 919 575 3900 Fax: 919 575 4801
Judicial District	Eastern North Carolina
Security Level	Administrative
Male/Female	Male
Capacity	128
Current Pop.	623
Staff	248
History/Description	Opened in 2000.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
HIV/AIDS	All hospital patients, inmates with known risk factors, and those approaching release will be tested for HIV. All other inmates are strongly encouraged to have a test upon entering the institution. A&O pack contains information about the test and about HIV/AIDS.

FEDERAL PRISON CAMP BUTNER

Address	Federal Prison Camp Butner P.O. Box 1000 Butner, NC 27509
Location	Adjacent to Federal Correctional Institution Butner (Medium).
Contact Numbers	Tel: 919-575-4541 Fax: 919-575-6341
Judicial District	Eastern North Carolina
Security Level	Minimum
Male/Female	Male
Capacity	296
Current Pop.	308
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	A nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

FEDERAL MEDICAL CENTER CARSWELL

Address	Federal Medical Center Carswell P.O. Box 27066 "J" Street, Building 3000 Fort Worth, TX 76127
Location	In the northeast corner of the Naval Air Station, Joint Reserve Base, 1 mile from Highway 183 and 3 miles from Interstate 30. The area is served by Dallas-Fort Worth Airport, the Fort Worth Transportation Authority, Amtrak, and commercial bus lines.

Contact Numbers	Tel: 817-782-4000 Fax: 817-782-4875
Judicial District	Northern Texas
Security Level	Administrative
Male/Female	Female
Capacity	402
Current Pop.	1,081
Staff	362
History/Description	Federal Medical Center Carswell opened in July 1994 and serves as a medical and psychiatric referral center for women. A variety of housing is available from one-person rooms to open dormitories. The institution also contains the bureau's only Administrative Unit for violent or dangerous female inmates.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there is vocational training in "automated office technology," which includes basic computer skills such as Word Perfect and Lotus Pro; an apprenticeship program; and a 6-month parenting course. Parenting topics include parenting skills, discipline, self-esteem, substance abuse education, prenatal care, parenting from a distance, and community social services. Inmates completing "parenting from a distance" phase may record themselves on video, reading books or telling stories for their children. Women enrolled in program are eligible to hold visits with their children in the Children's Center adjacent to visiting room.
Work	Jobs include cooks, bakers, salad preparers, dishwashers, and orderlies in Food/Commissary Service; orderlies, nursing assistants, and inmate helpers in the Medical Department; electricians, plumbers, cement finishers, masons, mechanics, painters, carpenters, drafters, laborers, clerks, and HVAC in the Mechanical Service; clerks in the business office and warehouse; librarians, clerks, and teacher's aides in education; clothing dispenser and clerks in the clothing room; clerks, housekeepers, recycling, and warehouse workers in safety; landscape workers and building orderlies in institution maintenance; clerks and orderlies in the chapel; and orderlies in Receiving and Discharge and in the housing units. There is also a Unicor graphics/services factory that employs data-entry clerks.
Food/Commissary	Meals are served cafeteria style in the main dining room at the posted times. The operating funds are limited to $2.73 per inmate each day to purchase all food and supplies. Commissary is open on Monday, Tuesday, and Thursday afternoon. Inmates' day to shop in the commissary is determined by the last two numbers of the first five digits of their register number.
Recreation	Recreation includes bingo, organized and informal sports, social activities, arts and hobby crafts, physical fitness, dancing, and aerobic activities. There are also special programs and holiday activities such as tournaments, music programs, and talent shows. Other general interest courses include health education, fitness, and wellness.
Medical	The Health Services staff will provide necessary medical, dental, and mental health services to the inmate population consistent with acceptable community standards. Emergency medical service is available 24 hours a day as well as annual breast exam and Pap smear. All inmates are tested for antibodies to German measles. If no antibodies are detected, or if low antibody levels are detected, the German measles vaccine will be offered to those inmates in childbearing age. Hepatitis B vaccine is offered to inmates working in Medical and Dental Services, Hairdressing, Food Service, and the Plumbing Shop. The pharmacy operates four pill lines daily for the administration of restricted medications and two pill lines for the dispensing of medications for self-administration.
Counseling	Psychology Services has organized its program for female offenders into four tracks similar to the organization of academic course work in a college setting. Inmates, in consultation with their unit team or on referral from mental health staff, may choose an organized series of group experiences that address their primary relevant issues. There are four tracks: Abuse Recovery, Addictions, Values, and Wellness. Carswell also runs a program called SHARE (Sharing Hope About Recovery Experiences) for women with histories of substance abuse, domestic violence, or sexual assault to contact young women "at risk" in the community to try to help them avoid similar problems and cope with trauma in their lives. Finally, Carswell has a 72-bed program called CHANGE (Choosing Healthy Alternatives and New Growth Experiences), which is designed for women to discuss childhood abuse, domestic violence, sexuality, spirituality, stress management, and wellness.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

HIV/AIDS	HIV testing is available upon request.
Visits	Visiting hours are from 5:00 p.m. to 9:00 p.m., Monday and Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. There is a children's center located in both the camp and in the main institution visiting rooms.
Religion	The Religious Services Department has three chaplains, contract clergy, and community volunteers. Chaplains are available for pastoral counseling. The department offers a religious reading and audio/visual library for inmate use. Free publications along with free greeting cards are available.
Release Preparation	A program of groups and classes offered to all inmates on a voluntary basis.
Other	Hygiene products are issued on the last Thursday of every month.

FEDERAL PRISON CAMP CARSWELL

Address	Federal Prison Camp Carswell P.O. Box 27066 "J" Street, Building 3000 Fort Worth, TX 76127
Location	Adjacent to Federal Medical Center Carswell.
Contact Numbers	Tel: 817-782-4000 Fax: 817-782-4875
Judicial District	Northern Texas
Security Level	Minimum
Male/Female	Female
Capacity	148
Current Pop.	181
History/Description	Housing is dormitory style, with two-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes, an occupational training program in office technology, and 15 apprenticeship programs, all of which receive outside certification: baker, bricklayer, carpenter, computer peripheral equipment operator, cook, dental assistant, dental laboratory technician, electrician, heating and air conditioning installation and repair, landscape gardener, nurse assistant, painter, plumber, power plant operator, welder combination.
Medical	Sick call from 7:00 a.m. to 7:30 a.m.; 24-hour emergency care.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:00 p.m. to 9:00 p.m. on Monday and Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. There is no restriction on the number of visits a prisoner may have. There is a children's center in the camp and in the main institution's visiting rooms.

METROPOLITAN CORRECTIONAL CENTER CHICAGO

Address	Metropolitan Correctional Center Chicago 71 West Van Buren Chicago, IL 60605
Location	In downtown Chicago, at the intersection of Clark and Van Buren Streets. It is served by Midway and O'Hare Airports, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 312-322-0567 Fax: 312-322-0565
Judicial District	Northern Illinois
Security Level	Administrative
Male/Female	Male and female

Capacity	411
Current Pop.	744
Staff	224
History/Description	Opened August 1975, it holds a number of different populations in one high-rise building.
Admission and Orientation	Inmates will be screened by psychology services and given a medical examination upon arrival.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Food/Commissary	Meals will be served on each unit. They will be delivered to the unit in a food cart. Certain over-the-counter medications are available for purchase at the commissary.
Recreation	Recreation includes various physical fitness courses and board games. Movies are also screened.
Medical	Twenty-four-hour coverage from physicians and physician assistants. Routine health care is provided through triage/sick call on Monday, Tuesday, Thursday, and Friday. Sign-up is from 6:00 a.m. to 7:00 a.m. Emergencies will be seen at any time. Emergency dental care is available to all inmates. Otherwise, you must sign up for dental sick call and have your problem evaluated.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours vary; contact institution. Inmate may have 10 adults on visiting list who must be approved by the prison. A maximum of four may visit at any one time.
Religion	One full-time chaplain who offers services and counseling as well as a contract rabbi and a Native American sweat lodge.
Release Preparation	Inmates who are within 1 year of their release will attend an institutional prerelease program. The program includes speakers from community corrections, education, the unit team, U.S. Probation, and the Inmates System Department.

FEDERAL CORRECTIONAL COMPLEX COLEMAN (ADMINISTRATIVE)

Address	Federal Correctional Complex Coleman (Administrative) 868 N.E. 54th Terrace Coleman, FL 33521-8999
Location	In central Florida, approximately 50 miles northwest of Orlando, 60 miles northeast of Tampa, and 35 miles south of Ocala. The complex is located south of the town of Coleman, off Highway 301 on State Road 470 in Sumter County.
Contact Numbers	Tel: 352-330-3003 Fax: 352-330-0653
Judicial District	Middle Florida
Security Level	Administrative
Staff	201
History/Description	Opened in October 1995. The Federal Correctional Complex, Coleman, Florida, consists of five components: high-, medium-, and low-security institutions, a satellite camp, and an administrative area housing shared services departments. Each component operates under the direction of its respective warden, who acts in conjunction with the others when making decisions that affect the overall complex. Federal Correctional Complex Coleman's administrative facility provides various administrative services to the Coleman Federal Correctional Complex. These include a centralized business office, personnel office, training center, and warehouse, as well as Federal Prison Industries and other basic services.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there are vocational training and apprenticeship programs in culinary arts, baking, heating/air conditioning, landscaping, and electrical (based on needs of community workforce). Law and leisure libraries open 12:00 p.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 3:30 p.m. on Sunday.
Work	Work opportunities and training are available in Food Service, Mechanical Services, Health Services, Education Department (librarian, teacher's aide, etc.), clothing room (laundry, shipping and receiving), maintenance (painting, landscaping), and Unicor.

Food	Meals are served during the week in the dining room from 6:00 a.m. to 7:00 a.m. at a lunch time designated by a work supervisor and after the 4:00 p.m. count clears. On the weekend the hours are from 7:00 a.m. to 8:00 a.m. and from 10:45 a.m. to 11:45 a.m., with dinner at the same time as weekdays.
Recreation	Indoor and outdoor activities, including hobby craft, basketball, softball, soccer, and handball. Other activities such as music practice and card and games room are also available. There is a fitness area with stationary bikes and step machines.
Medical	Sick call is from 7:00 a.m. to 7:10 a.m. Monday, Tuesday, Thursday, and Friday. Dental sick call is on Tuesdays and Thursdays.
Counseling	Individual and group counseling are available through Psychology Services. There is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 8:15 a.m. to 3:15 p.m. Saturday, Sunday, and holidays.
Religion	Facilities for worship services, prayer and study areas, and a religious library are available. Full-time chaplains are on staff, and arrangements can be made for community volunteers of various faiths to visit.

FEDERAL CORRECTIONAL INSTITUTION COLEMAN (LOW)

Address	Federal Correctional Institution Coleman (Low) 868 N.E. 54th Terrace Coleman, FL 33521-8999
Location	As above
Contact Numbers	Tel: 352-330-3100 Fax: 352-330-0259
Judicial District	Middle Florida
Security Level	Low
Male/Female	Male
Capacity	1,536
Current Pop.	2,065
Staff	203
History/Description	The chief executive office of Federal Correctional Complex Coleman is the warden of Federal Correctional Institution Coleman (low security). Housing is dormitory style with two-person cubicles.
Admission and Orientation	Inmates will receive a medical examination 7 to 14 days after their arrival.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are apprenticeship programs and vocational training programs in business education, building maintenance (sanitation), building trades, culinary arts, and drafting.
Work	Upon completion of the admissions and orientation program, all inmates are assigned to a mandatory 90-day work detail according to the institution's needs at the time. There is a Unicor metals factory that produces furniture.
Food/Commissary	Meals are served cafeteria style. The commissary is located adjacent to the dining area.
Recreation	Recreation includes exercise yard, hobby craft center, music center, and art center plus leisure center with pool tables, hobby craft area, and a wellness research area. There is also a card and game room. The recreation yard includes flag football/soccer field, eight handball/racquetball courts, four basketball courts, four horseshoe pits, a jogging track of 1 mile, and a compound walking track. Recreational activities include but are not limited to handball, volleyball, pinochle, soccer, softball, backgammon, flag football, boccie ball, chess, basketball, dominoes, gin rummy, racquetball, shuffleboard, kickball, and badminton. Classes are offered in art, drums, wellness program, leatherwork, classical guitar, crochet, orchestra music, beadwork, accordion, and piano.

Medical	Sick call sign-up is 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday, excluding holidays. Emergencies will be seen at any time. Dental services and optometrist available.
Counseling	Individual counseling, group counseling, psychological assessment, psychiatric consultation, crisis intervention, AIDS counseling, drug treatment, Alcoholics and Narcotics Anonymous.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. The "Choice and Change" course is mandatory for those inmates sentenced after September 1991 in whose offense alcohol or other drugs played a role.
Visits	Visiting hours are from 1:00 p.m. to 8:00 p.m. Monday, Thursday, and Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Inmates are allowed visits on a point system. On the first day of each month, each inmate is given 4 points. Monday, Thursday, and Friday visits are worth 0 points; weekend and holiday visits are worth 1 point. Unused visiting points will not be carried over to the next month. Inmates are allowed four adult visitors and unlimited children in the visiting room. Seating for children may be limited.
Religion	Three full-time chaplains who offer pastoral care. Religious medallions, greeting cards, religious books, and a special religious diet called "Common Fare" are all offered through the Pastoral Care Department.
Complaints	No compensation for work-related injuries resulting in physical impairment shall be paid prior to an inmate's release.
Other	Upon arrival at Federal Correctional Complex Coleman-Low, each inmate is given an identification card. This identification card must be in the possession of the inmate at all times when outside of his housing unit. Inmates without identification cards are subject to being issued an Incident Report. The only exception is during the day when an inmate exchanges his commissary card for a recreation pass from his respective unit officer.

FEDERAL CORRECTIONAL INSTITUTION COLEMAN (MEDIUM)

Address	Federal Correctional Institution Coleman (Medium) 811 N.E. 54th Terrace Coleman, FL 33521-8997
Location	As above.
Contact Numbers	Tel: 352-330-3200 Fax: 352-330-0552
Judicial District	Middle Florida
Security Level	Medium
Male/Female	Male
Capacity	1,146
Current Pop.	1,655
Staff	239
History/Description	Opened in January 1996; housing in two-person cells.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, vocational training courses are available in drafting, blueprint reading, and building maintenance/sanitation. Recent adult continuing education classes have included basic computer skills and typing.
Work	There is a Unicor furniture factory where prisoners laminate wood surfaces.
Food/Commissary	Meals are served in the dining room from 6:15 a.m. to 7:15 a.m., from 11:00 a.m. to 12:00 p.m. and from 4:30 p.m. to 5:30 p.m. during the week. On the weekend they are served from 6:15 a.m. to 7:15 a.m., from 10:45 a.m. to 12:00 p.m., and from 4:30 p.m. to 5:30 p.m. The commissary is open Monday through Thursday. Certain items, including stamps and over-the-counter medication, do not affect the spending limit per month. Prisoners may only shop once a week.
Recreation	Recreation yard, hobby craft, and music center.
Medical	Sick call 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Medication is distributed three times a day. Hours will be posted.

Counseling	A 6-month Skills Building Program for prisoners with cognitive and social learning needs.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:15 a.m. to 3:15 p.m., Thursday through Monday and federal holidays. Prisoners are given 2 visiting points a month. Visits on the weekend cost 1 point each; visits on Monday, Thursday, Friday, or a federal holiday cost 0 points.

FEDERAL PRISON CAMP COLEMAN

Address	Federal Prison Camp Coleman 811 N.E. 54th Terrace Coleman, FL 33521-8997
Location	As above.
Contact Numbers	Tel: 352-330-3200 Fax: 352-330-0552
Judicial District	Middle district of Florida
Security Level	Minimum
Male/Female	Female
Capacity	384
Current Pop.	388
Staff	251
History/Description	Prisoners are housed in dormitories in separate units. Each unit has a number of appliances for inmate use, including washers, dryers, televisions, and microwave ovens as well as clothing irons, hair dryers and curling irons, etc.
Admission and Orientation	A&O is a 1-day program. Arriving inmates will complete intake and medical screening forms. New arrivals should receive a full physical examination within 14 days of arrival.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there are vocational training and apprenticeship programs. Vocational training programs include culinary arts, baking, heating/air conditioning, landscaping, and electrical. In addition there are 16 apprenticeship programs: baker, cement mason, computer operator, cook, cook (hotel and restaurant), dental assistant, drafter, electrician, heating and air conditioning, horticulture, housekeeping, land management technician, landscape technician, painting, plumbing, and small engine repair. The Parenting Program helps increase the self-esteem of parents and children, communication skills, parenting influence on behavior, types of parents, and children with parents in prison. The course is taught by contract workers from Parent and Children Together, Inc. (PACT). The Law and Leisure Library is open from 12:00 p.m. to 8:00 p.m. Monday through Friday, from 12:00 p.m. to 8:00 p.m. on Saturday, and from 12:00 p.m. to 3:30 p.m. on Sunday.
Work	Unicor operates a distribution center at Coleman Camp.
Food	Meals are served in the dining room during the week from 6:00 a.m. to 7:00 a.m., from 10:45 a.m. to 12:00 p.m., and from 4:30 to 5:00 p.m. On weekends and holidays the dining hours are 7:00 a.m. to 8:00 a.m., from 10:45 a.m. to 11:45 a.m., and from 4:30 p.m. to 5:00 p.m. Prisoners will eat with others from own housing unit in a rotating order. Shopping hours in the commissary are posted on the directory at the front entrance. Prisoners are allowed a maximum of 60 stamps.
Recreation	Recreation includes various arts and crafts, intramural sports, and musical instruments. A hair care room is available with equipment for hair care, including hot combs and curling irons. No hair extensions are allowed. Sunbathing is permitted on the west side of the housing unit only from 4:00 p.m. during the weekdays and all day on weekends and holidays. Prisoners are authorized to wear shorts and sports bras while sunbathing. Television is permitted until 2:30 a.m., although after 10:30 p.m. the volume must remain low.
Medical	Medical sick call is from 7:00 a.m. to 7.10 a.m. Monday, Tuesday, Thursday, and Friday. Only emergencies and appointments will be dealt with at other times. Dental emergencies will be handled through sick call appointments. Glasses may be prescribed and will normally take 6 to 8 weeks to arrive.

Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 8:15 a.m. to 3:15 p.m. on weekends and federal holidays. There is a separate children's room with a television and books. Prisoners are allowed no more than five visitors at any one time.
Release Preparation	Release courses are offered in two segments, the first by several departments within the prison and the second within your unit. The release program should prepare you for the transition back to the community.
Other	Inmates are not permitted to give one another manicures or pedicures. The A&O pack specifies that "you are not allowed to be nude at any time and that includes when you are sleeping." Smoking is forbidden in all units. Those who wish to smoke may only do so outside. Prisoners at Coleman Camp who have immediate family members in other correctional facilities may call them every 90 days if they have a "good" responsibility and clear conduct for 6 months.

FEDERAL CORRECTIONAL INSTITUTION CUMBERLAND

Address	Federal Correctional Institution Cumberland 14601 Burbridge Road, S.E. Cumberland, MD 21502-8771
Location	In western Maryland, 130 miles northwest of Washington, D.C., 6 miles south of Interstate 68, off State Route 51 South. The area is served by the Cumberland regional airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 301-784-1000 Fax: 301-784-1008
Judicial District	Maryland
Security Level	Medium
Male/Female	Male
Capacity	768
Current Pop.	1,084
Staff	305
History/Description	Opened March 1995; facility has eight housing units with two- and three-person cells.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition there is an associate's degree program in business through Allegheny College and a vocational training program in carpentry. Flyers are posted regarding new educational activities.
Work	Work includes Food Service, facilities, and a Unicor graphics/services factory that provides hands-on industrial training.
Food/Commissary	Meals are served in the dining room. A salad bar is available at lunch and dinner meals. Menus will be posted on bulletin boards in both entryways to Food Service and in the housing units.
Recreation	Recreation includes indoor and outdoor activities ranging from individualized art and craft programs to intramural team sports such as baseball, basketball, and volleyball. Weight reduction programs are also offered, and musical instruments are available for inmate use.
Medical	Requests to see the doctor should be made by cop-out. Sick call sign-up is Monday, Tuesday, Thursday, and Friday from 6:30 to 7:00 a.m.
Counseling	Psychology Services Department is open Monday through Friday from 7:30 a.m. to 4:00 p.m. on appointment basis only. Services provided include individual counseling, crisis intervention, drug and alcohol treatment, and special group programs. Among the group programs offered, the lifestyle and values program "The Price of Freedom" will be offered several times per year.
Drug Treatment	There is a drug abuse counselor who should be contacted by cop-out by those who wish to participate in the program. There is a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

HIV/AIDS	An HIV-education program for inmates is available periodically. HIV information is also available through Medical Services. You must have a current HIV test to be released on furlough, to a halfway house, on parole, etc.
Religion	Staff chaplains, as well as contract and volunteer representatives of other faiths, are available to inmates.

FEDERAL PRISON CAMP CUMBERLAND

Address	Federal Prison Camp Cumberland 14601 Burbridge Road, S.E. Cumberland, MD 21502-8771
Location	Adjacent to Federal Correctional Institution Cumberland.
Contact Numbers	Tel: 301-784-1000 Fax: 301-784-1008
Judicial District	Maryland
Security Level	Medium
Male/Female	Male
Capacity	256
Current Pop.	255
History/Description	Opened 1994; prisoners are housed in dormitories with two-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Medical	As above.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

FEDERAL CORRECTIONAL INSTITUTION DANBURY

Address	Federal Correctional Institution Danbury Route 37 Danbury, CT 06811-3099
Location	In southwestern Connecticut, 70 miles from New York City, 3 miles north of Danbury on State Route 37. The area is served by Westchester County Airport (45 minutes away), New York City airports (90 minutes away), and commercial bus lines. Local taxi service is also available.
Contact Numbers	Tel: 203-743-6471 Fax: 203-312-3110
Judicial District	Connecticut
Security Level	Low
Male/Female	Female
Capacity	508
Current Pop.	1080
Staff	307
History/Description	Opened August 1940.
Admission and Orientation	One week, physical examination and educational, vocational, and psychological tests.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there are five vocational training programs, all of which lead to outside accreditation or certification: business management, business vocational training, horticulture, building trades, and culinary arts. There are also seven apprenticeship programs, all of which receive outside accreditation or certification: carpenter, cook, dental assistant, electrician, painter, stationary engineer, and tool machine setup operator.

Work	Unicor electronic cable factory.
Food/Commissary	Meals are served from 6:15 a.m. to 7:15 a.m. at a time designated by work supervisor and after the 4:00 p.m. count (approx. 4:30 p.m.) during the week. Dorms are called on a rotating basis, based upon the safety and sanitation rating of each unit. On weekends and federal holidays, the times are from 7:15 a.m. to 7:45 a.m. and from 10:30 a.m. to 11:45 a.m., with dinner the same as weekdays.
Recreation	Recreation Department includes a gymnasium, a multipurpose room, and an outdoor recreation yard. Activities may include, but are not limited to, intramural team sports (basketball, softball, soccer, volleyball), physical fitness and weight reduction programs, calligraphy, aerobics, yoga, weight training, jogging, brisk walking, basketball, soccer, board games, bingo, live band, special emphasis programs (Black History Month), and holiday tournaments. Recreation handbooks provide an overview of all programs and sign-up procedures. Suggestions for new activities are welcomed.
Medical	Sick call sign-up is Monday, Tuesday, Thursday, and Friday from 6:30 a.m. to 7:00 a.m.
Counseling	The BRIDGE program is a residential program designed to assist inmates in recovery from trauma related to sexual, physical, or psychological victimization. There is also a 9-month nonresidential course called "New Pathways" that addresses coexisting disorders such as substance abuse and trauma along with other issues like incest, eating disorders, and domestic violence.
Drug Treatment	One of five national residential drug treatment programs for female offenders. Program is based on cognitive-behavior therapy. The participants learn that they are responsible for their own behavior and the choices they make. They learn skills to improve their ability to manage their lives and to prevent a relapse. There is also a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	Blood tests for HIV/AIDS may be done on a voluntary basis. You will be counseled before giving blood and again upon receipt of test results.
Visits	Special room for visiting activities with children. Visiting is weekly, using inmate volunteers and family literacy volunteers from the community.
Religion	Two full-time chaplains for camp and main institution.
Release Preparation	"Career Expo," in which local business people volunteer to meet with inmates, is part of the release preparation program. Special emphasis is placed on resume writing and job interview skills.

FEDERAL PRISON CAMP DANBURY

Address	Federal Prison Camp Danbury Route 37 Danbury, CT 06811-3099
Location	Adjacent to Federal Correctional Institution Danbury.
Contact Numbers	Tel: 203-743-6471 Fax: 203-312-3110
Judicial District	Connecticut
Security Level	Minimum
Male/Female	Female
Capacity	178
Current Pop.	255
History/Description	Federal Prison Camp Danbury is situated to the north of the main institution. Prisoners are free to move outside the camp during daylight and evening hours within specific boundaries. Prisoners are housed in dormitories.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. There is also a vocational training computer program. The law library is open until 9:00 p.m. 7 days a week.
Work	Jobs available include outside electric shop, outside plumbing shop, outside construction shop, grounds maintenance, outside maintenance, Food Service, Food Service warehouse, outside warehouse, garage, camp and lobby orderly, education aide, recreation aide, law library clerk, town trip driver, and Unicor warehouse.

Food/Commissary	Meals are served in the dining room from 6:15 a.m. to 7:15 a.m., from 11:00 a.m. to 12:00 p.m. and after the 4:00 p.m. count clears to 5:15 p.m. Shopping hours at the commissary are Monday and Tuesday evenings immediately after the 4:00 p.m. count clears.
Recreation	A beauty salon for inmate use is open during evening hours on weekdays and during the day and evening on weekends and holidays.
Medical	Medical and dental sick call is from 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Medication is dispensed at various times. Hours will be posted.
Counseling	The camp has one full-time psychologist.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 12:30 p.m. to 8:00 p.m. on Thursday and Friday and from 8:30 a.m. to 3:00 p.m. on weekends and federal holidays. There are special visiting facilities for children. See above.
Religion	Two full-time chaplains for camp and main institution.
Other	Feeding birds or other wildlife is prohibited. Smoking is restricted to one designated area outside. It is forbidden anywhere inside the building.

FEDERAL MEDICAL CENTER DEVENS

Address	Federal Medical Center Devens 42 Patton Road Devens, MA 01432
Location	Forty miles northeast of Boston. Route 2 runs through the area and is the main artery for East/West travel. Take exit 37B off route 2 and proceed out Jackson Road to Patton Road.
Contact Numbers	Tel: 978-796-1000 Fax: 978-796-1118
Judicial District	Massachusetts
Security Level	Administrative
Male/Female	Male
Capacity	986
Current Pop.	1,110
Staff	344
History/Description	Opened January 1999. Housing is in dormitories.
Admission and Orientation	One week. During the admissions process, all prisoners should receive a dental examination.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. There are also various vocational training courses available, plus a law library and a leisure library.
Food/Commissary	Meals will be served in the dining room from 6:15 a.m. to 7:15 a.m., from 11:00 a.m. to 11:30 a.m., and after the 4:00 p.m. count clears during the week. On the weekend, meals will be served from 7:00 a.m. to 8:00 a.m., after the 10:00 a.m. count clears, and after the 4:00 p.m. count clears. Prisoners may shop at the commissary once a day. Stamps are excluded from the monthly spending limit.
Recreation	Recreation includes indoor and outdoor activities.
Medical	The Health Services Department has inpatient and outpatient services. There is also a dialysis unit. On-site medical care is available 7 days a week. Sick call occurs from 6:45 a.m. to 7:15 a.m. Monday, Tuesday, Thursday, and Friday. Times for pill line will be posted.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	The HIV blood test may be requested by a prisoner on a voluntary basis or will be drawn prior to receiving the measles, mumps, rubella (MMR) vaccine.
Gym	A multipurpose recreation room.

Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. Thursday through Sunday. Prisoners will receive 12 visiting points a month. Weekday visits cost 1 point, and weekend visits cost 2 points. Prisoners may receive a limit of five people, including children, on a visit at any one time.
Religion	Prisoner visitation and support, religious counseling.
Release Preparation	Release preparation program is administered in two parts by the education department and by the unit team.

FEDERAL PRISON CAMP DEVENS

Address	Federal Prison Camp Devens 42 Patton Road Devens, MA 01432
Location	As above.
Contact Numbers	Tel: 978-796-1000 Fax: 978-796-1118
Judicial District	Massachusetts
Security Level	Minimum
Male/Female	Male
Capacity	124
Current Pop.	109
History/Description	Opened October 1998; housing is in open dormitories
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes.
Medical	Sick call occurs from 6:15 a.m. to 6:30 a.m. Monday, Tuesday, Thursday, and Friday. There is 24-hour emergency care.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 12:30 p.m. to 8:00 p.m. on Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays.

FEDERAL CORRECTIONAL INSTITUTION DUBLIN

Address	Federal Correctional Institution Dublin 8th Street—Camp Parks Dublin, CA 94568
Location	Twenty miles southeast of Oakland. Off Interstate 580 (Hopyard/Dougherty Road exit, proceed east to the Camp Parks Army Base). The area is served by the San Francisco and Oakland airports and by commercial bus lines.
Contact Numbers	Tel: 510-833-7500 Fax: 510-833-7599
Judicial District	Northern California
Security Level	Low: administrative
Male/Female	Female and male
Capacity	810
Current Pop.	1,074
Staff	275
History/Description	Opened in July 1974; originally called Federal Correctional Institution Pleasanton.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there are three vocational training programs, all of which lead to outside certification or accreditation: business, business accounting, and computer repair. There is also a dental assistant apprenticeship. The parenting program for female inmates is offered three nights a week in Spanish

	and English. Classes deal with issues such as family relationships, household management, sex education, parenting, literacy skills, birth control, AIDS, self-esteem, personal responsibilities as a parent, and self-discipline. This class is also offered at the satellite camp.
Work	There is a Unicor textile factory, a Unicor furniture factory, and a Unicor graphics/services factory that does data processing.
Food/Commissary	Meals are served in the dining hall during the week from 6:15 a.m. to 7:15 a.m., from 10:45 a.m. to 12:00 p.m., and after 4:00 p.m. count. On weekends and holidays times are from 7:00 a.m. to 8:00 a.m., from 10:45 a.m. to 12:00 p.m., and after 4:00 p.m. count. Prisoners may shop at commissary once per week.
Recreation	Recreation includes indoor and outdoor activities, ranging from individualized arts and crafts programs to intramural team sports such as baseball and volleyball. Physical fitness and weight reduction programs are also offered.
Medical	Sick call 6:30 a.m. to 6:45 a.m. Monday, Wednesday, Thursday, and Friday. General and holistic health care is offered at Dublin. Holistic health programs offer practical ways to reduce stress, increase self-esteem, integrate mind, body, and spirit, and foster creativity. Practitioners also teach communication and conflict resolution skills. Routine and emergency dental care is also available. Inmates are eligible for pregnancy tests, Pap smears, pelvic examinations, and breast examinations.
Counseling	There is one chief psychologist, a staff psychologist, a drug abuse treatment program coordinator, and one drug abuse treatment psychologist. A psychiatrist is available by appointment. Individual and group counseling are available. Special interest groups (e.g., sexual abuse) will be advertised and presented throughout the year.
Drug Treatment	One of five national residential drug treatment programs for female offenders. Program is based on cognitive-behavior therapy. The participants are taught that they are responsible for their own behavior and the choices they make. They learn skills to improve their ability to manage their lives and to prevent a relapse. There is also a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 5:30 p.m. to 8:00 p.m. Thursday and Friday and 8:30 a.m. to 3:00 p.m. Saturday, Sunday, and legal holidays. A children's center is located in visiting room.
Religion	Full-time Catholic and Protestant chaplains conduct religious services and coordinate religious activities for all faiths. Approximately 200 outside community religious volunteers are involved with the institution. Consultants also provide religious services to those who wish to participate in Thai Buddhist, Muslim, Native American, and Jewish worship activities. The chaplains coordinate activities for the Native American Club and the Match-2 (M-2) program. This is a prison visitation program in which local citizens volunteer to make regular visits to women at the facility. The program also has a reentry component in which various businesses and employers give interviews to ex-offenders.
Release Preparation	M-2 Program. See Religion.

FEDERAL DETENTION CENTER DUBLIN

Address	Federal Detention Center Dublin 5701 8th Street Camp Parks Dublin, CA 94568
Location	Adjacent to the Federal Correctional Institution
Contact Numbers	As above.
Judicial District	Northern California
Security Level	Administrative
Male/Female	Male and female
Capacity	299
Current Pop.	295
History/Description	Opened in 1989; has two units designed to hold pretrial and holdover prisoners for the Northern District of California.

Education	Education includes GED, ESL, adult continuing education, and correspondence classes. The law library is open Monday through Friday from 7:30 a.m. to 10:30 a.m. and again from 12:30 p.m. to 3:30 p.m. The two units alternate between the early and late times.
Food/Commissary	Meals eaten in the unit dining area from 5:40 a.m. to 6:00 a.m. for court-call inmates and from 6:15 for others. Lunch is offered from 11:00 a.m. and dinner from 4:30 p.m. Inmates are entitled to shop at commissary once per week.
Medical	General and holistic health care is offered at Dublin. Holistic health programs offer practical ways to reduce stress, increase self-esteem, integrate mind, body, and spirit and foster creativity. Practitioners also teach communication and conflict resolution skills. Routine and emergency dental care is also available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Thursday and Friday 4:30 p.m. to 8:00 p.m. Saturday, Sunday, and federal holidays 8:00 a.m. to 3:00 p.m. Only three adults are allowed at one time, and social visits usually may last only 1 hour, although they may be extended to 2 hours with the approval of the jail administrator.
Recreation	Outdoor recreation is run by staff three times a week.
Religion	Staff chaplains and community clergy offer a range of religious services and counseling.
Other	Pretrial indigent inmates may submit a written request to the counselor for up to three postage stamps per week. Holdover, indigent inmates may submit a written request for up to five postage stamps per month. Smoking is not permitted at this facility. All tobacco products are considered contraband.

FEDERAL PRISON CAMP DUBLIN

Address	Federal Prison Camp Dublin 8th Street—Camp Parks Dublin, CA 94568
Location	Adjacent to Federal Correctional Institution Dublin.
Contact Numbers	Tel: 510-833-7500 Fax: 510-833-7599
Judicial District	Northern California
Security Level	Minimum
Male/Female	Female
Capacity	299
Current Pop.	284
History/Description	Opened in 1980; it provides inmate labor for base.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there are two active occupational training programs in bus driving operation (which leads to outside accreditation or certification) and horticulture. There are also three inactive occupational training programs in business, computer repair (which leads to outside accreditation or certification), and warehouse management/fork lift operation. The parenting class is offered three nights a week in both Spanish and English. Classes deal with a range of issues including family relationships, household management, literacy, birth control, AIDS, self-esteem development, parenting responsibilities, and self-discipline.
Food/Commissary	Commissary open on Monday and Tuesday after 4:30 p.m. Prisoners may shop once per week.
Recreation	As above.
Medical	As above.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 8:30 a.m. to 3:30 p.m. on weekends and federal holidays. There is a children's center in the visiting room.

FEDERAL PRISON CAMP DULUTH

Address	Federal Prison Camp Duluth P.O. Box 1400 Stebner Road Duluth, MN 55814
Location	On the southwestern tip of Lake Superior, halfway between Minneapolis-St. Paul and the U.S.-Canadian border. Seven miles north of Duluth, off Highway 53 at Stebner Road. The area is served by Duluth International Airport and by commercial bus lines.
Contact Numbers	Tel: 218-722-8634 Fax: 218-733-4701
Judicial District	Minnesota
Security Level	Minimum
Male/Female	Male
Capacity	881
Current Pop.	550
Staff	111
History/Description	Opened October 1983; has five dormitories.
Admission and Orientation	First week, during which time each inmate should be allowed to make up to two telephone calls to his family.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, vocational training in sales and marketing is available. There is also an apprenticeship class in HVAC.
Food/Commissary	Meals are served in the dining room from 6:00 a.m. to 7:15 a.m., from 10:30 a.m. to 11:30 a.m., and after the 4:00 p.m. count during the week. On weekends and holidays they are served from 6:45 a.m. to 7:30 a.m. and after the 10:00 a.m. count; the final meal is at the same time as it is during the week. Commissary is open every evening from Monday through Thursday.
Recreation	Recreation includes various indoor and outdoor activities such as team sports, cardiovascular equipment, weights, music, arts and crafts, an activity center with pool tables and movies.
Medical	The health care clinic is open every day from 6:00 a.m. to 10:00 p.m. A staff member is always on call after 10:00 p.m. Sick call hours are from 6:35 a.m. to 7:00 a.m. on Monday, Tuesday, Wednesday, and Friday. Dental sick call is from 7:00 a.m. to 7:30 a.m. on weekdays, and the dental clinic is open from 7:00 a.m. to 3:30 p.m. Monday through Friday.
Counseling	Services that are available include individual and group counseling, drug and alcohol treatment programs, SHARE (Sharing Hope About Recovery Experiences) classes, psychological testing, and psychotherapy.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes.
Visits	Visiting hours are from 5:00 p.m. to 9:00 p.m. on Fridays and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. No more than six people may visit at any one time.
Religion	Two full-time chaplains offer weekly religious activities for Jewish, Catholic, Protestant, Native American, and Muslim groups.

FEDERAL CORRECTIONAL INSTITUTION EDGEFIELD

Address	Federal Correctional Institution Edgefield 501 Gary Hill Road P.O. Box 723 Edgefield, SC 29824
Location	On the border of South Carolina and Georgia, northeast of Augusta, approximately 30 miles northeast of I-20, on Highway 25. The area is served by airports in Augusta, Georgia, and in Columbia, South Carolina.

Contact Numbers	Tel: 803-637-1500 Fax: 803-637-9840
Judicial District	District of South Carolina
Security Level	Medium
Male/Female	Male
Capacity	960
Current Pop.	1,502
Staff	409
History/Description	Opened in November 1998. There are six separate units with two-person cells.
Admission and Orientation	Prisoners will be issued a hygiene kit upon arrival containing items like toothpaste and hair shampoo.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are vocational training and apprenticeship programs. The law library is open on Monday, Thursday, Friday, and Saturday at various hours that are posted.
Work	Jobs available include Food Service, unit orderly, and maintenance shop. There are also limited jobs available in the warehouse, the commissary, and the Unicor textile factory.
Food/Commissary	Commissary is open from Monday through Wednesday in the evening. Prisoners are allowed to visit the commissary once a week.
Medical	Sick call Monday, Tuesday, Thursday, and Friday from 6:45 a.m. to 7:15 a.m. at the pharmacy window. Those in the Special Housing Unit will have the opportunity to see a member of the medical personnel every day of the week at 8:00 a.m. as they do their rounds. Pill line is held in the general population and on the Special Housing Unit at various times each day. Hours will be posted. Dental care is available from 6:45 a.m. to 7:15 a.m. Monday, Tuesday, Thursday, and Friday at the Health Services Department.
Counseling	Individual and group counseling available as well as the "Living Free" program, which is designed to encourage prisoners to review their values, examine their options, and develop a plan for personal change.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	An HIV-detection program is in place at this prison. During the year, several random tests will be completed. Those clinically suspected of having HIV will be tested. All inmates will be tested before their release.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on weekends and holidays and from 5:00 p.m. to 8.15 p.m. on Friday. Prisoners are allowed to have a maximum of four adults at any one visit, with no limit on the number of children.
Pre-Release Course	Those with less than 2 years to serve will be scheduled for participation in a prerelease course. Workshops include topics such as health and nutrition, personal growth and developments, employment, personal finance, anger management, family/spiritual counseling, social security programs, and vocational rehabilitation.
Other	Disposable razors will be issued and controlled by the Special Housing Unit Officers for all prisoners in the Special Housing Unit.

FEDERAL PRISON CAMP EDGEFIELD

Address	Federal Prison Camp Edgefield 501 Gary Hill Road P.O. Box 723 Edgefield, SC 29824
Location	As above.
Contact Numbers	Tel: 803-637-1500 Fax: 803-637-9840
Judicial District	District of South Carolina
Security Level	Minimum

Male/Female	Male
Capacity	256
Current Pop.	417
History/Description	Opened in November 1998; housing is dormitory style with two-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	There is a Unicor warehouse.
Food/Commissary	Commissary is open on Wednesday and Thursday evenings.
Medical	Sick call from 7:00 a.m. to 7:30 a.m.; 24-hour emergency care is available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 5:00 p.m. to 8:00 p.m. on Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Up to four adults and an unlimited number of children may visit at any one time.

FEDERAL PRISON CAMP EGLIN

Address	Federal Prison Camp Eglin Eglin Air Force Base P.O. Box 600 Eglin, FL 32542-7606
Location	In the Florida panhandle, 45 miles east of Pensacola, on Eglin Air Force Base. The area is served by Pensacola Airport and by commercial bus lines. Eglin also has an on-site airstrip.
Contact Numbers	Tel: 850-882-8552 Fax: 850-729-8261
Judicial District	Northern District of Florida
Security Level	Minimum
Male/Female	Male
Capacity	800
Current Pop.	845
Staff	137
History/Description	Opened in November 1962 under a maintenance contract with the U.S. Air Force at the old Niceville Road Prison, the camp was moved to its present location in 1969 in order to shorten the distance inmates had to be transported to job sites. It is a 28-acre compound for individuals sentenced for nonviolent offenses who serve, on average, terms of 5 years. The camp is divided into two units, each of which is run by a unit management team consisting of a unit manager, a case manager, a counselor, and a unit secretary. Housing is dormitory style.
Admission and Orientation	Two to 4 weeks.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are evening college courses available at the Base Education Center on Eglin Air Force Base. Inmates pay for tuition, books, and fees from their own accounts. Vocational training courses are available in diesel and outboard engine and small engine repair and apprenticeships in dental assistant, diesel mechanic, and outboard motor mechanic.
Work	There are a variety of jobs at the prison. These include a Unicor laundry that provides laundry and dry cleaning services to the various institutions at Eglin Air Force Base. Additional jobs are offered by Food Service (cooks, bakers, salad men, and orderlies), facility operations (electricians, roofers, plumbers, carpenters, etc.), the business offices (clerks), and the camp hospital (orderlies). Further opportunities are available in education (librarians, teacher's aides, and clerks), the clothing room (clothing dispensers and clerks), maintenance (sanitation workers, landscape workers, and building orderlies) and base details (roads and grounds maintenance, mower shop, and base museum).
Food/Commissary	Breakfast on weekdays is from 5:30 a.m. to 6:30 a.m., lunch from 10:30 to 11:30 a.m., and the evening meal from 2:30 to 3:30 p.m. or from after the 4:00 p.m. count to 5:00 p.m. On the weekend

	there is a "continental breakfast" from 6:30 to 7:15 a.m. followed by brunch from 8:30 to 9:30 a.m., and the evening meal once again is from 2:30 to 3:30 p.m. or from after the 4:00 p.m. count to 5:00 p.m. The commissary is open from Monday through Thursday. There is a limit of only two packets of cigarettes on a person at any time and four cartons in a person's locker.
Recreation	Recreation includes weights, hobby crafts, crocheting, lending library, aerobics, softball, volleyball, handball, boccie, horseshoes, ping-pong, bingo, weight lifting, basketball, cards, chess, checkers, and professional talent shows. There are also three inmate organizations: Toastmasters International, which strives to make excellent speakers of their members; Club Latino International, which shows films and has discussions focusing on Spanish culture; and the Association for Black Awareness, whose main goal is to promote black heritage and culture. Each club meets on certain evenings in the visiting room.
Medical	Sick call at the base is 6:15 to 6:45 a.m. and at the camp is 7:00 to 7:30 a.m. except Wednesdays. Dental sick call is provided for those suffering dental emergencies, including toothaches, swelling, broken dentures, and complications from previous treatment.
Counseling	Two licensed clinical psychologists (one clinical and one counseling) and a drug abuse treatment specialist.
Drug Treatment	Residential Drug Abuse Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes.
Visits	From 5:00 p.m. to 9:00 p.m. Fridays and from 8:00 a.m. to 3:30 p.m. Saturdays, Sundays, and federal holidays. An unlimited amount of visiting time is granted, but only four adult visitors are allowed to visit at any one time. Requests for additional people to be added to visitors' lists should be made 3 weeks in advance of planned visit. Contact is limited to hand holding and "having one's arm around the other's waist, upper back, or shoulder."
Religion	One full-time chaplain, plus volunteers and contact clergy for additional care for all faith groups.
Release Preparation	May request release clothing. If transferred to a halfway house may be eligible for a "reasonable" gratuity determined by policy and the case manager.
Other	Smoking is prohibited inside all buildings. A photocopy machine is available for use in the law library.

FEDERAL CORRECTIONAL INSTITUTION ELKTON

Address	Federal Correctional Institution Elkton 8730 Scroggs Road P.O. Box 89 Elkton, OH 44415
Location	In northeastern Ohio, less than an hour from Pittsburgh, Youngstown, and Canton. The area is served by the international airport in Pittsburgh and by regional airports in Youngstown and Canton, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 330-424-7448 Fax: 330-424-4539
Judicial District	Northern Ohio
Security Level	Low
Male/Female	Male
Capacity	1,536
Current Pop.	1,835
Staff	302
History/Description	Opened April 1997; prisoners are housed in dormitories with two-person cubicles.
Admission and Orientation	1 to 2 weeks long.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.

Work	Federal Correctional Institution Elkton has a Unicor computer recycling plant. It is also the national warehouse for cable assemblies and wiring harnesses (all military equipment). It has a Unicor data-processing plant and also a shoe repair factory.
Food/Commissary	Commissary is open on weekdays. Prisoners are allowed no more than two cartons of cigarettes at any one time.
Recreation	Recreation includes arts and crafts programs as well as intramural team sports, such as softball, basketball, soccer, and volleyball. A limited amount of sports equipment is allowed on unit; otherwise, sports and musical equipment is held in recreation department.
Medical	Times for doctor and pill lines available on unit.
Counseling	Staff psychologists and a contract psychiatrist also available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 5:00 p.m. to 9:00 p.m. on Monday, Thursday, and Friday and 8:00 a.m. to 3:00 p.m. on Saturday, Sunday, and federal holidays. Prisoners are allocated 4 points a month. Weekday visits cost 0 points, weekend visits cost 1 point. All visitors will be searched with metal detector.
Religion	Two full-time chaplains plus a contract rabbi and imam and a Native American sweat lodge.

FEDERAL PRISON CAMP ELKTON

Address	Federal Prison Camp Elkton 8730 Scroggs Road P.O. Box 89 Elkton, OH 44415
Location	Adjacent to Federal Correctional Institution Elkton.
Contact Numbers	Tel: 330-424-7448 Fax: 330-424-4539
Judicial District	Northern Ohio
Security Level	Minimum
Male/Female	Male
Capacity	256
Current Pop.	487
History/Description	Housing is dormitory style, two- to four-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Other	Smoking outdoors only

FEDERAL PRISON CAMP EL PASO

Address	Federal Prison Camp El Paso P.O. Box 16300 SSG Sims Road, Bldg. 11636 El Paso, TX 79906-0300
Location	On Fort Bliss (Biggs Field), about 15 miles northeast of downtown El Paso via Interstate 54. The city of El Paso is located on the southwest border of Texas near New Mexico and Mexico. The area is served by El Paso International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 915-566-1271 Fax: 915-540-6165

Judicial District	Western Texas
Security Level	Minimum
Male/Female	Male
Capacity	308
Current Pop.	397
Staff	94
History/Description	Opened in June 1989; housing is dormitory style with two-person cubicles.
Admission and Orientation	During the first month of arrival.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, an associate's degree program in business management is available. The law and leisure libraries are open 7 days a week. Hours will be posted.
Work	Work includes Food Service, orderlies, barber, bus driver, commissary, ground maintenance, and the Unicor laundry, which provides laundry and textile repair services to the various organizations at Fort Bliss, William Beaumont Army Medical Center, and other government organizations around the United States. Some prisoners are also employed at Fort Bliss in the museum or other areas.
Food/Commissary	Meals are served in the dining room from 5:45 a.m. to 6:30 a.m., 11:00 a.m. to 11:30 a.m., from 4:30 p.m. during the week. On weekends the hours are the same except that breakfast is served from 6:30 a.m. to 7:15 a.m. The commissary is open Tuesday, Wednesday, and Thursday. Prisoners may shop on specific nights.
Recreation	Recreation includes indoor and outdoor activities such as weight lifting, team sports, tennis, and table games. Hobby crafts include leathercraft and art and drawing. Movies are rented on a weekly basis and shown in the available TV rooms within each unit. A Comprehensive Wellness Program is available for all inmates interested in participating.
Medical	Sick call is open Monday through Friday from 6:00 a.m. to 6:30 a.m. Medication is dispensed three times a day. Hours will be posted.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 8:00 a.m. to 3:00 p.m. on weekends and federal holidays.
Religion	One full-time chaplain coordinates all religious activities, including the efforts of approximately 45 volunteer and contract personnel. There are numerous activities scheduled 7 days each week, including the opportunities for study, worship, prayer, fellowship, and meditation. Regularly scheduled religious activities are offered for Catholic, Protestant, Islamic, Jehovah's Witness, Seventh Day Adventist, and other faith groups as warranted.
Other	Smoking is prohibited inside all buildings.

FEDERAL CORRECTIONAL INSTITUTION EL RENO

Address	Federal Correctional Institution El Reno P.O. Box 1000 Highway 66 West El Reno, OK 73036-1000
Location	Thirty miles west of Oklahoma City. Off interstate 40 (Country Club exit, 2 miles north to Sunset Drive, then 2 miles west.) The area is served by Will Rogers World Airport in Oklahoma City.
Contact Numbers	Tel: 405-262-4875 Fax: 405-262-6266
Judicial District	Western Oklahoma
Security Level	Medium
Male/Female	Male
Capacity	820
Current Pop.	1,408
Staff	424

History/Description	Opened in April 1933; housing is in two-person cells. The institution was originally called the Southwestern Penitentiary.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, prisoners may work towards an associate of arts degree. Classes are held in the evenings through Redlands Community College. Vocational training courses are offered in business management, building maintenance, and welding. There is also a class in effective parenting that aims to help prisoners establish nurturing and healthy relationships in their families.
Work	Jobs include Food Service and the Unicor metal factory, which employs approximately 425 inmates. There is a waiting list.
Food/Commissary	Meals are served in the dining room from 6:00 a.m. to 6:45 a.m., from 11:00 a.m. to 11:45 a.m., and from 4:35 p.m. until the last unit is called. On the weekend there is also brunch at 11:00 a.m. The commissary is open at various times from Monday to Thursday. Prisoners may shop twice a week at times that will depend on their reference number.
Recreation	Indoor and outdoor activities, field games, court games, table top games, arts and crafts, team sports, music, and big screen television.
Medical	Sick call is 6:00 a.m. to 6:30 a.m. on Monday, Tuesday, Thursday, and Friday to make an appointment. Medical staff members are always available for emergency care. Medication will be dispensed at various times throughout the day. Hours will be posted.
Drug Treatment	Twelve-month Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 8:00 a.m. to 3:00 p.m. from Thursday through Monday. Inmates are allowed 32 points each month. One hour of visiting time during the week equals 1 point; on the weekend, 1 hour equals 2 points.
Religion	At least one chaplain is on call each weekday to provide pastoral care. The chaplains also provide personal and family counseling.

FEDERAL PRISON CAMP EL RENO

Address	Federal Prison Camp El Reno P.O. Box 1000 Highway 66 West El Reno, OK 73036-1000
Location	Adjacent to Federal Correctional Institution El Reno.
Contact Numbers	Tel: 405-262-4875 Fax: 405-262-6266
Judicial District	Western Oklahoma
Security Level	Minimum
Male/Female	Male
Capacity	216
Current Pop.	182
History/Description	Opened in 1980, housing is dormitory style with two and four-person cubicles. Most prisoners are employed on the farm.
Admission and Orientation	Two to 4 weeks after arrival.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there is vocational training in building construction and meat cutting. There is also a college program offered through Redlands Community College.
Work	Farm work, maintenance, Food Service, barber shop. The institution provides beef and milk for El Reno and a number of other federal prisons.

Food/Commissary	Meals served in the dining room from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 11.55 a.m., and after the 4:00 p.m. count during the week. On the weekend there is a coffee hour from 7:30 a.m. to 8:15 a.m., brunch from 10:30 a.m. to 11:30 a.m., and dinner after the 4:00 p.m. count clears.
Recreation	Recreation includes weight lifting, jogging, softball, basketball, handball, tennis, art, and leathercraft work. The outdoor recreation area is open from 6:00 a.m. to 8:30 p.m.
Medical	Sick call 6:00 a.m. to 6:30 a.m. Monday, Tuesday, Thursday, and Friday. Medication is dispensed four times a day. Hours will be posted. Emergency dental care may be requested at sick call from 6:00 to 6:30 a.m. on Monday, Tuesday, Thursday, and Friday.
Drug treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 5:00 p.m. to 9:00 p.m. on Fridays and Mondays and 8:00 a.m. to 8:00 p.m. on the weekend and on federal holidays. The camp uses the same points system as the Federal Correctional Institution.
Religion	At least one chaplain is always on call.
Other	There is no smoking indoors anywhere in the camp.

FEDERAL CORRECTIONAL INSTITUTION ENGLEWOOD

Address	Federal Correctional Institution Englewood 9595 West Quincy Avenue Littleton, CO 80123
Location	Fifteen miles southwest of Denver, off Interstate 285. The area is served by the Denver International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 303-985-1566 Fax: 303-763-2553
Judicial District	Colorado
Security Level	Medium/Administrative
Male/Female	Male
Capacity	485
Current Pop.	921
Staff	358
History/Description	Opened in July 1940. Facility was originally called the Denver Federal Reformatory. There are four living units with four-person cubicles and two-person rooms. It also contains a detention center that primarily houses Cuban detainees and inmates awaiting sentencing.
Admission and Orientation	A&O handbook rather brief.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Vocational training courses include drafting, baking, and technical drawing.
Work	The workday usually begins at 7:40 a.m. and ends at 3:50 p.m.
Food/Commissary	Meals are served in the dining hall from 6:00 a.m. to 7:00 a.m., lunch when called, and dinner immediately following the 4:00 p.m. count. On the weekend and on holidays, breakfast is served from 7:00 a.m. to 8:00 a.m., and brunch is served from 10:30 to 11:30 a.m. Dinner remains at the same time. Commissary is open weekday afternoons. Inmates may shop once per week.
Recreation	Includes softball, handball, soccer, basketball, weights, tennis, weight lifting, horseshoes, shuffleboard, jogging, ceramics, leathercraft.
Medical	Medical sick call from 6:00 a.m. to 6:30 a.m. Monday, Tuesday, Thursday, and Friday. Dental sick call the same days between 7:30 a.m. to 8:00 a.m. Medication is distributed at various times throughout the day. Hours will be posted.
Counseling	In addition to standard counseling services there is also a victim impact program in which prisoners learn about the impact of crime from victims.

Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. There is a special drug treatment program for Mariel detainees.
Gym	Yes
Visits	Visiting hours are from 4:30 p.m. to 8:30 p.m., Monday, Thursday, and Friday, as well as from 8:30 a.m. to 3:00 p.m. on weekends and federal holidays.
Religion	Three full-time chaplains hold Protestant and Catholic services on a regular basis, and community clergy and volunteers provide services for other religious groups. There is also a Native American sweat lodge once a week.

FEDERAL PRISON CAMP ENGLEWOOD

Address	Federal Prison Camp Englewood 9595 West Quincy Avenue Littleton, CO 80123
Location	Adjacent to Federal Correctional Institution Englewood.
Contact Numbers	Tel: 303-985-1566 Fax: 303-763-2553
Judicial District	Colorado
Security Level	Minimum
Male/Female	Male
Capacity	111
Current Pop.	101
History/Description	Opened in 1990. Housing is dormitory style with four-man rooms.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Medical	Sick call and pill-line hours will be posted; 24-hour emergency care available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 4:30 p.m. to 9:30 p.m. on Monday, Thursday, and Friday and from 9:00 a.m. to 3:45 p.m. on weekends and federal holidays. There is both a children's room and an outside children's playground.

FEDERAL CORRECTIONAL INSTITUTION ESTILL

Address	Federal Correctional Institution Estill 100 Prison Road Estill, SC 29918
Location	In Hampton County, off State Road 321, about 3 miles south of Estill. The area is served by air and rail in Savannah, Georgia, and Charleston, South Carolina. The area is served directly by commercial bus service.
Contact Numbers	Tel: 803-625-4607 Fax: 803-625-3139
Judicial District	South Carolina
Security Level	Medium
Male/Female	Male
Capacity	768
Current Pop.	1147
Staff	311
History/Description	Opened in September 1993; housing is in two-person cells.

Education	Education includes GED, ESL, adult continuing education, parenting, social education, and correspondence classes. Vocational training includes small appliance repair, pest control technology, and masonry. Apprenticeships include carpenter, culinary arts, electrician, HVAC, painter, and plumber. Recent adult continuing education courses have included Spanish, public speaking, and writers' workshops. The law library is open Monday through Saturday. Hours will be posted.
Work	Food service, orderly, maintenance shop, and Unicor electronics.
Food/Commissary	Commissary is open Monday through Thursday after the 4:30 p.m. call.
Recreation	Recreation includes weights, games, and crafts.
Medical	Medical and dental sick call 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Medication, including insulin, is dispensed four times a day. Hours will be posted.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 5:00 p.m. to 8:15 p.m. on Friday and from 8:00 a.m. to 3:00 p.m. on the weekends and on federal holidays. Prisoners are allowed up to four adult visitors at any one time. There is no limit on the number of children, and there is a separate children's room.
Pre-Release Course	Two years before release, prisoners are eligible for a course run by the education department that includes discussion of health and nutrition, personal growth and development, employment, anger management, and personal finance.

FEDERAL PRISON CAMP ESTILL

Address	Federal Prison Camp Estill 100 Prison Road Estill, SC 29918
Location	Adjacent to Federal Correctional Institution Estill.
Contact Numbers	Tel: 803-625-4607 Fax: 803-625-3139
Judicial District	South Carolina
Security Level	Minimum
Male/Female	Male
Capacity	256
Current Pop.	256
History/Description	Housing is dormitory style and two-person cells.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	Unicor electronics factory.
Food/Commissary	Commissary is open Monday through Thursday. Hours will be posted.
Medical	Sick call from 6:00 a.m. to 6:30 a.m., 4 days a week.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 5:00 p.m. to 8:00 p.m. on Friday and from 8:00 a.m. to 3:00 p.m. on weekends. Prisoners may have an unlimited number of visits with up to four adults and four children at any one time. There is a separate children's room.

FEDERAL CORRECTIONAL INSTITUTION FAIRTON

Address	Federal Correctional Institution Fairton P.O. Box 280 Fairton, NJ 08320
Location	In New Jersey, 50 miles southeast of Philadelphia and 40 miles west of Atlantic City. Off Interstate 55, at 655 Fairton-Millville Road. The area is served by airports in Philadelphia, Atlantic City, and Millville; Amtrak in Philadelphia and Atlantic City; and commercial bus service.

Contact Numbers	Tel: 609-453-1177 Fax: 609-453-4015
Judicial District	New Jersey
Security Level	Medium/administrative
Male/Female	Male
Capacity	751
Current Pop.	1,379
Staff	349
History/Description	Opened April 1990, the institution covers 51 acres and has four housing units set in a college campus-style facility. It includes a pretrial detention center.
Admission and Orientation	First week or two, during which time prisoners will be introduced to unit management team. They will also be subjected to social, psychological, and medical screening. These tests will complete include physical and dental examination. Inmates will be tested for immunizations.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There are also vocational training courses, a Cumberland College in-house program, and various apprenticeships.
Work	Food Service, Facilities Department, Health Services Unit, Education Department (including librarian and bilingual teacher's aide), clothing room, and others. Unicor cable and battery factory that employs approximately 250 men. Specific jobs include production, warehouse, clerks, sanitation, procurement clerks, accountant clerks, and quality assurance inspectors.
Food/Commissary	Meals are served in the dining room from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 noon, and following the clearance of the 4:00 p.m. count. On the weekends, times are the same except breakfast, which is served from 7:00 a.m. to 8:00 a.m.
Recreation	Leisure activities and recreation programs are supervised by the Education Department. Programs include team sports like softball, basketball, and volleyball, as well as arts and crafts.
Medical	Federal Correctional Institution Fairton is accredited by the Joint Commission on Accreditation of Healthcare Organizations, with local health care available 24 hours a day. Sick call occurs on Monday, Tuesday, Thursday, and Friday (except on holidays). Sign-up is between 6:15 a.m. and 6:30 a.m. A medical staff member tours the segregation unit at least once a day for sick call and medicine dispensing. Emergency dental care and routine dental treatment are both available.
Counseling	The Psychology Department offers a variety of individual and group counseling. There is also one contract psychiatrist who provides psychiatric services for those in need of psychotropic medication. In addition to various drug counseling groups, there is a self-image group. The Health Services Department offers programs on a series of issues including drug and alcohol abuse, physical fitness, smoking cessation, and stress and anger management.
Drug Treatment	Fairton offers a range of drug treatment from the drug education program to the comprehensive drug abuse program, which at Fairton is known as CHOICE. This is a 12-month residential treatment program. In addition, there are Alcoholics Anonymous and Narcotics Anonymous groups. There is a drug and alcohol surveillance program, and prisoners will be randomly tested for drug and alcohol use.
HIV/AIDS	Information about HIV/AIDS will be provided during the A&O period. Additional educational material will be made available during the inmate's sentence.
Visits	Visiting hours are from 8:15 a.m. to 3:15 p.m. Thursday through Monday.
Religion	Three full-time staff chaplains as well as contract and volunteer representatives of different faiths available.
Release Preparation	Social education (prerelease program) and career counseling. Furloughs are available for some inmates prior to release.
Other	Interlibrary loan material is provided by the Cumberland County Library. The prison library also has a computer laboratory. Bedside and funeral trips may be authorized for inmates in lower-custody categories when an immediate family member is seriously ill, is in critical condition, or has died.

FEDERAL PRISON CAMP FAIRTON

Address	Federal Prison Camp Fairton P.O. Box 280 Fairton, NJ 08320
Location	Adjacent to Federal Correctional Institution Fairton.
Contact Numbers	Tel: 609-453-1177 Fax: 609-453-4015
Judicial District	New Jersey
Security Level	Minimum
Male/Female	Male
Capacity	65
Current Pop.	92
History/Description	Opened in 1992; inmates provide work detail for the main institution.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:15 a.m. to 3:00 p.m. on weekends and federal holidays.

FEDERAL CORRECTIONAL INSTITUTION FLORENCE

Address	Federal Correctional Institution Florence P.O. Box 6500 Florence, CO 81226
Location	Adjacent to ADX Florence
Contact Numbers	Tel: 719-784-9100 Fax: 719-784-9504
Judicial District	Colorado
Security Level	Medium
Male/Female	Male
Capacity	744
Current Pop.	1,224
Staff	357
History/Description	Opened in January 1993. Prisoners are housed in two-man cells.
Admission and Orientation	During the admission process, prisoners are issued an inmate account card necessary for commissary, trust fund, and inmate telephone system transactions. They must carry this card at all times. All arriving inmates will be tested for TB.
Education	The Education Department is state accredited by the North Central Association of Schools and Colleges. Education includes GED, ESL, adult continuing education, life skills, parenting, career counseling/release preparation, and correspondence classes. Vocational training courses are available in computer training, cabinetmaking, mechanical/computer-assisted drafting, building maintenance, and barbering. Apprenticeships are offered in cabinetmaking, industrial housekeeping, and landscaping in conjunction with the Department of Labor. Upon completion of these courses, prisoners receive a certificate of journeyman-level expertise.
Work	Jobs in Food Services employment include baking, cooking, dining room, vegetable preparation, pots and pans, and dish room. A Unicor furniture factory employs approximately 250 prisoners.
Food/Commissary	Meals are served during the week from 6:00 a.m. to 7:00 a.m., from 10:45 a.m. to 12:00 p.m., and after the 4:00 p.m. count. On the weekend they are served from 7:00 a.m. to 8:00 a.m., after the 10:00 a.m. count, and after the 4:00 p.m. count.
Recreation	Music, hobby crafts, basketball, volleyball, and other games.
Medical	Medical and dental sick call at 6:45 a.m. Monday, Tuesday, Thursday, or Friday. In an emergency, contact another member of staff. Pill line at various times during the day. These times will be posted.

	The BOP furnishes prescription eyeglasses to any inmate requiring them, as documented through a professional examination and prescription. Over-the-counter medications like Tylenol are available from the commissary.
Counseling	Psychology Services performs a variety of functions for the inmate population. Some of these include presenting psychoeducational classes on anger and stress management, drug education, and sexual abuse/assault prevention. Other counseling groups include People In Prison Entering Sobriety, self-image groups, and other voluntary groups. Unit staff is also available for informal counseling sessions. There is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	There is a comprehensive Residential Drug Treatment Program housed in Mesa Unit run by the Psychology Department that is available in Spanish and English. There is also a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes.
Visits	Visiting hours are Friday from 5:00 p.m. to 8:00 p.m. and Saturday, Sunday, and federal holidays from 8:00 a.m. to 3:00 p.m. Up to five adults at a time may visit one prisoner.

FEDERAL PRISON CAMP FLORENCE

Address	Federal Prison Camp Florence P.O. Box 6500 Florence, CO 81226
Location	Adjacent to Federal Correctional Institution Florence.
Contact Numbers	Tel: 719-784-9100 Fax: 719-784-9504
Judicial District	Colorado
Security Level	Medium
Male/Female	Male
Capacity	512
Current Pop.	458
History/Description	Opened in 1992.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, vocational training courses are available in culinary arts and apprenticeships are available in industrial housekeeping and landscape management.
Work	A Unicor warehouse for furniture produced at Federal Correctional Institution and U.S. Penitentiary employs approximately 35 to 45 men.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 5:00 p.m. to 8:00 p.m. on Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. There is a children's room.

U.S. PENITENTIARY FLORENCE

Address	U.S. Penitentiary Florence P.O. Box 7500 Florence, CO 81226
Location	Adjacent to ADX Florence.
Contact Numbers	Tel: 719-784-9454 Fax: 719-784-5157
Judicial District	Colorado
Security Level	High

Male/Female	Male
Capacity	640
Current Pop.	922
Staff	310
History/Description	Opened in January 1994, U.S. Penitentiary Florence is part of a collection of facilities of varying degrees of security that are located on a site of 49 acres. According to a recent description, U.S. Penitentiary Florence "uses the direct supervision method of management with a state-of-the-art electronic security system; control activities are administered at one station. Additional security is provided by a perimeter fence, seven guard towers, and a patrol road. The building wall itself also acts as a security line, for no inmate cell window looks outside the exterior building line" (Spens, 1994, p. 71). Housing is in single and two-man cells.
Education	Education includes GED, ESL, adult continuing education, ABLE (Adult Basic Level Examination), and CASAS (Comprehensive Adult Student Assessment System) testing. College courses are available through correspondence study and from Pueblo Community College. In addition, there are vocational training classes and apprenticeships.
Work	There is a Unicor wood chair and desk drawer assembly factory.
Food/Commissary	Meals are served in the dining room during the week from 6:00 a.m. to 7:30 a.m., from 11:00 a.m. until all work details and units have been called, and upon clearing the 4:00 p.m. count until all units have been called. On the weekends there is a coffee hour from 7:00 a.m. to 8:00 a.m., lunch upon clearing of the 10:00 a.m. count, and dinner at the same time as weekdays. Commissary is open from 4:00 p.m. to 8:00 p.m. on Monday through Friday. Prisoners may shop once per week.
Recreation	The housing pods face the recreation yard. Recreation includes intramural sports, such as softball, soccer, and basketball, and hobby crafts, including ceramics, artwork, and music. Special activities are scheduled for all recognized federal holidays. Entertainment such as concerts (with inmate musicians), bingo games, and comedy nights are scheduled intermittently. Wellness and fitness programs are also available to all interested inmates.
Medical	Health Services area located opposite the housing pods. Medical and dental sick call is held at 6:30 a.m. on Monday, Tuesday, Thursday, and Friday.
Counseling	Psychology Services provides evaluation, individual and group counseling, crisis assistance, and self-help programs. Current and forthcoming psychology programs and activities are posted in Psychology Services located between the Gym and Education Department and on bulletin boards in each housing unit. Group programs typically offered on a regular basis include Values, Anger Management, Stress Management, Positive Mental Actions in Life, People in Prison Entering Sobriety, Medicine Wheel, Alcoholics and Narcotics Anonymous, Commitment to Change, Nine to Five Beats Ten to Life, Transactional Analysis, and Psychology Cinematography. The prison also offers CODE (Challenge, Opportunity, Discipline, Ethics) for high-security offenders. There is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes, but only in winter months.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays and from 5:30 p.m. to 9:00 p.m. on Fridays.
Religion	One full-time chaplain, monthly visits from a contract rabbi, and a Native American sweat lodge.

U.S. PENITENTIARY FLORENCE–ADX

Address	U.S. Penitentiary Florence-ADX P.O. Box 8500 Florence, CO 81226
Location	The institution is located on State Highway 115, 90 miles south of Denver, 45 miles south of Colorado Springs, and 35 miles west of Pueblo. The area is served by airports in Denver, Colorado Springs, and Pueblo, by Amtrak in Denver and Colorado Springs, and by commercial bus lines.
Contact Numbers	Tel: 719-784-9464 Fax: 719-784-5290

Judicial District	Colorado
Security Level	Administrative
Male/Female	Male
Capacity	490
Current Pop.	405
Staff	354
History/Description	Opened December 1994. There are 10 housing units, including a control unit, a high-security unit, a special housing unit, a general population unit, an intermediate/transitional unit, and a pretransfer unit. Housing is in single-man cells.
Education	Education includes GED, ESL, adult continuing education, adult basic education, and correspondence classes. Education programming and testing are done from within the inmate's cell. Most instruction is through closed-circuit TV in the inmate's cell. Eligible inmates will be allowed to enroll in one correspondence college course per semester.
Work	There are no jobs available to inmates due to the security status of the institution.
Food/Commissary	Meals are served on two trays: a hot and a cold one. There are five menu choices: regular meal, no pork, common fare, no meat, and dietary. Periodically, a food preference survey will be taken to determine the likes and dislikes of the population and to update the 35-day cycle menu.
Recreation	The Recreation Department will provide a variety of approved organized and free-form activities. Some of these activities are basketball, handball, and special holiday activities, including table games, tournaments, and contests.
Medical	Medical and dental sick call Monday, Tuesday, Thursday, and Friday. Rounds begin during the day shift and continue after 4:00 p.m. stand-up count.
Counseling	Psychology Services offers a wide variety of programs, including stress management, drug abuse programming, and anger management, through closed-circuit TV operation. Completion of any formal program is recognized with a certificate. Psychologists make rounds each week and talk with everyone but are available by request "between rounds" within 3 working days.
Drug Treatment	Drug education program via closed-circuit TV.
HIV/AIDS	Preventive educational video shown during orientation. A couple of pages of risk information in A&O pack.
Visits	Visiting times are from 8:00 a.m. to 3:00 p.m. on Thursday, Friday, Saturday, Sunday, and federal holidays. Visits are noncontact, and prisoners are entitled to five per month.
Religion	There are two full-time chaplains. Many religious services and programs are available through closed-circuit TV, which will also broadcast religious movies, studies, documentaries, and musical specials. Books are available through the chapel library. Greeting cards are also available.

FEDERAL CORRECTIONAL INSTITUTION FORREST CITY

Address	Federal Correctional Institution Forrest City P.O. Box 7000 Forrest City, AK 72335
Location	In eastern Arkansas, between Little Rock (85 miles west) and Memphis (45 miles East), and near Interstate 40. The region is served by air and rail in Memphis, and Forrest City is directly served by commercial bus lines.
Contact Numbers	Tel: 870-630-6000 Fax: 870-630-6250
Judicial District	Eastern Arkansas
Security Level	Low
Male/Female	Male
Capacity	1,536
Current Pop.	1,805
Staff	303
History/Description	Opened in April 1997. Housing is dormitory style with cubicles. A laundry room is located in each unit for inmate use.

Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition the Education Department offers vocational training, career counseling/release preparation, and the law and leisure libraries.
Work	Food Services and maintenance, including masonry, plumbing, painting, landscaping, heating and ventilation, sheetrock and drywall repairs, welding, automotive repair, power plant operations, etc. The Unicor operation at Federal Correctional Institution Forrest City manufactures office furniture that is named "Harmony." Unicor employs approximately 300 inmates when the facility is at full capacity. There is a waiting list for jobs.
Food/Commissary	Meals served in dining room during the week from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and from 4:30 p.m. to 5:30 p.m. On the weekends, meals are served from 7:00 a.m. to 8:00 a.m., from 11:00 a.m. to completion, and from 4:30 to 5:30 p.m. The commissary is open Monday through Thursday from 12:00 p.m. to 2:00 p.m. and after the 4:00 p.m. count to 7:00 p.m. A prisoner's shopping day is determined by the fourth and fifth digits of his inmate number.
Recreation	A variety of activities, including music rooms, television, billiards, art studio, fitness center, and outdoor activities, including soccer, volleyball, softball, and basketball. There are intramural and varsity sports.
Medical	Sick call Monday, Tuesday, Thursday, and Friday from 6:15 a.m. to 6:45 a.m. Pill line at various times that will be posted.
Counseling	Management, emotional awareness, and personal counseling.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	The Health Promotion/Disease Prevention Program offers HIV classes on a quarterly basis at the Federal Correctional Institution. The class is given by either a staff RN or a guest speaker from the local health department. This class is targeted especially for the prerelease inmates but is open to the general inmate population.
Gym	Fitness center with cardiovascular room.
Visits	The visiting room will operate Fridays from 5:00 p.m. to 8:00 p.m. and Saturdays, Sundays, and federal holidays from 8:00 a.m. to 3:00 p.m. Each inmate will be permitted five visiting points per month. One point will be assessed for each visit. Points cannot be carried over to the next month.
Religion	Family, friends, and significant others should call the chaplain's office at (870)630-6000 to report any and all emergencies pertaining to prisoners. Once the chaplain has confirmed the emergency, the prisoner will be contacted.
Release Preparation	Program offered for those 18 to 24 months away from release into the community.
Other	Smoking is prohibited in all buildings at this institution. Telephone privileges are strictly limited for those in administrative detention (once every 7 days) and disciplinary segregation (once every 30 days).

FEDERAL PRISON CAMP FORREST CITY

Address	Federal Prison Camp Forrest City P.O. Box 7000 Forrest City, AK 72335
Location	Adjacent to Federal Correctional Institution Forrest City.
Contact Numbers	Tel: 870-630-6000 Fax: 870-630-6250
Judicial District	Eastern Arkansas
Security Level	Low
Male/Female	Male
Capacity	128
Current Pop.	212

Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

FEDERAL CORRECTIONAL INSTITUTION FORT DIX

Address	Federal Correctional Institution Fort Dix P.O. Box 38 Fort Dix, NJ 08640
Location	In central New Jersey, approximately 45 minutes west of Philadelphia. Off Route 68, follow signs for Fort Dix/McGuire Air Force Base. The area is served by Philadelphia International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 609-723-1100 Fax: 609-724-6847
Judicial District	New Jersey
Security Level	Low
Male/Female	Male
Capacity	3,683
Current Pop.	3,913
Staff	604
History/Description	Opened September 1992; housing is dormitory style.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, vocational training programs include business education, building trades, electrical theory, picture framing, air conditioning, structural painting, and commercial driver's license. Postsecondary education programs are offered through the Burlington County Institute of Technology and Mercer County Community College.
Work	Unicor computer recycling plant and textile factory. Vocational training program with a required 6 months on a related job assignment after the program's end.
Food/Commissary	Meals are served in the dining room during the week from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and after the 4:00 p.m. count clears. On the weekends, times are from 7:00 a.m. to 8:00 a.m. and from 10:00 a.m. to 11:00 a.m.; dinner remains at the same time.
Recreation	Indoor recreation facilities include a gymnasium that is open daily from 6:00 a.m. to 9:00 p.m., weight-lifting rooms, stationary bicycles and exercise area, and music rooms. Art/hobby craft area is located in the Education Building on the third floor. Table games, including pool tables, are available in all housing units. The outdoor recreation area consists of a softball field, soccer/football field, handball/racquetball courts, horseshoe pits, and boccie ball lanes. Periodically, community events such as shows and musicals occur. Special activities are planned for holidays.
Medical	Sick call is from 6:30 a.m. to 6:45 a.m. on Sunday, Monday, Wednesday, and Thursday.
Counseling	Psychology Services provides individual counseling, a library of self-help books and videos, and classes throughout the year such as stress management and smoking cessation. Available nonresident groups may include anger management, self-esteem (in Spanish), alternatives to violence (English and Spanish), hatha yoga, meditation, criminal lifestyles, relapse prevention, self-awareness (offered in Spanish), long-term sentence groups (5+ years), pre-release group, and interpersonal relationships (offered in Spanish). There is also a Sexual Assault/Assault Prevention and Intervention Program.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	The gym is open daily from 6:00 a.m. to 9:00 p.m.
Visits	Legal visits not during regular visiting hours will be limited to 1 hour.
Religion	Four full-time chaplains. Inspirational library, greeting cards, special programs, seminars, retreats, studies, and spiritual meetings, and pastoral counseling are offered through the Pastoral Care Department. A schedule of all religious programs will be posted.
Release Preparation	Standard prerelease program.

FEDERAL PRISON CAMP FORT DIX

Address	Federal Prison Camp Fort Dix P.O. Box 38 Fort Dix, NJ 08640
Location	Adjacent to Federal Correctional Institution Fort Dix.
Contact Numbers	Tel: 609-723-1100 Fax: 609-724-6847
Judicial District	New Jersey
Security Level	Low
Male/Female	Male
Current Pop.	346
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

FEDERAL MEDICAL CENTER FORT WORTH

Address	Federal Medical Center Fort Worth 3150 Horton Road Fort Worth, TX 76119-5996
Location	In north central Texas, in southeast Fort Worth. North of Interstate 20 and east of Interstate 35. The area is served by Dallas/Fort Worth International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 817-534-8400 Fax: 817-413-3350
Judicial District	Northern Texas
Security Level	Administrative
Male/Female	Male
Capacity	1,132
Current Pop.	1,506
Staff	419
History/Description	Opened in August 1971. Prior to 1971 it was a U.S. Penitentiary facility, originally a Federal Correctional Institution. Housing varies from individual rooms to open dormitories. Also includes a jail and special housing unit for U.S. Marshals Service.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	Unicor graphics/services factory that makes signs and processes data.
Food/Commissary	Commissary is open on weekdays.
Recreation	Recreation includes weights, music, exercise equipment, and crafts.
Medical	There is an 85-bed health services unit that offers long-term and acute care. There is also 24-hour emergency care available.
Counseling	In addition to standard counseling services there is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes.
Visits	Visiting hours from 5:00 p.m. to 9:00 p.m. Monday, Thursday, Friday, and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Prisoners are given 9 visiting points a month. Weekend visits cost 2 points, and weekday visits cost 1. There is a separate children's room available.

FEDERAL CORRECTIONAL INSTITUTION GREENVILLE

Facility	Federal Correctional Institution Greenville P.O. Box 4000 100 U.S. Route 40 Greenville, IL 62246
Location	Approximately 43 miles east of downtown St. Louis, Missouri, and 63 miles from Springfield, Illinois. The area is served by airports in St. Louis, Greenville, and Vandalia; Amtrak service in Alton and St. Louis; and commercial bus service in Vandalia.
Contact Numbers	Tel: 618-664-6200 Fax: 618-664-6398
Judicial District	Southern Illinois
Security Level	Medium
Male/Female	Male
Capacity	750
Current Pop.	1,277
Staff	300
History/Description	Opened November 1994; housing is in one-, two-, and three-man cells.
Education	Education includes GED, ESL, ACE, and correspondence classes. In addition, vocational training is available in horticulture and building maintenance, and occupational training is available in business education and commercial foods. Apprenticeship programs in several areas are also available.
Work	There is a Unicor textile factory that makes battle dress uniforms for the U.S. military. Positions available include workers, quality assurance inspectors, office accounting, and contract clerks. There is a long waiting list.
Food/Commissary	Meals are served in the dining room during the week from 6:00 a.m. to 7:00 a.m., from 10:45 a.m. to 12:00 noon, and following the 4:00 p.m. count. On weekends and federal holidays, coffee is served from 6:30 a.m. to 7:30 a.m. Brunch begins following the 10:00 a.m. count, and dinner is held at the same time as weekdays.
Recreation	Recreation includes indoor and outdoor activities ranging from individualized arts and crafts to intramural team sports such as softball, basketball, and volleyball. Physical fitness and weight reduction programs are also offered.
Medical	Sick call is held from 6:30 a.m. to 7:00 a.m. on Monday, Tuesday, Thursday, and Friday, excluding federal holidays.
Counseling	The staff of each unit are available for informal counseling sessions as well as formal group counseling activities. Psychology Services provides crisis intervention and individual and group psychotherapy.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. The Values Program is a residential, 6-month personal growth and improvement program and is strictly voluntary.
Visits	Visiting hours are 1:30 p.m. to 8:00 p.m. Thursday and Friday and from 8:30 a.m. to 3:00 p.m. on the weekends and Monday. Weekend visitation will be scheduled on an odd/even rotation, based on the fifth digit of an inmate's registration number.
Release Preparation	Release preparation program involves assessing strengths and weaknesses as related to new career goals and adjusting to new opportunities and developing job skills when released. Those who complete the 1-week Pre-Release Preparation Program may choose to enroll in the Life Skills Management Program, which focuses on employability and preparing an employment portfolio and provides assistance in making release plans.
Religion	Two full-time chaplains, a contract rabbi and imam, and a Native American sweat lodge.

FEDERAL PRISON CAMP GREENVILLE

Address	Federal Prison Camp Greenville P.O. Box 4000 100 U.S. Route 40 Greenville, IL 62246
Location	Adjacent to Federal Correctional Institution Greenville.
Contact Numbers	Tel: 618-664-6200 Fax: 618-664-6398
Judicial District	Southern Illinois
Security Level	Minimum
Male/Female	Male
Capacity	256
Current Pop.	213
History/Description	Housing is dormitory style with two-person cubicles.
Admission and Orientation	First week or two.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	Unicor textile factory.
Food/Commissary	Meals are served in the dining facility during the week from 6:00 a.m. to 7:00 a.m., from 10:30 a.m. to 11:00 a.m., and for 1 hour after the 4:00 p.m. count clears. On the weekend and on holidays, breakfast will be served from 6:30 a.m. to 7:30 a.m., followed by brunch after the 10:00 a.m. count and dinner after the 4:00 p.m. count clears.
Recreation	Recreation includes indoor and outdoor activities, ranging from individualized arts and crafts to intramural team sports such as baseball, basketball, and volleyball. Physical fitness and weight reduction programs are also offered. This facility also participates in the Artist in Residence Program.
Medical	Sick call is held from 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday.
Counseling	A staff psychologist is available to inmates to assess needs and help design individualized programs. A staff or contract psychiatrist is also available. Psychology offers the Mastering Life Program. This is a 20-week session, offering such courses as personal power, stress management, new beginnings, wellness, parenting, criminal lifestyles, rational emotive therapy, financial responsibility, health and disease prevention, and breaking barriers.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:00 p.m. to 8:30 p.m. on Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Up to four adults may visit at any one time, with an unlimited number of children under 16 years. A children's television room is available.
Counseling	The staff of each unit is available for informal counseling sessions as well as formal group counseling activities. Psychology Services provides crisis intervention and individual and group psychotherapy.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. Also, the Values Program is a residential, 6-month personal growth and improvement program and is strictly voluntary.
Visits	Visiting hours are 1:30 p.m. to 8:00 p.m. Thursday and Friday and 8:30 a.m. to 3:00 p.m. on the weekends and Monday. Weekend visitation will be scheduled on an odd/even rotation, based on the fifth digit of an inmate's registration number.
Release Preparation	Release Preparation Program will involve assessing strengths and weaknesses as related to new career goals and adjusting to new opportunities and developing job skills when released. Those who complete the 1-week Pre-Release Preparation Program may choose to enroll in the Life Skills Management Program, which focuses on employability and preparing an employment portfolio and provides assistance in making release plans.
Religion	Two full-time chaplains, a contract rabbi and imam, and a Native American sweat lodge.

METROPOLITAN DETENTION CENTER GUAYNABO

Address	Metropolitan Detention Center Guaynabo P.O. Box 2146 San Juan, Puerto Rico 00922
Location	Six miles west of San Juan, Puerto Rico, off Highway 22 at the intersection of Roads 165 and 28. The area is served by San Juan International Airport.
Contact Numbers	Tel: 809-749-4480 Fax: 809-749-4363
Judicial District	Puerto Rico
Security Level	Administrative
Male/Female	Male and female
Capacity	932
Current Pop.	1,258
Staff	284
History/Description	Opened in March 1993; housing is in two-person cells. This facility's primary mission is to hold pretrial and holdover inmates as a service to the U.S. District Courts and U.S. Marshal Services for the districts of Puerto Rico and the Virgin Islands. It is adjacent to the Ft. Buchanan U.S. Army Base.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There is also a parenting program for female offenders. This class includes parent education, social services, and visiting room activities. Community-based information is also given out to female offenders.
Food/Commissary	Food is served on units. Mealtimes during the week are at 6:00 a.m., 11:00 a.m., and after the 4:00 p.m. count. On weekends and holidays, they are at 7:00 a.m., 10:30 a.m., and after the 4:00 p.m. count.
Medical	Health Services Department is located on the fourth floor. It provides 24-hour coverage, 7 days a week. Sick call is 6:00 a.m. to 6:15 a.m. Monday, Tuesday, Thursday, and Friday. Medication can be picked up in housing units from 5:00 p.m. to 8:00 p.m.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Recreation	Recreation includes organized sports, games, and hobbies.
HIV/AIDS	All inmates are encouraged to volunteer for an HIV test during the initial physical examination or during sick call hours.
Visits	Visiting hours vary by unit. Times will be posted. Parenting information center available in visiting room. Special activities for women participating in parenting program. Visitors must arrive 30 minutes before the visit is scheduled to begin.
Religion	There are three full-time chaplains. Scheduled activities are posted on Religious Services bulletin boards in the housing units.

FEDERAL DETENTION CENTER HONOLULU

Address	Federal Detention Center Honolulu 351 Elliot Street Honolulu, HI 96819
Location	The facility is located on the western perimeter of Honolulu International Airport.
Contact Numbers	Tel: 808-838-4200 Fax: 808-838-4507
Judicial District	Hawaii
Security Level	Administrative
Male/Female	Male and female
Capacity	670
Current Pop.	432

History/Description	Opened in 2001, it is a 12-story building designed mainly to hold pretrial inmates and those serving short sentences.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Food/Commissary	Meals are served in the dining room from 5:40 a.m. to 6:00 a.m. for court inmates and from 6:20 a.m. to completion for everyone else, from 10:45 a.m. to completion, and from 4:15 p.m. to completion. Weekend and holiday coffee hour is 7:00 a.m. to 7:45 a.m. Commissary hours posted on housing unit.
Recreation	Recreation information posted on housing units.
Medical	Routine medical and dental care available Monday, Tuesday, Thursday, and Friday for mainline population and 7 days a week for the Special Housing Unit.
Visits	Visiting hours will be posted. They vary by housing unit. Usually visiting is limited to immediate family members only. Up to four visitors may be present at any one time.

FEDERAL DETENTION CENTER HOUSTON

Address	Federal Detention Center Houston 1200 Texas Avenue P.O. Box 526245 Houston, TX 77002-3505
Location	In downtown Houston at the intersection of Texas and San Jacinto Avenues. The area is served by George Bush International Airport, William P. Hobby Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 713-221-5400 Fax: 713-229-4200
Judicial District	Southern Texas
Security Level	Administrative
Male/Female	Male and female
Capacity	918
Current Pop.	972
Staff	236
History/Description	Opened in October 1999.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

FEDERAL CORRECTIONAL INSTITUTION JESUP

Address	Federal Correctional Institution Jesup 2600 Highway 301 South Jesup, GA 31599
Location	In southeast Georgia on Route 301, 65 miles southwest of Savannah, 40 miles northwest of Brunswick, and 105 miles northwest of Jacksonville, Florida. The area is served by airports in Jacksonville, Savannah, and Brunswick, and by Amtrak.
Contact Numbers	Tel: 912-427-0870 Fax: 912-427-1125
Judicial District	Southern Georgia
Security Level	Medium
Male/Female	Male
Capacity	744

Current Pop.	1,084
Staff	328
History/Description	Opened in August 1990. Prisoners are housed in two-man cells. There are five television rooms in each wing; some are accessible to handicapped prisoners. Visiting is prohibited between units. Washers and dryers are provided on both sides of the unit.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes; a carpentry program and a vocational training course in drafting; and various apprenticeships, including graphic design and housekeeping.
Work	Work includes Food Service, facilities, and a Unicor textile factory.
Food/Commissary	Meals served from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and after the 4:00 p.m. count. On the weekends and holidays a brunch will be served instead of the breakfast and lunch meal. This will start at 10:30 a.m. and end at 11:30 a.m. A coffee hour will be between 7:00 a.m. and 8:00 a.m., and dinner will be after the 4:00 p.m. count. Prisoners will be authorized to shop once a week at the commissary. Hours will be posted.
Recreation	Indoor and outdoor activities. There is an outdoor recreation field where prisoners can engage in a range of activities, including track and field, soccer, and basketball.
Medical	Medical and dental sick call is from 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Emergencies will be seen at any time. Pill line is from 11:30 a.m. to 12:00 p.m. and again from 9:00 p.m. to 9:15 p.m.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous; also nonresidential transitional services for those who have previously completed a residential drug abuse program at another institution.
Gym	Yes.
Visits	Visiting hours are Thursday through Monday and all federal holidays from 8:00 a.m. to 3:00 p.m.
Religion	Chapel facility has religious library.

FEDERAL PRISON CAMP JESUP

Address	Federal Prison Camp Jesup 2600 Highway 301 South Jesup, GA 31599
Location	Adjacent to Federal Correctional Institution Jesup.
Contact Numbers	Tel: 912-427-0870 Fax: 912-427-1125
Judicial District	Southern Georgia
Security Level	Minimum
Male/Female	Male
Current Pop.	131
History/Description	Opened in 1989. Prisoners provide labor for the main institution, and are housed in open dormitories.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There is also vocational training in carpentry.
Work	Outside work details at Fort Steward and at GLENCO (a law enforcement training center) and in a county landscaping crew that maintains the county's cemeteries along with state inmates.
Recreation	As above.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous; also nonresidential transitional services for those who have previously completed a residential drug abuse program at another institution.
Visits	Visiting hours are from 4:30 p.m. to 8:00 p.m. on Friday and from 8:00 a.m. to 3:30 p.m. on weekends and federal holidays. There is a separate children's room.

FEDERAL CORRECTIONAL INSTITUTION LA TUNA

Address	Federal Correctional Institution La Tuna P.O. Box 1000 8500 Doniphan Anthony, NM-TX 88021
Location	On the Texas and New Mexico border, 12 miles north of the city limits of El Paso, Texas. Off Interstate 10 on State Highway 20. The area is served by El Paso International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 915-886-3422 Fax: 915-886-4977
Judicial District	Western Texas
Security Level	Low
Male/Female	Male
Capacity	556
Current Pop.	1,207
Staff	295
History/Description	Opened in May 1932; housing varies from two-person cells to open dormitories. It was originally called the El Paso Detention Farm.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. Also, in cooperation with El Paso Community College, the Education Department offers vocational training programs in air conditioning/refrigeration repair, automotive repair, and upholstery repair. Vocational training programs meet 6 hours daily and are considered work assignments. Air conditioning and automotive repair last 1 year, and upholstery repair lasts 6 months. Inmates will receive certificates from El Paso Community College. Primeria and Secundaria classes for Mexican inmates are also offered. Correspondence courses can also be taken.
Work	Jobs include vocational training as above, Food Services, and Unicor graphics/services. There is a brush factory that produces many types of paint brushes as well as counter and floor sweepers. Other work is offered by the facilities department, including construction, plumbing, electrical, painting, and powerhouse operations. Work for most people begins at 7:35 a.m., although those working in Food Services start at 4:00 a.m.
Food/Commissary	Meals are eaten in the dining room. The commissary is open Monday through Friday from 4:30 p.m. to 8:00 p.m.
Recreation	Television and dayrooms on each housing unit. Handball, basketball, soccer, softball, volleyball, walking/jogging, ceramics, leathercraft, painting, wellness program, aerobics, smoking cessation.
Medical	Sick call 6:00 a.m. to 6:30 a.m. Monday, Tuesday, Thursday, and Friday, except for holidays. Medication is dispensed at various times each day. Dental, safety orthopedic shoes, and eye exams also available. Emergency medical problems can be dealt with at any time.
Counseling	Various prisoner-run groups that include Alcoholics Anonymous, Parenting Program, Narcotics Anonymous, Suicide Companion Program. In addition to these groups, counseling sessions are offered once weekly by unit staff. There are also three psychologists, five drug treatment specialists, and a psychology technician who offer group and individual counseling as well as crisis intervention.
Drug Treatment	Residential Drug Abuse Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous as well as a drug programming resource center self-help library.
Visits	Visiting hours, 1:00 p.m. to 7:00 p.m., Monday, Thursday, and Friday and 8:00 a.m. to 3:00 p.m. Saturday, Sunday, and holidays.
Religion	There are Catholic and Protestant chaplains as well as active Jewish, Islamic, and Native American groups. Common fare diet available.

FEDERAL PRISON CAMP LA TUNA

Address	Federal Prison Camp La Tuna P.O. Box 1000 8500 Doniphan Anthony, NM-TX 88021
Location	Adjacent to Federal Correctional Institution La Tuna.
Contact Numbers	Tel: 915-886-3422 Fax: 915-886-4977
Judicial District	Western Texas
Security Level	Minimum
Male/Female	Male
Current Pop.	149
History/Description	Located approximately one-half mile north of the main institution, the camp complex consists of an administration building, a Food Service Department, a Laundry/Clothing Issue Section, Mechanical Services shops, a medical infirmary, the commissary, the visiting room, and two dormitories. The two dormitories are divided into four wings. Two wings of each unit are nonsmoking. Each dormitory has central restrooms and shower facilities, as well as two television rooms and a large game room. Unit staff offices are on the dormitories. Prisoners are both directly sent to the camp and transferred from other federal facilities.
Admission and Orientation	The A&O program will include lectures from department heads, psychological testing, educational testing, a complete physical examination, and a tour of the camp.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Vocational training programs include automotive repair and horticulture. Both courses are offered through El Paso Community College. Short-term classes are also offered in a variety of areas. Examples of courses presented in the past include income tax, real estate personal finance, and the stock market.
Work	Maintenance jobs include landscape, garage, powerhouse, electric shop, and construction crews. Unicor plastic molding operation makes handles for the brush factory. There is also a Unicor warehouse.
Food/Commissary	Hot meals are served in the dining room three times a day on workdays and twice daily on weekends and holidays. Breakfast is served from 6:00 a.m. to 7:00 a.m., lunch from 11:00 a.m. to 12:00 p.m., and dinner from 4:00 p.m. to 5:00 p.m. On weekends and holidays, rolls and refreshments are served between 6:00 a.m. and 7:00 a.m., followed by brunch from 10:30 a.m. to 11:30 a.m. The commissary is open Tuesdays and Wednesdays from 4:30 p.m. until last call at 7:45 p.m. Prisoners are allowed to purchase items in order, depending on their register number.
Recreation	Recreation includes intramural, extramural programs in softball, basketball, volleyball, and tennis as well as a well-supplied weight-lifting area, track, baseball field, tennis court, and two hand-ball courts. There is also a hobby craft shop where inmates are allowed to make leathercraft items.
Religion	Protestant, Catholic, Jewish, Muslim, Jehovah's Witness, and Church of Christ services are available; other activities include Gideon and Spanish Bible study as well as religious music groups.
Medical	Sick call sign-up from 6:30 a.m. to 6:45 a.m. and again from 7:00 p.m. to 7:15 p.m. Mondays, Tuesdays, Thursdays, and Fridays. Pill-call hours will be posted. In a medical emergency, contact the dorm officers or another member of staff.
Counseling	Group and individual. Marriage enrichment counseling, family planning. Unit counseling and psychology services.
Drug Treatment	Residential comprehensive drug abuse program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours weekends and holidays 8:30 a.m. to 3:15 p.m.
Other	Smoking is not allowed in any area of the dormitory units.

FEDERAL PRISON CAMP LEAVENWORTH

Address	Federal Prison Camp Leavenworth 1300 Metropolitan Leavenworth, KS 66048
Location	Adjacent to U.S. Penitentiary Leavenworth.
Contact Numbers	Tel: 913-682-8700 Fax: 913-682-0041
Judicial District	Kansas
Security Level	Minimum
Male/Female	Male
Capacity	398
Current Pop.	446
History/Description	Housing is in open-style dormitories, with 50 men per dormitory.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 5:30 p.m. to 9:00 p.m. Tuesday through Friday, 12:30 p.m. to 9:00 p.m. Saturday, and 8:30 a.m. to 3:30 p.m. Sunday and federal holidays.

U.S. PENITENTIARY LEAVENWORTH

Address	U.S. Penitentiary Leavenworth 1300 Metropolitan Leavenworth, KS 66048
Location	Twenty-five miles north of Kansas City. On Highway 73. The area is served by Kansas City International Airport (15 miles from the facility).
Contact Numbers	Tel: 913-682-8700 Fax: 913-682-0041
Judicial District	Kansas
Security Level	High
Male/Female	Male
Capacity	1,201
Current Pop.	1,747
Staff	557
History/Description	Opened in July 1895, Leavenworth was the first federal prison facility. Housing is one- and two-man cells.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. There is also a vocational training course in graphic art design. Inmates interested in education should contact staff directly.
Work	Unicor textile factory; furniture and graphics/services.
Food/Commissary	Meals are served from 6:30 a.m. to 7:30 a.m., from 11:00 a.m. to 12:00 p.m., and from 4:30 p.m. to 5:30 p.m. Commissary is open on weekday afternoons.
Recreation	Routine sports programs are offered; hobby craft programs such as painting and ceramics are available. A pool hall and music rooms are also available for inmate use. Movies are shown in the auditorium. Special events are held from time to time and will be publicized throughout the institution. The gym is opened in inclement weather.
Medical	Sick call is from 7:00 a.m. to 7:30 a.m. on Monday, Tuesday, Thursday, and Friday.
Counseling	CODE (Challenge, Opportunity, Discipline, Ethics) for high-security offenders.

Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	The gym has a basketball court and an indoor weight-lifting area.
Visits	Visiting hours 8:00 a.m. to 3:30 p.m. daily. Visitation is allotted on a point system. An inmate is given 24 points per month. Weekdays, weekend days, and holidays, 1 hour of visiting time equals 1 point. Points do not carry over from one month to another. Any portion of an hour of visiting will be counted as a full hour.
Religion	Full-time chaplains and consultants for other religions conduct weekly services. Chaplains are available through a written request or pass. A selection of books and other publications as well as greeting cards are available in the chaplain's office.
Release Preparation	Inmates nearing release who need assistance in obtaining a job, residence, or other community resource may be transferred to a community corrections program (halfway house). Eligible inmates within a year of their release are scheduled for the institutional prerelease program.

FEDERAL PRISON CAMP LEWISBURG

Address	Federal Prison Camp Lewisburg R.D. #5 Lewisburg, PA 17837
Location	Adjacent to U.S. Penitentiary Lewisburg.
Contact Numbers	Tel: 717-523-1251 Fax: 717-524-5805
Judicial District	Middle Pennsylvania
Security Level	Minimum
Male/Female	Male
Capacity	352
Current Pop.	261
History/Description	Housing is dormitory style in two-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 8:00 a.m. to 3:00 p.m. on Friday, from 8:00 a.m. to 8:00 p.m. on Saturday, and from 8:00 a.m. to 3:00 p.m. on Sunday. There is a separate children's room.

INTENSIVE CONFINEMENT CENTER LEWISBURG

Address	Intensive Confinement Center Lewisburg R.D. #5 Lewisburg, PA 17837
Location	Adjacent to U.S. Penitentiary Lewisburg.
Contact Numbers	Tel: 717-523-1251 Fax: 717-524-5805
Judicial District	Middle Pennsylvania
Male/Female	Male
Capacity	240
Current Pop.	134
History/Description	Prisoners are held in military-style barracks.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

U.S. PENITENTIARY LEWISBURG

Address	U.S. Penitentiary Lewisburg R.D. #5 Lewisburg, PA 17837
Location	In rural central Pennsylvania, outside the town of Lewisburg, 200 miles north of Washington, D.C., and 170 miles west of Philadelphia; 6 miles south of Interstate 80, 2 miles off U.S. Route 15. The area is served by Williamsport Airport.
Contact Numbers	Tel: 717-523-1251 Fax: 717-524-5805
Judicial District	Middle Pennsylvania
Security Level	High
Male/Female	Male
Capacity	809
Current Pop.	1,078
Staff	548
History/Description	Opened November 1932, it was originally called the Northeastern Penitentiary. Housing is primarily in one- or two-man cells, although some are held dormitory style in one-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes through Penn State University and Ohio University, among others. There is also an on-site college program leading to an associate's degree in business from Newport Institute. Unicor scholarships are awarded on a competitive basis to those who meet the qualifications.
Work	Unicor metals factory. On-the-job training is offered in such skill areas as tool and die, welding, drafting, and spray painting. Other jobs include Mechanical Services, which provides on-the-job training in fields such as carpentry, communications, electrical repair, painting, plumbing, steam fitting, and general building maintenance; Food Services, which provides training in the cooking and baking fields; Medical Services; the Education Department; the business office; and unit orderlies. A 1-week "vacation" may be requested after a year on a job assignment.
Recreation	Recreation includes weights, basketball, flag football, softball, soccer, tennis, racquetball, handball, volleyball, tennis, racquetball, boccie ball, cards, checkers, chess, dominoes, and table tennis. Music room operates on an enrollment basis. Approved bands are scheduled days and times to use the music room, and musical talent shows are offered throughout the year. The Arts and Crafts Department offers leathercraft, ceramics, knitting, crocheting, acrylic painting, glass painting, pencil and ink sketching, and pastel drawing. Materials are purchased through the commissary. With the exception of pen and ink sketching and crocheting, materials are restricted to the hobby shop.
Medical	Sick call is from 6:30 a.m. to 7:00 a.m.
Counseling	Psychological testing and evaluation for courts, parole boards, case management, and inmate needs are provided through staff referrals. Groups are offered in stress management, anger control, coping skills, and the development of values.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	The visiting room is open from 8:00 a.m. to 3:00 p.m. daily. Inmates are encouraged to have their visits during the week. Visits are permitted on only one weekend day, either Saturday or Sunday. Only five visits per month are allowed, excluding attorney visits.
Religion	There are chaplains on staff, and representatives of any recognized religion may visit at an inmate's request. Provisions are made to observe special religious faith holy days. The chapel schedule is posted outside the chapel.

FEDERAL MEDICAL CENTER LEXINGTON

Address	Federal Medical Center Lexington 3301 Leestown Road Lexington, KY 40511
Location	Seven miles north of Lexington on U.S. Highway 421. Lexington is served by Blue Grass Field Airport and by commercial bus service.

Contact Numbers	Tel: 606-255-6812 Fax: 606-253-8821
Judicial District	Eastern Kentucky
Security Level	Administrative
Male/Female	Male
Capacity	1,106
Current Pop.	1,902
Staff	534
History/Description	Opened in February 1974; facility includes a 100-bed hospital. From 1986 to 1988, female political prisoners were housed in its Special Housing Unit (SHU). The SHU was closed following criticisms from ACLU and other civil liberties and human rights groups that the conditions consisted of "cruel and unusual punishment." It provides mental health services for Mariel detainees.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are vocational training classes in barbering, building trades, computers, and horticulture. There are also apprenticeships in baking, carpentry, cooking, dental assistance, dental lab, HVAC, and plumbing.
Work	Unicor electronics and graphics/services factory.
Food/Commissary	Commissary is open on weekday afternoons.
Recreation	Recreation includes exercise equipment, crafts, intramural sports.
Medical	Sick call, 6:30 a.m. to 7:00 a.m., Monday, Tuesday, Wednesday, and Friday. Pill line hours will be posted. There is also a hospice program for terminally ill women.
Counseling	Six full-time psychologists, mental health unit.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 9:00 a.m. to 3:00 p.m. on Monday, Thursday, and Friday and 5:00 p.m. to 11:00 p.m. on weekends and federal holidays.
Religion	There are three full-time chaplains, a contract rabbi and imam, and a Native American sweat lodge.

FEDERAL PRISON CAMP LEXINGTON

Address	Federal Prison Camp Lexington 3301 Leestown Road Lexington, KY 40511
Location	Adjacent to Federal Medical Center Lexington.
Contact Numbers	Tel: 606-255-6812 Fax: 606-253-8821
Judicial District	Eastern Kentucky
Security Level	Minimum
Male/Female	Female
Capacity	300
Current Pop.	159
History/Description	Prisoners are housed in dormitories.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. There are also two vocational training programs in digitalized mapping (which leads to outside certification or accreditation) and computer applications. The parenting program has three components: long-distance parenting skills, social services, and a visiting-room program. Inmates in the program are given an assortment of academic and coloring activities for them to mail home monthly. Once the course is successfully completed, they are able to record and mail a 15-minute video reading of their child(ren)'s favorite book.
Work	Jobs available include construction, garage, landscape, Food Service, Food Service warehouse, outside warehouse, camp and building orderly, education, recreation, training, garden, medical, chapel, regional office, Veteran's Administration, and Unicor metal/cardboard recycling plant.

Food/Commissary	Meals are served in the dining hall. Commissary shopping is 1 day per week, on Tuesday through Thursday afternoons.
Recreation	Recreation includes a variety of indoor and outdoor activities such as wellness classes, team sports, weight reduction, arts and crafts, and special holiday activities. There is also a beauty salon for inmates.
Medical	Medical staff is on call 24 hours a day, 7 days a week. Dental care is also available. Hours for sick call and pill line will be posted.
Counseling	An interview with a psychologist should occur by the third week at Federal Prison Camp Lexington.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 5:00 p.m. to 9:00 p.m. on Fridays and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. There is a special visiting room for children as part of parenting program. Born Free Ministry, Inc., a prison ministry program of the Galilean Children's Home in Liberty, Kentucky, takes care of babies born to women in prison, bringing them into the prison to visit their mothers at least once a week.
Religion	A weekly schedule of religious activities is posted on the unit bulletin board.
Release Preparation	According to A&O pack, "Inmates nearing release should receive as much individual attention as possible." Staff shall help women obtain any necessary proper identification, such as birth certificate, social security card, and driver's license, prior to release.

FEDERAL CORRECTIONAL INSTITUTION LOMPOC

Address	Federal Correctional Institution Lompoc 3600 Guard Road Lompoc, CA 93436
Location	About 175 miles northwest of Los Angeles, adjacent to Vandenberg Air Force Base. The area is served by Santa Barbara Airport (60 miles south), Santa Maria Airport (25 miles north), Amtrak, and commercial bus service.
Contact Numbers	Tel: 805-736-4154 Fax: 805-736-7163
Judicial District	Central California
Security Level	Low
Male/Female	Male
Capacity	472
Current Pop.	1,006
Staff	239
History/Description	Opened in January 1991; housing is in two-person cells. It was originally U.S. Penitentiary Lompoc camp.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes; vocational training in business computing; advanced occupational classes dealing with computer operations and sanitation; and college courses.
Work	Unicor electronics and furniture factory.
Food/Commissary	Meals are served cafeteria style in the dining room during the week from 6:00 a.m. to 7:00 a.m., from 10:45 a.m. to 12:00 p.m., and from 4:45 p.m. to 6:00 p.m. Hours are the same on the weekend except that breakfast is replaced by a coffee hour from 6:30 a.m. to 7:30 a.m. Commissary is open Monday through Thursday evenings and on Friday for special purchases.
Recreation	Recreation includes weights, team sports, hobby shop, body building, fitness programs, movies, games, and special events. When lifting weights, you are required to wear steel-toed shoes. Game/card playing is allowed in the unit activity rooms. TV rooms are located in housing units and outside the Food Service area. To view any television, an FM radio is required to receive sound for television. There is a Spanish television programming room.
Medical	Sick call Monday, Tuesday, Thursday, and Friday from 6:00 to 6:30 a.m.

Drug Treatment	Residential Drug Abuse Treatment Program that takes approximately 12 months to complete; also a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. Programs are offered in English and Spanish.
Gym	There is a gym, in which tennis shoes must be worn.
Visits	Visiting hours are from 8:15 a.m. to 3:00 p.m. Thursday through Monday. Visits are allowed on a points system. Inmates are allotted 50 visiting points per month. On weekdays, 1 point is subtracted for each hour of visitation. Two points are subtracted for each hour on weekends and holidays. No more than four visitors are allowed at a time.
Religion	Two full-time chaplains and a contract rabbi and imam.
Release Preparation	Inmates participating in the institution's Release Preparation Program are required to complete six courses. Inmates with 24 months or less to serve are enrolled in the program. Inmates within a year of release must submit a formal release plan.

FEDERAL PRISON CAMP LOMPOC

Address	Federal Prison Camp Lompoc 3901 Klein Boulevard Lompoc, CA 93436
Location	Adjacent to U.S. Penitentiary Lompoc.
Contact Numbers	Tel: 805-735-2771 Fax: 805-737-0295
Judicial District	Central California
Security Level	Minimum
Male/Female	Male
Capacity	276
Current Pop.	275
History/Description	The Federal Prison Camp at Lompoc was activated in July 1991. It was established as a work camp to provide labor from minimum-security prisoners for the Vandenberg Air Force installation and the federal penitentiary farm. There is one warden for the entire Lompoc prison complex, with a camp administrator responsible for daily operations in the prison camp. Housing is in open dormitories.
Admission and Orientation	One to 2 weeks.
Education	There is limited education, including GED, ESL, and literacy testing. In addition, vocational training courses include building trades, meat cutting, and dairy. There is a satellite law library available for use from 9:00 a.m. to 9:00 p.m., 7 days a week.
Work	Jobs are available in the following areas: Business Office—warehouse, camp landscape, camp unit orderlies, construction, facilities operations; Farm 1—general equipment maintenance; Farm 2—ranch hand; Farm 3—field crops; Farm 4—dairy, Food Service, laundry, law library, maintenance, outside landscape, powerhouse; Unicor—cable or sign factory, and wastewater plant.
Food/Commissary	Meals are served in the dining hall at 6:00 a.m., from 11:00 a.m. to 12:00 p.m., and from 4:30 p.m. to 5:30 p.m. on weekdays and from 7:00 to 8:00 a.m., from 11:00 to 12:00 p.m., and from 4:30 p.m. to 5:30 p.m. on weekends.
Recreation	Musical instruments, arts and crafts, outdoor sports.
Medical	Medical and dental sick call 5:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Pill line from 7:00 a.m. to 7:30 a.m. Emergency medical problems or injuries will be dealt with as they occur.
Counseling	Volunteer groups and staff psychologists.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 8:30 a.m. to 3:15 p.m. weekends and federal holidays. No new visitors will be allowed to begin visits after 2:00 p.m. Prisoners may have a total of 15 people on their approved visitors' list. There is a separate children's television area in the visiting area.

Religion	Full-time U.S. Penitentiary chaplains work with camp inmates. Chapel is open all day Saturday and Sunday and during several weekday evenings. There is a Native American sweat lodge in the recreation yard.
Other	Mail call on weekdays at 5:30 p.m. at camp control center. Telephones will be turned off at 10:00 p.m. each night.

INTENSIVE CONFINEMENT CENTER LOMPOC

Address	Intensive Confinement Center Lompoc 3600 Guard Road Lompoc, CA 93436
Location	Adjacent to Federal Correctional Institution Lompoc.
Contact Numbers	Tel: 805-736-4154 Fax: 805-736-7163
Judicial District	Central California
Security Level	Low
Male/Female	Male
Capacity	200
Current Pop.	159
History/Description	Housing is in military-style barracks.
Admission and Orientation	First week or two.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 9:00 a.m. to 3:00 p.m. on Sunday. There is a children's room with books and a television.

U.S. PENITENTIARY LOMPOC

Address	U.S. Penitentiary Lompoc 3901 Klein Boulevard Lompoc, CA 93436
Location	See Federal Correctional Institution Lompoc
Contact Numbers	Tel: 805-735-2771 Fax: 805-737-0295
Judicial District	Central California
Security Level	High
Male/Female	Male
Capacity	980
Current Pop.	1,404
Staff	508
History/Description	Lompoc was originally a U.S. Army disciplinary barracks. It opened as an Federal Correctional Institution in July 1959 and became a U.S. Penitentiary in September 1981. The prison is adjacent to Vandenberg Air Force Base in Northern Santa Barbara County, about 5 miles from downtown Lompoc. The prison has seven housing units with double- and single-cell occupancy as well as two dormitory units.
Admission and Orientation	A&O program during first week or two. Inmates should have psychological screening within 14 days of arrival. They will be given a physical screening as they are processed through R&D.

Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There are also apprenticeships and vocational training. See Education Department for details. The Education Department also runs the law and leisure libraries.
Work	Three Unicor factories: sign factory, print plant, and electronic cable factory (military equipment). There is also a Unicor Quality Assurance Department that checks products for military use.
Food	Meals are served during the week from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and from 5:00 p.m. to 6:00 p.m. On the weekend, meals are served from 7:00 a.m. to 8:00 a.m., from 11:00 a.m. to 12:00 p.m., and from 4:30 p.m. to 6:00 p.m. Prisoners will eat with others on the same unit. Schedule for using the commissary is unit based.
Recreation	Recreation includes arts and crafts, intramural sports and physical fitness programs. Musical instruments are also available.
Medical	Sick call 6:15 a.m. and 7:15 a.m., Monday, Tuesday, Thursday, and Friday. Acute illnesses and injuries will be dealt with either as they arise or on Wednesdays. Emergency care is available at all times. Controlled or restricted medication is handed out in pill line during the week from 6:15 a.m. to 7:15 a.m., from 11:30 a.m. to 12:15 a.m., from 4:45 p.m. to 6:00 p.m., and from 9:30 p.m. to 10:00 p.m. On the weekends it will be handed out at 7:15 a.m. (insulin only), then from 8:15 to 9:30 a.m., from 11:30 to 12:15 p.m., from 5:15 to 6:15 p.m., and again from 9:30 to 10:00 p.m. Over-the-counter medication like Tylenol and antacids may be obtained at any pill line.
Counseling	Self-image groups, as well as psychological and psychiatric counseling and treatment. CODE (Challenge, Opportunity, Discipline, Ethics) for high-security offenders.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 8:30 a.m. to 3:30 p.m. Monday, Thursday, Friday, Saturday, Sunday, and approved holidays. No more than four people are allowed per visit. The institution uses a points system to reduce overcrowding. Each prisoner is allocated 40 points at the beginning of the month. During the week, 1 hour of visit corresponds to 1 point. On the weekend, 1 hour of visit equals 2 points.
Religion	Three full-time chaplains plus 100 community contractors and volunteers offer 45 services weekly for a dozen faith groups. The chapel is open all day Saturday and Sunday, as well as on several weekday evenings. There is a sweat lodge in the recreation yard. People who wish to participate in the sweat lodge must obtain permission from the chaplain and be medically screened. The chaplains have information about travel and accommodation details for visitors. They also offer counseling.
Other	The prison uses a pass system during the week, meaning that from 7:30 a.m. to 4:00 p.m. inmates must have a pass to move from one area of the institution to another unless they are going to lunch or to an assigned detail, like work. Outside of working hours, inmates are allowed to move only during a period of "controlled movement," which begins usually 5 minutes before an hour and ends 5 minutes after the hour. Families of prisoners may telephone the institution at (805) 735-2771 in the case of a family emergency.

FEDERAL CORRECTIONAL INSTITUTION LORETTO

Address	Federal Correctional Institution Loretto P.O. Box 1000 Loretto, PA 15940
Location	In southwest Pennsylvania between Altoona and Johnstown, 90 miles east of Pittsburgh. Off Route 22, midway between Interstate 80 and the Pennsylvania Turnpike via Route 220. The area is served by Pittsburgh Airport, Amtrak, and commercial bus service.
Contact Numbers	Tel: 814-472-4140 Fax: 814-472-6046
Judicial District	Western Pennsylvania
Security Level	Low
Male/Female	Male
Capacity	473

Current Pop.	1,104
Staff	221
History/Description	Opened November 1984, the institution is housed in a former Catholic seminary.
Admission and Orientation	Two phases. Phase 1 is a 1-day program of presentations by department heads and executive staff, who provide an overview of the institution's programs, as well as information about rights and responsibilities and the disciplinary process. Phase 2, unit orientation, occurs within 5 days of arrival and will be conducted by unit staff, who provide information about unit life.
Education	Education includes GED, ESL, adult continuing education, literacy testing, ABLE (Adult Basic Level Examination), parenting, and correspondence classes in languages, history, legal research, and business. In addition, vocational training classes are available in blueprint reading, information processing, and personal fitness training. Those who successfully pass the course will receive a certificate. The parenting course is run by the Bethesda Family Services Foundation. The law and leisure libraries are open 6 days a week but closed on Saturday.
Work	Facilities jobs include drafting, electric, landscape, garage, communications, powerhouse, plumbing, welding, painting, and construction. There is a Unicor electronics cable factory.
Food/Commissary	Meals are served at 6:00 a.m., 11:00 a.m., and 4:30 p.m. during the week. On the weekend and on federal holidays they are served at 7:00 a.m., 10:00 a.m., and 4:30 p.m. Prisoners are permitted to shop at the commissary any day of the week but only once a week.
Recreation	Recreation includes varsity and intramural sports such as basketball, softball, and volleyball. There are also crafts programs in fine art, ceramics, and leatherwork, plus an outside track area for running and walking. Periodically there are contests and holiday games and activities.
Medical	Sick call from 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Pill line occurs every day from 11:30 a.m. to 12:00 p.m. There are additional lines from 7:30 a.m. to 7:45 a.m. and 8:30 p.m. to 8:45 p.m. for medication that was ordered during sick call and/or to refill medications if noted on prescription. Dental emergencies scheduled at same time as sick call; otherwise, a dental appointment must be individually requested in writing.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes. It is located next to the visiting room. It closes at 9:00 p.m.
Visits	Visiting hours are from 5:30 p.m. to 8:30 p.m. Monday, Thursday, and Friday and from 8:00 a.m. to 3:30 p.m. on Saturday, Sunday, and federal holidays. Prisoners are permitted eight visits per month, four of which may take place on the weekend or on a public holiday.
Religion	One full-time chaplain is available for pastoral counseling 7 days a week for all inmates, irrespective of faith or denominational affiliation.
Other	Telephones are turned off between 11:30 p.m. and 6:00 a.m.

FEDERAL PRISON CAMP LORETTO

Address	Federal Prison Camp Loretto P.O. Box 1000 Loretto, PA 15940
Location	Adjacent to Federal Correctional Institution Loretto.
Contact Numbers	Tel: 814-472-4140 Fax: 814-472-6046
Judicial District	Western Pennsylvania
Security Level	Minimum
Male/Female	Male
Capacity	93
Current Pop.	102
History/Description	Housing is in military-style barracks.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.

Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:00 p.m. to 9:00 p.m. on Fridays and from 8:00 a.m. to 3:30 p.m. on weekends and federal holidays. There is a separate children's room.

METROPOLITAN DETENTION CENTER LOS ANGELES

Address	Metropolitan Detention Center Los Angeles 535 N. Alameda Street Los Angeles, CA 90012
Location	In downtown Los Angeles, off the Hollywood Freeway (Highway 101) on the corner of Alameda and Alison Streets. The area is served by Los Angeles International Airport, Burbank Airport, Amtrak, and commercial bus service.
Contact Numbers	Tel: 213-485-0439 Fax: 213-626-5801
Judicial District	Central California
Security Level	Administrative
Male/Female	Male and female
Capacity	728
Current Pop.	883
Staff	274
History/Description	Opened in February 1989.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Food	Food is delivered to each housing unit three times a day from the main kitchen. Meals are served at 6:00 a.m. (7:00 a.m. on weekends and holidays), 11:00 a.m., and 4:15 p.m. Meals are based on a 35-day cycle menu. Weekly menus are posted on the unit bulletin board, though menu items are subject to change without prior notice. Meals are based on a 3,000-calorie diet. Common fare meals can be arranged through the chaplain.
Recreation	Recreational equipment is available within each living unit. The schedule will be posted on the unit bulletin board.
Medical	Sick call is Monday, Tuesday, Thursday, and Friday, and you must sign up at the officer's desk the night before.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting is conducted Monday through Wednesday from 12:30 p.m. to 9:00 p.m., and weekends and holidays from 8:00 a.m. to 9:00 p.m.
Religion	There is a full-time chaplain and priest. Arrangements can be made to visit with clergy individually.
Release Preparation	Standard prerelease program. The class is offered quarterly.

FEDERAL CORRECTIONAL INSTITUTION MANCHESTER

Address	Federal Correctional Institution Manchester P.O. Box 3000 Manchester, KY 40962
Location	Seventy-five miles south of Lexington on Interstate 75 and 20 miles east of London on the Daniel Boone Parkway. Go 4 miles north on State Highway 421, then 1.4 miles on Route 8, Fox Hollow Road. The area is served by airports in Lexington and in Knoxville, Tennessee.
Contact Numbers	Tel: 606-598-1900 Fax: 606-599-4115
Judicial District	Eastern Kentucky

Security Level	Medium
Male/Female	Male
Capacity	756
Current Pop.	1,163
Staff	331
History/Description	Opened November 1992; housing is in two-person cells.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. Vocational training courses include plumbing, electrical, carpentry, horticulture, and custodial maintenance. Apprenticeship programs include cooking, baking, electrical, plumbing, landscaping, and greenhouse work. Advanced occupational education is also available in business education and drafting/blueprint reading.
Work	Jobs include barber, Food Service, orderlies, maintenance, and a Unicor textile factory that employs approximately 380 inmates making items for the U.S. military.
Food/Commissary	Meals are served in the dining room from 6:30 a.m. to 10 minutes after the last call, from 11:00 a.m. to 10 minutes after the last call, and after the 4:00 p.m. count clears during the week. On the weekend, the hours are the same except for breakfast which is served from 7:30 a.m. to 8:30 a.m. The commissary is open Monday through Thursday after the 4:00 p.m. count clears. Prisoners may shop once a week depending on their unit.
Medical	Medical and dental sick call hours are from 6.45 a.m. to 7:30 a.m. Monday, Tuesday, Thursday, and Friday. Pill-call hours will be posted. The Health Services staff includes physicians, physician assistants, nurses, dentists, and a dental hygienist. There are also consultant specialists, a dietician, and an optometrist.
Counseling	Suicide Prevention Program. There is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Religion	Three full-time chaplains, a contract imam, and a Native American sweat lodge; religious library for inmate use. The religious program schedule is posted in each dormitory and in the chapel.

FEDERAL PRISON CAMP MANCHESTER

Address	Federal Prison Camp Manchester P.O. Box 3000 Manchester, KY 40962
Location	Adjacent to Federal Correctional Institution Manchester.
Contact Numbers	Tel: 606-598-1900 Fax: 606-599-4115
Judicial District	Eastern Kentucky
Security Level	Minimum
Male/Female	Male
Capacity	512
Current Pop.	482
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Food/Commissary	Meals are served in the dining room from 6:30 a.m. to 10 minutes after the last call, from 11:00 a.m. to 10 minutes after the last call, and after the 4:00 p.m. count clears during the week. On the weekend, the hours are the same except for breakfast, which is served from 7:30 a.m. to 8:30 a.m. The commissary is open Monday through Thursday. Prisoners may shop once a week.
Medical	Medical and dental sick-call hours are 7:00 a.m. to 7:30 a.m. Monday, Tuesday, Wednesday, and Friday. Pill-call hours will be posted. The Health Services staff includes physicians, physician assistants, nurses, dentists, and a dental hygienist. There are also consultant specialists, a dietician, and an optometrist.

Counseling	Suicide Prevention Program
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Religion	There is a religious library for inmate use. The religious program schedule is posted in each dormitory and in the chapel.

FEDERAL CORRECTIONAL INSTITUTION MARIANNA

Address	Federal Correctional Institution Marianna 3625 Federal Correctional Institution Road Marianna, FL 32446
Location	In the Florida panhandle, 65 miles west of Tallahassee and 5 miles north of the town of Marianna. Off Highway 167. Marianna is served by airports in Tallahassee; Dothan, Alabama (35 miles northwest of the facility); and Panama City (54 miles south).
Contact Numbers	Tel: 850-526-2313 Fax: 850-482-6837
Judicial District	Northern Florida
Security Level	Medium
Male/Female	Male
Capacity	805
Current Pop.	1,267
Staff	348
History/Description	Opened in December 1988; housing is in two-person cells. "Main 550-cell medium security correctional institution for men is designed with all the components necessary to establish a self-supporting community. (Double-bunk capacity is 1100.) This includes housing, administration, education, recreation, medical clinic, Food Service and dining, vocational training and industrial warehouses" (Spens, 1994, p. 65).
Admission and Orientation	All newly arrived inmates have a physical examination. Unless otherwise documented, all inmates are required to have a tetanus and PPD immunization upon arrival. All inmates will be screened by Psychology Services during admission and orientation program.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. GED classes are offered in English and Spanish. The parenting program has four phases: general parenting, family literacy education, skills for family support, and domestic violence, AIDS, and substance abuse. In addition, vocational education courses are offered in computer applications and the Adult Distributive Cooperative Program (ADCT), which provides inmates with employment skills and job training. Other vocational programs include beginning and advanced typing.
Work	Unicor: furniture and graphics/services. The factories produce executive and systems furniture. They also offer data entry services and run a computer recycling plant.
Recreation	Programs include hobby crafts, intramural sports, art, aerobics, music, health education, and physical fitness.
Medical	Sick call is 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday for those in the Federal Correctional Institution and in the Shawnee Unit. Yearly influenza vaccines are offered to those "at risk," and hepatitis B vaccines will be offered to inmates working in plumbing and Health Services. Emergency dental sick-call services will be available for the Federal Correctional Institution population Monday and Friday from 6:30 a.m. to 7:00 a.m. For those on the Shawnee Unit, they are available on Thursday.
Counseling	Alcoholics Anonymous, anger management, stress management groups.
Drug Treatment	A 12-month Residential Drug Abuse Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. The nonresidential drug abuse group, called "The Road to Recovery," meets weekly at all three sites.

Visits	Visiting hours vary; please contact establishment.
Religion	Staff chaplains as well as contract and volunteer representatives are available. There is a wide range of religious programs.
Other	Each of the three facilities has a Career Resource Center (CRC) that is part of the leisure libraries.

FEDERAL PRISON CAMP MARIANNA

Address	Federal Prison Camp Marianna 3625 Federal Correctional Institution Road Marianna, FL 32446
Location	Adjacent to Federal Correctional Institution Marianna.
Contact Numbers	Tel: 850-526-2313 Fax: 850-482-6837
Judicial District	Northern Florida
Security Level	Minimum
Male/Female	Female
Capacity	296
Current Pop.	272
History/Description	Adjacent to this main institution is a self-contained minimum-security camp for low-security women or those nearing release. There is no fence around the camp. Women are housed in two-person cubicles that have beds, lockers, a desk, and a chair.
Admission and Orientation	As above.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there are three occupational training programs, all of which lead to outside certification or accreditation: adult distributive cooperative training, computer applications program, and typing. The parenting program includes basic parenting skills, distance parenting, family literacy, and substance abuse treatment.
Recreation	As above.
Medical	Sick call daily from 6:30 to 7:00 a.m. except for Tuesdays, when only physical examinations and emergencies are seen. Only emergencies will be evaluated on weekends and holidays. You may sign up for dental care any day from 6:30 to 7:00 a.m.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours vary; please contact establishment.
Religion	As above.

FEDERAL PRISON CAMP MARION

Address	Federal Prison Camp Marion Route 5, P.O. Box 2000 Marion, IL 62959
Location	Adjacent to U.S. Penitentiary Marion.
Contact Numbers	Tel: 618-964-1441 Fax: 618-964-1695
Judicial District	Southern Illinois
Security Level	Minimum
Male/Female	Male
Capacity	310
Current Pop.	332

History/Description	Opened in 1971, the federal prison camp provides prison labor maintenance and other factors needed in the adjacent penitentiary.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are various vocational training courses and apprenticeships available.
Recreation	Recreation includes indoor and outdoor team sports, arts, and crafts.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 8:00 a.m. to 3:00 p.m. Fridays, weekends, and federal holidays. Prisoners are allowed up to 10 visits per month, with no more than five adults allowed at any one time.

U.S. PENITENTIARY MARION

Address	U.S. Penitentiary Marion Route 5, P.O. Box 2000 Marion, IL 62959
Location	Three hundred miles from Chicago, 120 miles from St. Louis, 9 miles south of Marion. Off I-57 via Highway 148 north, east on Little Grassy Road. The area is served by the Williamson County Airport.
Contact Numbers	Tel: 618-964-1441 Fax: 618-964-1695
Judicial District	Southern Illinois
Security Level	High
Male/Female	Male
Capacity	485
Current Pop.	462
Staff	363
History/Description	Opened in June 1963 as a federal prison camp, this facility was designated as a penitentiary in January 1964. It is the smallest of the penitentiaries and is constructed primarily as one-man cell units. It is designed to hold high-security male offenders who have generally been involved in violence or escape attempts at other prisons. It is the second-highest level security facility to ADX Florence.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There is a part-time education representative on housing units.
Work	B-Unit Unicor electronics factory produces goods for the military.
Food/Commissary	Most prisoners are fed in their cells on trays, one for hot food and another for cold food. B-Unit or pretransfer unit inmates are escorted to the cafeteria and eat together; C-Unit prisoners receive trays and eat together in their housing unit.
Recreation	All inmates in the general population and pretransfer units will be permitted a specific amount of recreation out of their assigned housing unit. Activities include art, crochet, and indoor and outdoor sports.
Medical	Medical and dental care is provided by the Health Services Department Monday through Friday. Sick-call appointments, medication refills, and requests for drugstore items must be made before 6:00 a.m. on the day you are requesting the service. Inmates who have been in the Bureau of Prisons for 2 years are eligible for a biennial physical. Those over 50 years are eligible for an annual physical.
Counseling	Part-time psychologist on housing units. Counseling also provided by uniformed staff in correctional services.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes, for inmates in general population and pretransfer units.
Visits	Inmates are allowed five visits per month. Visiting hours are 8:00 a.m. to 3:00 p.m., Thursday, Friday, Saturday, Sunday, and federal holidays.
Religion	There is a chaplain on duty each day of the week. A chaplain will visit each unit once a week. Religious materials are available upon request. Closed-circuit religious television programming is offered.

Discipline	Circulation of petitions is prohibited and will be considered a violation of inmate discipline policy.
Other	All outgoing mail except "special mail" will be unsealed and may be inspected and read by staff. Inmate cell assignments will be rotated at least every 90 days.

FEDERAL CORRECTIONAL INSTITUTION MCKEAN

Address	Federal Correctional Institution McKean P.O. Box 5000 Bradford, PA 16701
Location	In northwest Pennsylvania between Bradford and Kane, 90 miles south of Buffalo. Off Route 59, 1/4 mile east of the intersection of State Route 59 and U.S. Route 219. The area is served by Buffalo Airport and Bradford Airport.
Contact Numbers	Tel: 814-362-8900 Fax: 814-362-3287
Judicial District	Western Pennsylvania
Security Level	Medium
Male/Female	Male
Capacity	784
Current Pop.	1,362
Staff	322
History/Description	Opened November 1989.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, vocational training includes barbering, building trades, computers, culinary arts, and horticulture. Apprenticeship programs are also available in barbering, brick masonry, dental assistance, and professional baking and cooking.
Work	Unicor metals factory, lamination of particle board.
Food/Commissary	Meals are served in the dining room during the week from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and after 4:00 p.m. count. On weekends and holidays, meals are served from 7:00 a.m. to 8:00 a.m., from 10:00 a.m. to 11:00 a.m., and after 4:00 p.m. count.
Recreation	Indoor and outdoor activities, including music room, hobby crafts, and team sports.
Medical	Sick call from 6:15 a.m. to 6:45 a.m., Monday, Tuesday, Thursday, and Friday.
Counseling	The Psychology Department is located next to the commissary and is open Monday through Friday 7:30 a.m. to 4:00 p.m.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes, with weights.
Visits	Visiting hours from 1:30 p.m. to 8:00 p.m. on Monday, Thursday, Friday, and holidays that fall on Thursday or Friday and from 8:00 a.m. to 3:00 p.m. on Saturday, Sunday, and holidays that fall on Monday. From May 1 to October 31, inmates will be restricted to two weekend visits per month. There is no limit on weekday visits.
Religion	There are staff chaplains, and contract and volunteer representatives of other faiths are available.

FEDERAL PRISON CAMP MCKEAN

Address	Federal Prison Camp McKean P.O. Box 5000 Bradford, PA 16701
Location	Adjacent to Federal Correctional Institution McKean.
Contact Numbers	Tel: 814-362-8900 Fax: 814-362-3287

Judicial District	Western Pennsylvania
Security Level	Minimum
Male/Female	Male
Capacity	292
Current Pop.	293
Staff	As above.
History/Description	Opened in 1989, housing is dormitory style with two-man cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:30 p.m. to 8:00 p.m. on Monday, Thursday, and Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. There is a separate children's room.

FEDERAL CORRECTIONAL INSTITUTION MEMPHIS

Address	Federal Correctional Institution Memphis 1101 John A. Denie Road Memphis, TN 38134-7690
Location	In the northeast section of Memphis at the intersection of Interstate 40 and Sycamore View Road. Memphis is served by Memphis International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 901-372-2269 Fax: 901-382-2462
Judicial District	Western Tennessee
Security Level	Medium
Male/Female	Male
Capacity	596
Current Pop.	1,175
Staff	365
History/Description	Opened March 1976. Facility was originally a youth center and has been alternately designated both Federal Correctional Institution and Metropolitan Correctional Center.
Admission and Orientation	First week or two.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Courses offered through State Technical Institute at Memphis include 2-year associate of arts degrees in business commerce and oral communication, and basic courses in math and English. There are also vocational training programs in electrical wiring, carpentry, masonry, and heating and air conditioning, as well as computerized business education that teaches students how to do spreadsheets, word processing, and database management. Apprenticeship training programs include electrician, carpenter, dental assistant, quality control, Food Service, print shop, heating and air conditioning, plumber, painter, housekeeper, and teacher's aide assistant.
Work	Unicor electronics factory, as well as cable assembling and printing.
Food/Commissary	Meals served in dining hall, self-service salad bar. Commissary is open on weekday afternoons. Prisoners may shop 1 day per week.
Recreation	Recreation includes team sports, aerobics, handball, boccie, racquetball, jogging, hobby crafts, board games, wellness programs, puzzles, card tournaments, and music. The hobby craft program provides tools, a workroom, and instruction in various crafts, including leathercraft, woodworking, and painting and beading. The music room offers some musical instruments and amplifiers.
Medical	Sick call sign-up Monday, Tuesday, Thursday, and Friday 6:15 a.m. to 6:45 a.m. May request nonemergency dental care.
Counseling	Alcoholics Anonymous and self-image groups in addition to trained psychologists on each unit. Psychology services are available to victims of sexual assault and sex offender treatment for those who

	are sexually aggressive. Individual counseling, crisis intervention, psychological testing, specialty groups like anger management and stress management, drug and alcohol treatment are available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Outside weight-training area, track, outdoor racquetball and basketball courts.
Visits	Visiting hours are from 8:30 a.m. to 3:30 p.m. Saturday, Sunday, and holidays and from 1:30 to 8:30 p.m. on Monday, Thursday, and Friday.
Religion	Three full-time chaplains, a contract imam, and a Native American sweat lodge.
Release Preparation	Two-phase course for those within 2 years of release. Career counseling.

FEDERAL PRISON CAMP MEMPHIS

Address	Federal Prison Camp Memphis 1101 John A. Denie Road Memphis, TN 38134-7690
Location	Adjacent to Federal Correctional Institution Memphis.
Contact Numbers	Tel: 901-372-2269 Fax: 901-382-2462
Judicial District	Western Tennessee
Security Level	Minimum
Male/Female	Male
Capacity	296
Current Pop.	304
History/Description	Housing is dormitory style, with two- and four-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Food/Commissary	Commissary is open on Tuesday and Thursday evenings.
Recreation	Recreation includes team sports, crafts, and music.
Medical	Sick call is from 6:00 a.m. to 6:30 a.m. on Monday, Tuesday, Wednesday, and Friday.
Drug Treatment	As above.
Visits	Visiting hours are 5:00 p.m. to 8:30 p.m. on Friday and from 8:00 a.m. to 3:30 p.m. on weekends and federal holidays. Up to four adults are allowed at any one time. There is a children's playground.

FEDERAL CORRECTIONAL INSTITUTION MIAMI

Address	Federal Correctional Institution Miami 15801 S.W. 137th Avenue Miami, FL 33177
Location	In the southwest section of Dade County, 30 miles from downtown Miami, off the Florida Turnpike (Homestead Extension, 152nd Street exit, 2.5 miles to 137th Street [south]). Miami is served by Miami International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 305-259-2100 Fax: 305-259-2160
Judicial District	Southern Florida
Security Level	Medium
Male/Female	Male
Capacity	587
Current Pop.	1,205
Staff	320
History/Description	Opened on March 26, 1976, prisoners are housed in two-person cells.

Admission and Orientation	First week spent in A&O Unit. Institution orientation is held in the chapel and will last one day.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. A parenting course is also regularly offered, and those interested may pursue correspondence courses offered at various universities. The Education Department also offers four business vocational programs in accounting, business administration, data entry, and small business management. These programs are offered through the State of Florida Department of Education.
Work	Work includes Food Service and Facilities Department, which offers a range of work relating to the construction and maintenance trades, including auto repairs, electronics, carpentry, electric, masonry, paint, plumbing, landscape, and general maintenance shops. It employs around 150 prisoners in the Federal Correctional Institution and 90 in the camp. There is also a Unicor textile factory that hems sheets, towels, washcloths, etc. It employs around 175 inmates in its cutting, sewing, folding, packing, shopping, business office, and quality assurance departments. The factory hires handicapped prisoners when positions are available. There is a waiting list for all positions.
Food/Commissary	Meals served in dining area during the week from 6:30 a.m. to 7:20 a.m., from 10:45 a.m. to 12:00 p.m., and after the 4:00 p.m. count every day. On weekends meals are served from 7:00 to 7:30 a.m. and after the 10:00 a.m. count as well as after the 4:00 p.m. count. The commissary is located next to the dining hall. Hours are posted in housing areas.
Recreation	Recreation includes various indoor and outdoor activities, such as bicycling, life-enhancement activities, and community and social recreation activities.
Medical	Sick call from 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Wednesday, and Friday at the Federal Correctional Institution hospital annex building behind the lieutenant's office. Prisoners in the Special Housing Unit will have the opportunity to see a physician's assistant every day of the week. Pill call occurs four times a day, hours will be posted. Routine dental care is provided on a priority basis. The Dental Department has an open house Monday, Tuesday, Thursday, and Friday from 6:30 a.m. to 7:00 a.m.
Counseling	In addition to standard counseling services, there is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. Courses are offered in English and Spanish.
Visits	Prisoners may be visited by no more than six people at a time, including children. Visiting hours are from 8:30 a.m. to 3:00 p.m. Thursday through Monday. Visitors arriving after 1:00 p.m. will not be allowed entry. Prisoners may have no more than 18 people on their visiting list.
Religion	There are three full-time staff chaplains: a rabbi, a Catholic priest, and a Muslim imam. A chaplain is on duty every day of the week.
Other	Transportation to the facility is available by taxi. Telephone numbers for taxis serving the area are 444-4444 and 888-8888.

FEDERAL DETENTION CENTER MIAMI

Address	Federal Detention Center Miami P.O. Box 0119118 33 Northwest 4th Street Miami, FL 33101-9118
Location	East of Miami International Airport in downtown Miami. The institution is located at the corner of N.E. 4th Street and N. Miami Avenue. Miami is served by Miami International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 305-982-1114 Fax: 305-982-1357
Judicial District	Southern Florida
Security Level	Administrative
Male/Female	Male and female
Capacity	1,259

Current Pop.	1,552
Staff	311
History/Description	The Federal Detention Center is primarily a facility for holding U.S. Marshal's prisoners. Some prisoners will also be sentenced to this facility to provide labor for the work cadre. They will be housed on the fifth and sixth floors. Rules and regulations are posted in both English and Spanish in all housing units.
Education	Education includes GED, ESL, adult continuing education, parenting, typing, and correspondence classes. In addition, there are apprenticeships in a variety of areas, including hotel/restaurant, baker, and industry cook. Information about community-based social services is available.
Food/Commissary	Food is served from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m. and after the 4:00 p.m. count. On weekends there is a coffee hour from 7:00 a.m. to 8:00 a.m. The commissary is open from 7:30 a.m. to 8:00 p.m. Monday through Friday. Prisoners may only purchase 60 stamps at one time.
Recreation	The recreation deck is open 7 days a week. Exercise equipment and crafts are available.
Medical	Sick call sign-up occurs from 6:00 a.m. to 7:00 a.m. on Monday, Tuesday, Wednesday, and Friday. Medicine is dispensed on the pill line at various times throughout the day. Hours will be posted. A dentist is on duty from 7:30 a.m. to 4:00 p.m. Monday through Friday. Dental sick call is from 8:15 a.m. to 11:30 a.m.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	Prior to leaving Federal Detention Center Miami you will be tested for the HIV virus.
Visits	For unsentenced (pretrial) and holdover inmates, the visiting list is restricted to immediate family members only. Those prisoners on the work cadre may include up to four of their friends and more distant family members on their visiting list. Visiting hours are posted on the bulletin boards.
Other	Prisoners may not receive sexually oriented publications about homosexuality, sadomasochism, bestiality, or those involving children. Inmates without funds may request stamps from the prison.

FEDERAL PRISON CAMP MIAMI

Address	Federal Prison Camp Miami 15801 S.W. 137th Avenue Miami, FL 33177
Location	Adjacent to Federal Correctional Institution Miami.
Contact Numbers	Tel: 305-259-2100 Fax: 305-259-2160
Judicial District	Southern Florida
Security Level	Minimum
Male/Female	Male
Capacity	260
Current Pop.	238
History/Description	Adjacent to the Federal Correctional Institution, housing is dormitory style with two-person cubicles. Each dorm has washers and dryers available for inmate's clothing. Mail call is conducted at 5:00 p.m. on weekdays.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are apprenticeships in areas including baker, cook, dental assistant, and horticulture. Law and leisure libraries open every day until 8:30 p.m.
Drug Treatment	Active Residential Drug Treatment Program. Inmates receive the maximum 1-year sentence reduction upon completion. There is also a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Food	Meals served in dining hall. Clothing regulations must be observed. No smoking in the dining hall.
Recreation	Recreation commences after 4:00 p.m. count. Recreation activities include weights, basketball, softball, soccer/football, handball, volleyball, and bocce.

Medical	Sick call is Monday, Tuesday, Wednesday, and Friday from 6:30 a.m. to 7:00 a.m. Prescribed medication is distributed in the pill line from 5:30 p.m. to 6:00 p.m.
Visits	Monday, Thursday, and Friday from 5:00 p.m. to 8:00 p.m.; Saturday, Sunday, and holidays from 8:00 a.m. to 3:00 p.m.
Other	Telephone hours from 6:30 a.m. to 11:30 p.m.

FEDERAL CORRECTIONAL INSTITUTION MILAN

Address	Federal Correctional Institution Milan P.O. Box 9999 Arkona Road Milan, MI 48160
Location	Forty-five miles south of Detroit and 35 miles north of Toledo, in the town of Milan. Off U.S. 23 (exit 27). The area is served by Detroit Metro and Toledo Express airports, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 734-439-1511 Fax: 734-439-0949
Judicial District	Eastern Michigan
Security Level	Low/administrative
Male/Female	Male
Capacity	1,065
Current Pop.	1,625
Staff	388
History/Description	Opened May 1933; housing is dormitory style in two-person cubicles.
Admission and Orientation	Orientation within 5 days of admission; includes meeting with and briefing by the unit officer, correctional counselor, case manager, and unit manager. In addition, new inmates will be examined for dental, medical, and psychological needs on the Tuesday following their arrival.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes.
Work	Jobs include working in Food Service, Mechanical Services, Housing Units, Education/Recreation, Safety, and Unicor. The Unicor factory at Milan produces filing cabinets and other miscellaneous metal products. There is a long waiting list.
Food/Commissary	Commissary is open on Monday, Wednesday, and Thursday at various times and on Tuesday for the Special Housing Unit.
Recreation	Recreation includes weight training, seasonal leagues, local and regional competitions, and a highly rated garden program. There are also arts and crafts and a music room.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes, open in the winter.
Religion	There are three full-time chaplains, a contract rabbi, and a Native American sweat lodge. In addition, approximately 200 volunteers from the community visit the institution regularly to present their respective religious programs. Besides regularly scheduled programs, special religious events such as choirs, seminars, films, and spiritual retreats are scheduled from time to time. A schedule of the chaplain's hours and all religious programs is posted weekly in the Education Complex and housing units. There is a chapel library as well.
Other	Town hall meetings are held weekly in each unit. These meetings are held to make announcements and to discuss changes in the policy and procedures of the unit. Inmates are encouraged to ask pertinent questions of the staff and any guests who are present. These questions should pertain to the unit as a whole rather than personal questions or problems. Personal problems will be resolved by unit staff members during the regular work hours posted in each unit.

FEDERAL PRISON CAMP MONTGOMERY

Address	Federal Prison Camp Montgomery Maxwell Air Force Base Montgomery, AL 36112
Location	On the bank of the Alabama River, at Maxwell Air Force Base. Off Interstates 65 and 85. Montgomery is served by Montgomery Regional Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 334-293-2100 Fax: 334-293-2274
Judicial District	Middle Alabama
Security Level	Minimum
Male/Female	Male
Capacity	960
Current Pop.	834
Staff	126
History/Description	Opened in September 1930; housing is dormitory style with two-person cubicles. It was originally called Federal Prison Camp Maxwell Field.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There are also vocational training courses in commercial truck driving and apprenticeships in cooking. In addition, Troy State University in Montgomery offers degree programs for inmates. Inmates must maintain a GPA of 2.0 or better and pass at least five credits per quarter. College and release preparation courses are voluntary and must be completed outside the normal 7.5-hour workday.
Work	There is a Unicor graphics/services factory.
Food/Commissary	Meals are served in the dining room during the week from 5:30 a.m. to 6:30 a.m., from 10:15 a.m. to 11:15 a.m. (by work detail), and after the 4:00 p.m. count clears. Times on weekends and holidays are from 6:45 a.m. to 7.45 a.m. and after the 10 a.m. count clears, with dinner at the same time as weekdays. Commissary is open on weekdays. Prisoners may shop once per week.
Recreation	Music room, independent recreational activities, hobby crafts. For details on Recreation Department programs, see bulletin boards in the hobby craft area.
Medical	Medical/dental sick call 6:00 a.m. to 6:20 a.m. Monday, Tuesday, Thursday, and Friday, excluding holidays.
Counseling	Psychology Services is made up of one psychologist and five full-time drug treatment specialists. Individual and group therapy, personal adjustment courses, and drug abuse education classes are offered. The chief psychologist's office is located in the Custody/Medical Building on the northeast corner. Open house hours are 3:00 p.m. to 3:30 p.m. Monday through Thursday. If an emergency occurs and no psychologist is on duty, go to the unit officer or the lieutenant on duty and they will contact the psychologist. Alcoholics Anonymous and Gamblers Anonymous meet weekly in the Birmingham Unit Drug Abuse Program area. Contact your unit counselor for details.
Drug Treatment	Residential Drug Abuse Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Visitations are conducted on an "odd/even" rotation. The last of the first five digits of your registration number determines your status. No more than four visitors are allowed at any one time. There is an outdoor area for children.
Religion	There is a full-time chaplain in charge of the Religious Services Department. Spiritual programs are flexible and include general and private worship, Bible study, spiritual development, meditation, and group discussions. The schedule of activities is posted on unit bulletin boards. Open house hours in the chaplain's office are from 3:00 to 3:30 p.m. Monday through Thursday. The chaplain is assisted by contract employees and community volunteers to make sure that all religious needs are met.
Release Preparation	Social education programs are offered to assist inmates upon release. They are volunteer courses taught by outside instructors and inmates. The Career Counseling Center provides assistance to inmates who need help with career exploration, curriculum selection, and developmental concerns. A career library is also available to inmates.

FEDERAL CORRECTIONAL INSTITUTION MORGANTOWN

Address	Federal Correctional Institution Morgantown Greenbag Road P.O. Box 1000 Morgantown, WV 26507-1000
Location	In the mountainous region of north central West Virginia, on the southern edge of Morgantown. Off State Highway 857 (Greenbag Road). The area is served by the Morgantown Municipal Airport and commercial bus lines.
Contact Numbers	Tel: 304-296-4416 Fax: 304-284-3613
Judicial District	Northern West Virginia
Security Level	Minimum
Male/Female	Male
Capacity	935
Current Pop.	1,083
Staff	195
History/Description	Opened in January 1969, this facility was originally called the Robert F. Kennedy Youth Center. It has six housing units with dormitory-style areas, cubicles, and single-room housing. New admissions usually live in the dormitory and cubicle areas before rooms become available. Assignment to a single room is based on seniority and performance on work and program assignments as well as on general conduct.
Admission and Orientation	One week. Once prisoners are medically cleared, they are assigned to Food Service for a 90-day placement.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Work experience and apprenticeships are available in plumbing, carpentry, automotive mechanics, communications, and dental assistance. Vocational training courses are offered in drafting, graphic arts, microcomputers, business education, and welding.
Work	Unicor metals factory.
Food/Commissary	Weekday meals are served in the dining hall from 6:10 a.m. to 7:10 a.m., from 10:50 a.m. to 11:50 a.m., and from 4:30 p.m. to 5:30 p.m. The Food Service Department prepares and serves picnics on Memorial Day, the 4th of July, and Labor Day. The commissary schedule is posted in the units.
Recreation	Recreation includes indoor and outdoor activities, plus a weights room. Musical instruments are available in the recreation area.
Counseling	All inmates experiencing adjustment problems, emotional difficulties, or personal or family concerns are advised to seek assistance from the Psychology Services Department.
Drug Treatment	A 9-month, 500-hour, Residential Drug Abuse Treatment Program; also a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Medical	Sick call from 6:45 a.m. to 7:00 a.m. 4 days a week, plus 24-hour emergency care.
Gym	Yes
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on Saturday for all even-numbered inmates and on Sunday for all odd-numbered inmates. They also occur Monday, Thursday, and Friday from 5:00 p.m. to 9:00 p.m. and from 8:00 a.m. to 3:00 p.m. on holidays for all prisoners.
Religion	There are two staff chaplains as well as other contract and volunteer workers.
Other	Each housing unit is equipped with telephones so prisoners can call their families and friends. Telephones are operational 24 hours a day. Fire drills are conducted quarterly on every shift for all housing units.

FEDERAL PRISON CAMP NELLIS

Address	Federal Prison Camp Nellis C.S. 4500 North Las Vegas, NV 89036-4500
Location	Fifteen miles from downtown Las Vegas on Nellis Air Force Base, Area II. Las Vegas is served by McCarren International Airport and commercial bus lines.
Contact Numbers	Tel: 702-644-5001 Fax: 702-644-7282
Judicial District	Nevada
Security Level	Minimum
Male/Female	Male
Capacity	415
Current Pop.	591
Staff	71
History/Description	Opened in February 1990, this facility is designed to provide labor for the general maintenance of the U.S. Air Force base to which it is adjacent. Housing is dormitory style.
Admission and Orientation	Approximately the first 2 weeks.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. Recent adult continuing education courses have included business, art, language arts and sciences, music, and personal development. Apprenticeship programs include dental assistant and housing maintenance. There is an education library, a law library, and an interlibrary loan service.
Work	Work includes detail on air force base as well as dorm orderly and Food Services.
Food	During the week, breakfast and dinner are served in the Red Horse Dining Hall and lunch is distributed outside. Breakfast is served in shifts from 5:00 a.m. to 5:45 a.m. and from 6:45 a.m. to 7:30 a.m. Lunch is available from 11:00 a.m. to 11:15 a.m., and dinner from 5:00 p.m. to 6:00 p.m. On the weekends, meals are served from 7:00 a.m. to 8:10 a.m., from 11:00 a.m. to 12:15 p.m., and from 5:00 p.m. to 6:00 p.m. The commissary is open from Monday through Thursday. Prisoners may have no more than four cartons of cigarettes at any one time. Certain items, including stamps, do not count against the monthly spending limit.
Recreation	Recreation includes weights, outdoor yard, movies, music appreciation, arts and crafts, board games, and team games.
Medical	Medical and dental sick call is 6:00 a.m. to 6:30 a.m., Monday, Tuesday, Thursday, and Friday. Medication is distributed twice a day.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes; also a weight room.
Visits	Visiting hours are 5:00 p.m. to 9:30 p.m. Friday and Monday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Visits may occur inside or outside.
Religion	One staff chaplain, plus contract rabbi and imam.
Release Preparation	The Education Department runs a social education course to help prisoners assess career goals and develop job skills.
Other	Telephones are turned off at 11:00 p.m.

METROPOLITAN CORRECTIONAL CENTER NEW YORK

Address	Metropolitan Correctional Center New York 150 Park Row New York, NY 10007
Location	In downtown Manhattan, adjacent to Foley Square and across the street from the new federal court house. The area is served by LaGuardia, Kennedy, and Newark airports. It is also accessible via Amtrak and commercial bus lines.

Contact Numbers	Tel: 212-240-9656 Fax: 212-417-7673
Judicial District	Southern New York
Security Level	Administrative
Male/Female	Male and female
Capacity	507
Current Pop.	876
Staff	Currently there are 290 staff. A single correctional officer is assigned to each housing unit. He or she is equipped with a body alarm.
History/Description	Opened in July 1975, this was the first high-rise metropolitan correctional center to be designed by the Federal Bureau of Prisons. Inmates are assigned to 10 separate housing units. These units are virtually self-contained, resulting in little movement within the building. The cells in the housing units are equipped with bunk beds and are overcrowded. There is a shower cubicle for every eight cells; there are no baths. Two of the housing units are open dormitories rather than cells. Two cell blocks at a time are attached to more spacious dayrooms that have facilities for recreation and dining. A separate television room is attached to the dayroom, and there are telephones for inmate use (Home Office, 1985, pp. 10-12).
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. There is also a biweekly parenting program for female offenders in the pretrial unit that includes interviews and one-on-one counseling for female offenders; women participate in visiting activities with their children and receive a completion certificate at end of course. There is a central library and a separate law library.
Work	One occupational training program for women: computer applications. One on-the-job training program for women: food service.
Food/Commissary	Meals are served from a central kitchen and are heated on the unit by microwave (Home Office, 1985, p. 10). Commissary is open on weekdays. Prisoners may shop once per week.
Recreation	Outdoor recreation occurs on the roof that is covered with steel antihelicopter grid netting. Prisoners are entitled to limited amount of recreation time (Home Office, 1985, pp. 14-15). Activities include team sports, fitness, yoga, and weights.
Medical	There is a seven-bed clinic with a full-time doctor and dentist (Home Office, 1985, p. 14). Medical services offers monthly educational sessions on medical issues.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours vary. Hours are posted on housing units. There are special activities for women enrolled in the parenting program.
Religion	Two full-time chaplains.

FEDERAL CORRECTIONAL INSTITUTION OAKDALE

Address	Federal Correctional Institution Oakdale P.O. Box 5050 Oakdale, LA 71463
Location	In central Louisiana, 35 miles south of Alexandria and 58 miles north of Lake Charles. Off State Highway 165 on Whatley Road. The area is served by Alexandria International Airport (40 miles from the facility) and by commercial bus lines.
Contact Numbers	Tel: 318-335-4070 Fax: 318-335-3936
Judicial District	Western Louisiana
Security Level	Medium
Male/Female	Male
Capacity	820

Current Pop.	1,203
Staff	297
History/Description	Originally opened in March 1986; housing is dormitory style with two- and four-person cubicles. It closed in November 1987 and was then reopened in January 1989. There are four units.
Admission and Orientation	Within 2 weeks of arrival.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are vocational training courses, including food preparation, retail trades, and barber, as well as apprenticeships, including plumbing and HVAC.
Work	Food service, unit orderly, maintenance shop, or Unicor textile factory, including commercial sewing, machine repair and maintenance, quality assurance, packaging and warehousing, and clerical positions. There is a waiting list.
Food/Commissary	Meals will be served in the dining hall. Prisoners may shop once a week at the commissary. They may have no more than 30 packets of cigarettes in their possession at any one time.
Recreation	Various indoor and outdoor activities.
Medical	Dental and medical sick call from 6:15 a.m. to 6:45 a.m. Monday, Tuesday, Wednesday, and Friday. Medication is dispensed four times daily. Hours will be posted. Optometrist visits the institution once every 2 weeks on Wednesday. Health Promotion/Disease Prevention runs programs and courses in a range of health topics including diabetes, cholesterol, smoking cessation, stress management, and back pain.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 5:00 p.m. to 8:00 p.m. Thursday, Friday, and Monday as well as 8:00 a.m. to 3:00 p.m. on the weekend and on federal holidays. Prisoners are allowed eight visits per month.
Religion	Protestant and Catholic chaplains as well as contract and volunteer representatives of other faiths.

FEDERAL DETENTION CENTER OAKDALE

Address	Federal Detention Center Oakdale P.O. Box 5060 Oakdale, LA 71463
Location	See Federal Correctional Institution Oakdale
Contact Numbers	Tel: 318-335-4466 Fax: 318-335-4476
Judicial District	Western Louisiana
Security Level	Administrative
Male/Female	Male
Capacity	630
Current Pop.	907
Staff	251
History/Description	Opened in April 1990, this facility is run jointly by the Bureau of Prisons and the Immigration and Naturalization Service (INS). It holds INS detainees awaiting deportation only. Length of stay in Federal Detention Center Oakdale varies because INS detainees may require lengthy paperwork before deportation can be completed.
Admission and Orientation	Two-week A&O program.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Recent adult continuing education classes have included Spanish and French, photography, business courses, and typing.
Food/Commissary	Meals are served in the dining hall. A detainee may not have more than 10 packages of cigarettes nor have commissary items in excess of $230 in value. The number of postage stamps is also limited. The commissary is open for sales after the 4:00 p.m. count, usually until 6:00 p.m.

Medical	Medical sick call 6:15 a.m. to 7:00 a.m. on weekdays. Emergency medical care is available at any time; urgent dental care will be evaluated in medical sick call. Prisoners can submit a written request for routine dental care. Pill-line hours will be posted.
Counseling	Various counseling options available through unit staff as well as other volunteers and professional staff. Additionally, the staff psychologist conducts the Stress Management Group, the Psychological-Educational Support Group, and the Anger Management Group. Each of these groups meets weekly.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are Friday 5:00 p.m. to 8:00 p.m.; Saturday, Sunday, and holidays 8:00 a.m. to 3:00 p.m.
Religion	One prison chaplain as well as contract and volunteer representatives of various faiths.
Other	Detainees deported to their country will be limited in the property that they may take on their trip back home. The limiting factor to all property will be that no detainee shall be allowed to bring more than what can be placed in a box measuring not more than 12 inches high by 15 inches wide and 18 inches long. All other property will be mailed to an address supplied by the detainee at the detainee's expense.

FEDERAL PRISON CAMP OAKDALE

Address	Federal Prison Camp Oakdale P.O. Box 5060 Oakdale, LA 71463
Location	Adjacent to Federal Detention Center Oakdale.
Contact Numbers	Tel: 318-335-4466 Fax: 318-335-4476
Judicial District	Western Louisiana
Security Level	Minimum
Male/Female	Male
Capacity	118
Current Pop.	92
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

FEDERAL TRANSFER CENTER OKLAHOMA CITY

Address	Federal Transfer Center Oklahoma City P.O. Box 898892 7500 MacArthur Boulevard Oklahoma City, OK 73189-8802
Location	Three miles west of Interstate 44 and 4 miles south of Interstate 40. Located at and served by the Will Rogers World Airport and commercial bus lines.
Contact Numbers	Tel: 405-682-4075 Fax: 405-680-4041
Judicial District	Western Oklahoma
Security Level	Administrative
Male/Female	Male and Female
Capacity	1,053
Current Pop.	1,417 (of whom approximately 170 are work cadre)

Staff	296
History/Description	Opened in February 1995. Primarily designed to house holdover inmates in transit to other facilities, although it also houses a permanent work cadre, INS, and parole violator inmates. Holdover inmates are usually transferred within 45 days of their arrival. While at Federal Transfer Center Oklahoma, prisoners are held in one- or two-floor housing units consisting of 30 or 59 double-bunked cells with a toilet, a sink, and a common showering facility.
Admission and Orientation	Newly arrived prisoners will be issued clothing, bedding, and towel. Clothing exchange occurs three times a week for all in the holdover unit; bed linen is cleaned once a week.
Education	For work cadre inmates, GED, ESL, and some adult continuing education courses. Provides legal materials from law library if requested by prisoners using special inmate request form. Work cadre inmates may work in the law library upon request. Leisure library materials are also available to cadre inmates in English and Spanish. There is also an interlibrary loan program.
Work	Unit orderly jobs for some holdovers, but most work done by work cadre. Food Service jobs. As with those on holdover status, there are very few job opportunities for parole violators.
Food/Commissary	Meals served in the unit from 6:00 a.m., 11:00 a.m., and immediately following the 4:00 p.m. count. Commissary privileges are available only to those on holdover status who satisfactorily perform work while in the transfer unit. They may spend only the funds earned through such labor.
Recreation	Limited recreation on units, including television and board games. Physical recreation available outside from 6:00 a.m. to 9:45 p.m.
Medical/Dental	Medical sick call on each unit between 6:00 a.m. to 7:00 a.m. on Monday, Tuesday, Thursday, and Friday. Emergency medical and dental care will be dealt with by the unit officer, who will contact appropriate staff as needed.
Counseling	Unit staff run various voluntary counseling courses for cadre prisoners, including drugs, victim impact, and anger management.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are Saturday, Sunday, and federal holidays from 8:00 a.m. to 3:00 p.m. Prisoners on holdover may only be visited by their immediate family members if they file an official request. The request will normally take at least 2 days processing time.
Religion	Chaplains visit the holdover units on a weekly basis.
Other	Smoking is only permitted on the hour on the outside recreation deck. Mail distributed on weekdays only after 4:00 p.m. count.

FEDERAL CORRECTIONAL INSTITUTION OTISVILLE

Address	Federal Correctional Institution Otisville P.O. Box 600 Otisville, NY 10963
Location	In southeast New York, near the Pennsylvania and New Jersey borders, and 70 miles northwest of New York City. The area is served by several airports, the closest of which is in Newburgh, New York. Bus and train service connect Otisville to New York City.
Contact Numbers	Tel: 914-386-5855 Fax: 914-386-9455
Judicial District	Southern New York
Security Level	Administrative
Male/Female	Male
Capacity	665
Current Pop.	1011
Staff	There are currently 320 staff. One correctional officer supervises the housing units.
History/Description	Opened in May 1980, Federal Correctional Institution Otisville is built in a “campus style” around a landscaped grassy area. Buildings are low rise and are located in a woodland setting. The central

	facilities are housed in one large building that is surrounded by separate housing units. These housing units are part three- and part two-story blocks, with the cells placed along the sides and a dayroom in the middle. There is a separate television room. Cells have toilets. There is one shower for every eight cells. Prisoners are housed according to their offense and character, and visiting to other housing units is prohibited. Access to the common grassy area is restricted through the use of a timed pass system except during free circulation periods at mealtimes (Home Office, 1985, pp. 26-31).
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There are also vocation training courses and apprenticeships available.
Work	Unicor textile factory.
Food/Commissary	Meals are served in a central dining hall that overlooks the common grassy area. Staff, inmates, and visitors dine together (Home Office, 1985, p. 28).
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Recreation	Recreation occurs outdoors in a space of around 5 acres. Activities include team sports, arts, and crafts.
Visits	Visiting hours are from 1:00 p.m. to 8:00 p.m. on Monday, Tuesday, and Thursday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Prisoners are entitled to four visits per month.
Discipline	One of the housing units with 30 rooms near to the warden's office contains segregation cells. Cells in the disciplinary unit are spartan.
Religion	Three full-time chaplains, one full-time rabbi. The prison has multiuse auditorium for religious, community, and stage activities.

FEDERAL PRISON CAMP OTISVILLE

Address	Federal Prison Camp Otisville P.O. Box 600 Otisville, NY 10963
Location	Adjacent to Federal Correctional Institution Otisville.
Contact Numbers	Tel: 914-386-5855 Fax: 914-386-9455
Judicial District	Southern New York
Security Level	Minimum
Male/Female	Male
Capacity	100
Current Pop.	113
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Recreation	As above.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on the weekends. There is a separate television room for children.
Religion	As above.

FEDERAL CORRECTIONAL INSTITUTION OXFORD

Address	Federal Correctional Institution Oxford Box 500 Oxford, WI 53952-0500
Location	In central Wisconsin, 60 miles north of Madison. Off U.S. 51 at the intersection of County Road G and Elk Avenue. The area is served by Dane County Regional Airport and by commercial bus service in Portage and Wisconsin Dells.

Contact Numbers	Tel: 608-584-5511 Fax: 608-584-6371
Judicial District	Western Wisconsin
Security Level	Medium
Male/Female	Male
Capacity	586
Current Pop.	1003
Staff	340
History/Description	Opened October 1973. There are four housing units, some of which are privilege units with better facilities. The units have washers and dryers, and housing is in one- and two-man cells.
Admission and Orientation	Two weeks.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Prisoners may also study for an associate's degree through University of Wisconsin-Baraboo. In addition, there is a vocation training course in janitorial services, and various apprenticeships are available, including bricklayer, carpenter, dental assistant, dental lab technician, HVAC, electrician, machinist, and welder.
Work	Work options include Food Service, maintenance shop, and the Unicor electronics factory.
Food/Commissary	Meals are served in the dining hall. Breakfast begins at 6:35 a.m. The commissary is open Monday through Friday.
Recreation	Outside recreation yard, crafts center, and arts program.
Medical	Medical and dental sick call 6:30 a.m. to 7:15 a.m. Monday, Tuesday, Thursday, and Friday. Medicine is dispensed four times a day; see hours.
Counseling	Various self-help groups, including self-image and positive mental attitude. Counseling is also available through the chaplains and the Psychology Department.
Drug Treatment	Two Residential Drug Abuse Treatment Programs, a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes. The gym has a basketball court, weight-lifting room, pool table, and table game area. It also has a band room and a number of smaller music rooms for individual practice.
Visits	Visiting hours are 8:00 a.m. to 3:00 p.m. Friday through Monday and federal holidays.
Religion	Three full-time chaplains.

FEDERAL PRISON CAMP OXFORD

Address	Federal Prison Camp Oxford Box 500 Oxford, WI 53952-0500
Location	Adjacent to Federal Correctional Institution Oxford.
Contact Numbers	Tel: 608-584-5511 Fax: 608-584-6371
Judicial District	Western Wisconsin
Security Level	Minimum
Male/Female	Male
Capacity	156
Current Pop.	179
Staff	340
History/Description	Housing is dormitory style with four-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Recreation	Indoor and outdoor team sports, arts, and crafts.

Medical	As above.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:30 p.m. to 8:30 p.m. on Fridays and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays.

FEDERAL CORRECTIONAL INSTITUTION PEKIN

Address	Federal Correctional Institution Pekin P.O. Box 7000 Pekin, IL 61555-7000
Location	Located on Route 29 South in Pekin, approximately 10 miles south of Peoria, 180 miles southwest of Chicago, and 180 miles northeast of St. Louis. The area is served by the Greater Peoria Regional Airport, Amtrak, and commercial bus service to Peoria.
Contact Numbers	Tel: 309-346-8588 Fax: 309-477-4688
Judicial District	Central Illinois
Security Level	Medium
Male/Female	Male
Capacity	752
Current Pop.	1,247
Staff	311
History/Description	Opened in October 1994, the prison is divided into four housing units that are referred to as A Unit, B Unit, C Unit, and D Unit. Housing in these units is in two- and three-man cells. Emphasis is placed on maintaining a racial balance in each housing unit.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Vocational training programs in welding and machine shop are also available. The law library is open from 7:45 a.m. to 8:45 p.m. Monday through Friday and from 7:30 a.m. to 3:40 p.m. on Saturday. There is also a leisure library.
Work	Unicor metals factory produces a variety of stainless steel, aluminum, and carbon steel welded objects, including prison security doors, bars, and grills for cell doors. Other institutional jobs include CMS, Food Service, compound crew, mechanical services, education and law library, and the chapel.
Food/Commissary	Meals are served in the dining room from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and after the 4:00 p.m. count clears on the weekdays. On the weekend or on federal holidays, there is a coffee hour from 7:00 a.m. to 8:00 a.m., brunch after the 10:00 a.m. count clears, and dinner after the 4:00 p.m. count clears. The commissary is open Monday through Thursday. Sales occur after the 4:00 p.m. count clears until 7:00 p.m. Inmates may shop once an evening.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Medical	Medical and dental sick call is held between 6:30 a.m. and 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Emergency care is available at all times. Pill line occurs at various times throughout the day. Hours will be posted.
Recreation	Recreation includes weights, exercise equipment, music room, pool tables, metal/welding shop.
Visits	Visiting hours are Thursday, Saturday, Sunday, Monday, and federal holidays from 8:00 a.m. to 3:00 p.m. and on Friday from 1:00 p.m. to 8:00 p.m. Prisoners may be visited by up to five adults at any one time and by an unlimited number of children.

FEDERAL PRISON CAMP PEKIN

Address	Federal Prison Camp Pekin P.O. Box 7000 Pekin, IL 61555-7000
Location	Adjacent to Federal Correctional Institution Pekin.
Contact Numbers	Tel: 309-346-8588 Fax: 309-477-4688
Judicial District	Central Illinois
Security Level	Minimum
Male/Female	Female
Capacity	256
Current Pop.	257
History/Description	Housing is dormitory style with two-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are three occupational training programs, all of which lead to outside certification or accreditation: building trade, horticulture, and office technology. The Parenting Program combines community and institutional resources to offer seminars on a range of topics, including toy safety, HIV/AIDS awareness, pregnancy care, and nutrition. Classes in program include parenting young children, parenting teenagers, systematic training for effective parenting, and drug abuse resistance education for adults (DARE).
Work	The U.S. Department of Labor recently approved four apprenticeship programs that will also lead to outside certification or accreditation and which will be implemented in the near future: auto mechanic, building maintenance repairer, horticulturist, and welder.
Food/Commissary	Commissary is open from Tuesday through Thursday in the early evening.
Recreation	As above.
Drug Treatment	Courses on drug abuse resistance education for adults (DARE) as part of parenting program; also a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	Occasional seminars on HIV/AIDS awareness as part of parenting program.
Visits	Visiting hours are from 5:00 p.m. to 8:00 p.m. on Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. No more than five adults may visit at any one time, although an unlimited number of children are allowed. There is a separate children's room.
Release Preparation	Job interview experience through mock job fair.

FEDERAL PRISON CAMP PENSACOLA

Address	Federal Prison Camp Pensacola 110 Raby Avenue Pensacola, FL 32509-5127
Location	175 miles west of Tallahassee and 50 miles east of Mobile, Alabama, on Saufley Field. Off Interstate 10. The area is served by Pensacola Municipal Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 850-457-1911 Fax: 850-458-7295
Judicial District	Northern Florida
Security Level	Minimum
Male/Female	Male
Capacity	424

Current Pop.	480
Staff	94
History/Description	Opened November 1988; housing varies from eight-person rooms to open dormitories.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, vocational training classes include culinary arts, computer applications, and horticulture. Apprenticeships are available in a number of areas, including bricklayer, baker, cabinetmaker, and HVAC.
Food/Commissary	Commissary is open on Tuesday and Wednesday evenings.
Recreation	Recreation includes exercise equipment, a limited music room, weights, team sports, and crafts.
Medical	Sick call from 6:00 a.m. to 6:10 a.m.; 24-hour emergency care is available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:00 p.m. to 9:00 p.m. on Friday and from 8:00 a.m. to 3:30 p.m. on weekends and federal holidays. There is no children's area.
Religion	One full-time chaplain is available from Sunday through Thursday. Services are available in English and Spanish.

FEDERAL CORRECTIONAL INSTITUTION PETERSBURG

Address	Federal Correctional Institution Petersburg P.O. Box 1000 Petersburg, VA 23804-1000
Location	Twenty-five miles southeast of Richmond. From Interstate 95, take Exit 54 (Temple Avenue/Highway 144), proceed east approximately 3 miles, then turn left on River Road. The area is served by airports in Petersburg and Richmond, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 804-733-7881 Fax: 804-733-7881
Judicial District	Eastern Virginia
Security Level	Low
Male/Female	Male
Capacity	828
Current Pop.	1,120
Staff	360
History/Description	Opened April 1930, this facility was originally called Camp Lee. Housing is two-person rooms or dormitory style. Some single rooms are also available.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Vocational training is available in brick masonry, machine trades, welding, auto body repair, and electronics. Apprenticeship programs are available in machine trades, welding, painting, electronic quality control, auto body repair, graphic arts, professional cooking, professional baking, and dental assistance.
Work	Unicor graphics/services and electronics, cable and print factory.
Food/Commissary	Commissary is open on weekday evenings. Prisoners may shop once per week.
Recreation	Recreation includes hobby crafts and indoor and outdoor activities. Facilities include a modern gymnasium, indoor and outdoor weight-lifting areas, a large athletic field, blacktop areas, an auditorium, and art and music rooms.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on Monday, Thursday, Friday, weekends, and federal holidays. There is a small television room for children.
Religion	Two full-time chaplains, as well as a contract rabbi and imam and a Native American sweat lodge; volunteer representatives of other faiths also available

FEDERAL PRISON CAMP PETERSBURG

Address	Federal Prison Camp Petersburg P.O. Box 1000 Petersburg, VA 23804-1000
Location	Adjacent to Federal Correctional Institution Petersburg.
Contact Numbers	Tel: 804-733-7881 Fax: 804-733-7881
Judicial District	Eastern Virginia
Security Level	Minimum
Male/Female	Male
Current Pop.	693
History/Description	Opened in 1978.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	Unicor furniture refurbishing factory.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays.

FEDERAL DETENTION CENTER PHILADELPHIA

Address	Federal Detention Center Philadelphia 700 Arch Street Philadelphia, PA 19106
Location	In downtown Philadelphia. The area is served by Philadelphia International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 215-521-4000
Judicial District	Eastern Pennsylvania
Security Level	Administrative
Male/Female	Male and female
Capacity	929
Current Pop.	1,098
Staff	265
History/Description	Opened April 2000. Facility has three primary types of units: Pretrial Units, Special Housing Unit, and a Cadre Unit. Those who are sentenced to serve their time at Federal Detention Center Philadelphia will normally be housed in the Cadre Unit.
Admission and Orientation	Bilingual A&O pack.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	Work includes barber.
Food/Commissary	Meals are served on each unit. They are delivered in a food cart. Hours of dining are posted. Prisoners can purchase items from the commissary on a weekly basis.
Recreation	Recreation equipment is available in each housing unit.
Medical	Sick call is held on Monday, Tuesday, Thursday, and Friday. Prisoners sign up at their housing units. A full-time dentist is also available.
Drug Treatment	Drug education course for Cadre inmates and transitional services for Cadre inmates who have completed the Residential Drug Abuse Treatment Program elsewhere.
Visits	Pretrial and holdover inmates may visit only with their immediate family. Visiting hours and numbers of people on visiting list vary for Cadre and pretrial inmates. All prisoners are allowed up to four visitors at any time, not including infants.
Religion	Schedule of religious activities is posted in each housing unit.
Other	Typewriters are located on the housing units. Smoking is limited to certain areas of the units.

FEDERAL CORRECTIONAL INSTITUTION PHOENIX

Address	Federal Correctional Institution Phoenix 37900 N. 45th Avenue Department 1680 Phoenix, AZ 85027-7003
Location	Thirty miles north of downtown Phoenix, off Interstate 17, Pioneer Road exit. The area is served by Phoenix Sky Harbor International Airport, seven regional airports, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 602-465-9757 Fax: 602-465-5133
Judicial District	Arizona
Security Level	Medium
Male/Female	Male
Capacity	740
Current Pop.	1,362
Staff	349
History/Description	Opened in April 1985, Federal Correctional Institution Phoenix is located in the Arizona desert some miles out of Phoenix. Housing units are triangular in form and are paired. There are 66 rooms in each unit on two floors. Cells are located around the sides with a dayroom in the middle. The two housing units are linked by a lobby (Home Office, 1985, pp. 54-55).
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Academic and vocational training programs; classes scheduled between 7:30 a.m. and 3:45 p.m. Inmates will be excused from work detail to attend.
Work	Work details include Food Service, mechanical services (electricians, plumbers, cement finishers, masons, mechanics, welders, painters, motor repairmen, laborers, and clerks), business office, institution hospital, education (librarians, clerks, orderlies), clothing room, and institution maintenance. There is also a Unicor electronics factory.
Food/Commissary	Meals are served during the week from 5:45 a.m. to 6:45 a.m., from 11:00 a.m. to 12:30 p.m., and from 5:00 p.m. to 6:00 p.m. On weekends and holidays the hours are the same except that breakfast is replaced by a coffee hour from 7:00 a.m. to 8:00 a.m. Commissary is open on weekday evenings. Prisoners may shop at least once per week.
Recreation	Currently, there are leagues for football, basketball, soccer, and softball that incorporate varsity and intramural and over 35 teams to provide for the greatest number of inmate participants possible. There is a weight-lifting area outdoors, and Universal machines are located at the far north of the compound. There is a quarter-mile track for walking and running on the main recreation yard. Stationary bicycles are also available. The main recreation yard is open when the signal is given over the loudspeaker and is closed in the same manner. The weight-lifting area closes at 8:30 p.m. for clean-up. Indoor recreation includes games and cards, and ping-pong and pool tables are available. Hobby craft programs include ceramics, art, and a unit art program, allowing inmates to work on small projects in their units. The recreation department also provides music rooms. Equipment on hand includes drums, congas, electric and acoustic guitars, amplifiers, keyboards, microphones, and speakers. Tournaments and special activities are scheduled for holidays.
Medical	Sick call 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday.
Counseling	Psychologists are available for individual psychotherapy as needed. Group psychotherapy and personal development groups are offered. The types of groups vary according to inmate's needs and interests. Announcements for groups will be made in town hall meetings and posted on unit bulletin boards. In the instance of an emergency/crisis situation, a psychologist will see you as soon as possible, usually the same day.
Drug Treatment	Residential Drug Abuse Treatment Program. Substance abuse programs are tailored to meet individual needs and may include one or more of the following: group or individual therapy, personal development groups, talking circles, correctional counseling, consultation with chaplains, crisis intervention, self-help groups, prerelease counseling, and 12-step recovery groups. There is also a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. Programs are offered in English and Spanish.

Visits	Visiting hours 8:00 a.m. to 3:00 p.m. on weekends and federal holidays and from 4:30 p.m. to 8:30 p.m. on Mondays, Tuesdays, and Fridays. Each inmate is given 10 visiting points at the beginning of each month. All visits received on Saturday and Sunday cost 2 points. Total visits received Mondays, Tuesdays, and Fridays will result in the reduction of 1 point. The warden will establish if point deductions are applicable for holidays as they occur.
Religion	Two full-time chaplains.

FEDERAL PRISON CAMP PHOENIX

Address	Federal Prison Camp Phoenix 37900 N. 45th Avenue Department 1680 Phoenix, AZ 85027-7003
Location	Adjacent to Federal Correctional Institution Phoenix.
Contact Numbers	Tel: 602-465-9757 Fax: 602-465-5133
Judicial District	Arizona
Security Level	Minimum
Male/Female	Female
Capacity	272
Current Pop.	163
Staff	349
History/Description	Built in the 1980s, college campus style, women housed in cubicles.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there are three vocational training programs: computer word processing, bicycle repair, and computer refurbishing theory. There are also three apprenticeship programs (all of which lead to outside accreditation or certification): Unicor quality assurance, food service and food service management. The Parenting Program includes basic parenting and communication skills to strengthen family ties. Special visiting activities are also part of the program.
Work	There is a Unicor warehouse.
Medical	Sick call from 6:45 a.m. to 7:00 a.m. 4 days per week; 24-hour emergency care available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. There is an outdoor children's area.

FEDERAL PRISON CAMP POLLOCK

Address	Federal Prison Camp Pollock P.O. Box 2099 Pollock, LA 71467
Location	Adjacent to U.S. Penitentiary Pollock
Current Pop.	113
Contact Numbers	(318) 561-5300
Security Level	Minimum
Male/Female	Male
History/Description	Opened in 2001.
Admission and Orientation	Prisoners should receive a physical examination within 14 days of their arrival.

Education	Education includes GED, ESL, adult continuing education, and correspondence classes. The law and leisure libraries are open most days and evenings. Hours will be posted.
Food/Commissary	Meals are served in the dining hall from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 11.45 a.m., and from 4:00 p.m. to 4:45 p.m. during the week. On weekends and federal holidays, meals are served from 7:00 a.m. to 8:00 a.m., from 10:30 a.m. to 11:30 a.m., and from 4:30 p.m. to 5:30 p.m.
Medical	Sick call is from 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Emergency medical treatment is available at all times. Medication is dispensed at various times throughout the day. Hours are posted on housing units.
Counseling	Individual therapy, group counseling, crisis intervention, short-term therapy, and a drug abuse program are available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	HIV/AIDS counseling available from the Psychology Department.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Prisoners are allowed up to a total of five visitors at any one time.
Other	Sunbathing is prohibited in all areas of the camp.

U.S. PENITENTIARY POLLOCK

Address	U.S. Penitentiary Pollock 1000 Airbase Road P.O. Box 1000 Pollock, LA 71467
Location	About 15 miles north of Alexandria
Contact Numbers	Tel: 318 561 5300 Fax: 318 561 5664
Security Level	High
Male/Female	Male
Current Pop.	961

FEDERAL CORRECTIONAL INSTITUTION RAY BROOK

Address	Federal Correctional Institution Ray Brook P.O. Box 300 Ray Brook, NY 12977
Location	In the Adirondack Mountains region of upstate New York, midway between the towns of Lake Placid and Saranac Lake. Off Route 86. The area is served by the Adirondack Airport, the Albany Airport, and the Burlington, Vermont, Airport; Amtrak in Albany; and commercial bus lines.
Contact Numbers	Tel: 518-891-5400 Fax: 518-891-0011
Judicial District	Northern New York
Security Level	Medium
Male/Female	Male
Capacity	780
Current Pop.	1,211
Staff	278
History/Description	Opened January 1981; housing is in two- or four-person rooms.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, horticulture and landscaping classes are offered during warm weather. Computer and electronics classes are offered as well.
Work	Unicor textile factory.

Food/Commissary	Soup, salad, and beverage bar available in the dining hall. A monitor in the dining room displays the menu each day, including calorie, fat, and sodium content. Meals are served during the week from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and from 4:30 p.m. to 5:30 p.m. On weekends, breakfast is replaced by a coffee hour from 7:00 a.m. to 8:00 a.m.
Recreation	Recreation includes arts and crafts such as painting and ceramics, weights, and intramural team sports in softball, basketball, and volleyball. One completed project and one uncompleted project are allowed in an inmate's room at a time. Approved completed projects may be mailed home. Musical instruments are available in the recreation area for inmate use. Inmates may receive authorization to purchase their own instruments. Electronic instruments are not allowed. Recreation areas may also be used for other sports, board games, or general fitness exercises. Outside recreation areas are open during daylight hours only.
Medical	Sick call is 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Inmates must have their commissary ID to make an appointment. If the inmate is more than 15 minutes late, the appointment will be canceled. Inmates must be dressed in institutional khakis when visiting the Health Services Unit.
Counseling	Psychologists are available to provide counseling and other mental health services. A contract psychiatrist is available by appointment.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 5:00 p.m. to 8:00 p.m. Monday, Thursday, and Friday and from 8:00 a.m. to 3:00 p.m. on weekends and holidays.
Release Preparation	Prerelease program offers information seminars concerning the personal, legal, and social responsibilities of civilian life. Information sessions are scheduled with probation officers, parole commission members, and other agencies and employers.

FEDERAL MEDICAL CENTER ROCHESTER

Address	Federal Medical Center Rochester P.O. Box 4600 2110 East Center Street Rochester, MN 55903-4600
Location	In southeastern Minnesota, 2 miles east of downtown Rochester. Off State Highway 296 (Fourth Street). The area is served by the Rochester Airport and commercial bus lines.
Contact Numbers	Tel: 507-287-0674 Fax: 507-287-9601
Judicial District	Minnesota
Security Level	Administrative
Male/Female	Male
Capacity	677
Current Pop.	799
Staff	465
History/Description	Opened October 1984, Federal Medical Center Rochester provides mental and physical care. It is in a former state mental hospital and offers a variety of types of housing from individual rooms to dormitories. It is the main psychiatric and medical referral center for the Bureau of Prisons. It also houses a work cadre.
Admission and Orientation	One day.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	All inmates who are medically sound are expected to work. Work includes Food Service, barber, maintenance shop, and orderlies. Unicor electronics factory run by Unisat is a satellite Federal Prison Industries Program that employs mainly mental health inmates.

Food/Commissary	Meals are served in the dining room from 6:30 a.m., at 10:30 a.m., and after the completion of the 4:15 p.m. count during the week. On the weekend, the times are the same except that lunch is served at 10:00 a.m. The commissary is open for sales on Tuesdays and Wednesdays.
Recreation	Recreation includes aerobics, crafts, and exercise equipment. There are also television rooms available in the units.
Medical	Medical Services staff at Federal Medical Center include physicians, dentists, nurse practitioners, physician assistants, nurses, and allied health care professionals such as pharmacists, radiological technicians, physical therapists, laboratory technologists, and respiratory therapists. Medical sick call occurs at various times depending on unit; hours will be posted. Dental sick call sign-up is between 7:00 a.m. and 7:30 a.m. for dental emergencies. Urgent and after-hours medical care is available at all times. Medication is dispensed twice a day. See hours. The medical personnel also offer a wide range of health promotion/disease prevention courses on wellness and other health matters.
Counseling	Mental health services through the Psychiatry and Psychology Departments are available to all inmates. These include educational groups, therapy groups, individual therapy, intensive diagnosis/assessment, and inpatient treatment. In addition, outpatient substance abuse treatment services are available.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:15 a.m. to 3:00 p.m. from Thursday through Monday. Prisoners are allowed eight visits per month. No more than five adults may visit at any one time. There is a separate children's room.
HIV/AIDS	All new inmates will be screened for HIV.
Religion	Three full-time chaplains.
Other	Mail is distributed by the unit officer after the 4:15 p.m. count. There is no smoking inside any buildings at the Federal Medical Center. Outside smoking areas are provided.

FEDERAL CORRECTIONAL INSTITUTION SAFFORD

Address	Federal Correctional Institution Safford RR 2, Box 820 Safford, AZ 85546-9729
Location	In southeastern Arizona, 127 miles northeast of Tucson, 165 miles east of Phoenix. Off Highway 191, 7 miles south of the town of Safford. The area is served by airports in Tucson and Phoenix, Amtrak in Phoenix and Tucson, and commercial bus lines.
Contact Numbers	Tel: 602-428-6600 Fax: 602-348-1331
Judicial District	Arizona
Security Level	Low
Male/Female	Male
Capacity	421
Current Pop.	804
Staff	178
History/Description	Opened in November 1958, this was originally a minimum-security camp. Housing is dormitory style with eight-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. College-level courses in a classroom setting are offered through Eastern Arizona College, as well as through correspondence. Inmates are required to pay for tuition and books. No financial assistance is available. Vocational training programs available.
Work	There is a Unicor textile factory.
Food/Commissary	Meals are served in the dining hall during the week from 6:00 a.m. to 7:00 a.m., from 10:15 a.m. by rotation, and after the 4:15 p.m. count. On the weekends, times are from 6:30 a.m. to 7:30 a.m., from 11:00 a.m. to 12:00 p.m., and after the 4:15 p.m. count. Commissary is open daily after the 4:00 p.m. count. Prisoners may shop at least once per week.

Recreation	Recreation includes baseball field and walking and jogging track; weights, basketball, and volleyball; arts and crafts.
Medical	Medical and dental sick call 6:30 a.m. to 7:00 a.m.
Counseling	Psychology Services provides testing, evaluations, and individual and group psychotherapy. The department's primary focus is to promote and provide a positive learning atmosphere conducive to prosocial patterns of behavior and thinking.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 8:15 a.m. to 3:15 p.m. Saturday, Sunday, and federal holidays. Only four visitors (including noninfant children) will be allowed at once.
Religion	Full-time chaplain on staff. Books are available in the chapel library. Greeting cards are given away freely. The chapel at Federal Correctional Institution Safford was built by and for the men there.
Other	Inmate organizations include Toastmasters; the Swift Trail Toastmasters Club is a public speaking organization, and anyone interested should contact any Toastmaster or the club sponsor. The Black Culture Workshop is open to the general population regardless of race. The American Indian Association participates in a Native American sweat lodge on the weekends.

METROPOLITAN CORRECTIONAL CENTER SAN DIEGO

Address	Metropolitan Correctional Center San Diego 808 Union Street San Diego, CA 92101-6078
Location	In downtown San Diego, adjacent to the federal court house. San Diego is served by Lindberg Field Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 619-232-4311 Fax: 619-595-0390
Judicial District	Southern California
Security Level	Administrative
Male/Female	Male and Female
Capacity	612
Current Pop.	901
Staff	Currently there are 266 staff. A single correctional officer is assigned to each housing unit. He or she is equipped with a body alarm.
History/Description	Opened in November 1974, Metropolitan Correctional Center San Diego is a high-rise facility on a central city site. It has nine virtually self-contained housing units that have 48 cells each. The cells have sinks and toilets. There is one shower for every 6 cells. Prisoners are grouped according to their offense and character (Home Office, 1985, pp. 16-19).
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. The Parenting Program for female offenders lasts 8 weeks. Parenting and Health Education are required courses for inmates in release preparation status.
Food/Commissary	Meals are prepared in advance and delivered to each floor. Meals are to be eaten in designated areas, only one piece of fruit may be taken to one's room/quad. Meals are served at approximately 6:00 a.m., 11:00 a.m., and 4:30 p.m. (after count). Commissary is open on weekdays.
Recreation	Outdoor recreation occurs on the roof, which is fitted with helicopter protection and netting (Home Office, 1985, p. 19). Cards, pool, table tennis, and other games are available in each housing unit. Television can be viewed in the evening until 10:00 p.m. in English and Spanish. Movies are provided in housing units and alternate weekly between English and Spanish. Volleyball, basketball, handball, stationary bikes, and stair steppers are available in the outdoor recreation area. There is also a leisure center located on the sixth floor in the Education Department. It is open to all housing units, and a sign-up sheet is available. Bingo, cards, and tournaments are offered there.
Medical	The sick-call sheet will be put out between 6:00 p.m. and 6:30 p.m. the night before Sunday, Monday, Wednesday, and Thursday.

Counseling	Counseling services for victims and perpetrators of sexual assault are available. Psychology Services offers crisis intervention, short-term therapy and counseling, and diagnostic evaluations. A contract psychiatrist is also available.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 4:30 p.m. to 9:00 p.m. on Monday, Thursday, and Friday and 8:00 a.m. to 2.45 p.m. on weekends and federal holidays. Prisoners are permitted a 1-hour visit on each of their approved visiting days, up to three visits with three adult visitors per visit. Visiting is allowed on an odd/even rotation based on the last number of the first five digits of the inmate's register number. The visiting schedule for inmates in the special housing unit is Tuesday, Wednesday, Saturday, and Sunday from 4:30 p.m. to 9:00 p.m.
Religion	Chaplains are available 7 days a week. A schedule of religious services and activities is posted at the chapel entrance and on unit bulletin boards.

FEDERAL CORRECTIONAL INSTITUTION SANDSTONE

Address	Federal Correctional Institution Sandstone Kettle River Road Sandstone, MN 55072
Location	One hundred miles northeast of Minneapolis/St. Paul and 70 miles southwest of Duluth. Off Interstate 35 (Sandstone exit, follow Highway 23 to Route 123 east). The area is also served by commercial bus lines.
Contact Numbers	Tel: 320-245-2262 Fax: 320-245-0385
Judicial District	Minnesota
Security Level	Low
Male/Female	Male
Capacity	376
Current Pop.	892
Staff	246
History/Description	Originally opened in April 1939. This first facility was closed in June 1949 and then re-opened in July 1959. Housing is mainly dormitory style with two-man cubicles.
Education	Education includes GED, ESL, adult continuing education, effective parenting and fitness, career counseling, and correspondence classes. There are also college classes from Cambridge Community College; various apprenticeships, including baker, cook, and dental assistant; and vocational training in auto mechanics and welding.
Work	Unicor glove factory and printing department. There is a long waiting list. The glove factory has a preindustrial training program.
Food/Commissary	Meals are served in a dining hall. Commissary is held on weekday evenings. Prisoners may shop once per week.
Recreation	Recreation includes indoor and outdoor activities such as hobby crafts, weights, intramural sports, and stress reduction courses.
Medical	Sick call 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Medication is distributed four times a day. Hours will be posted.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes.
Visits	Visiting hours are 8:30 a.m. to 3:30 p.m. Friday through Monday and federal holidays. Prisoners are limited to eight visits per month, with no more than six visitors at any one time.
Religion	Two full-time chaplains.

FEDERAL CORRECTIONAL INSTITUTION SCHUYLKILL

Address	Federal Correctional Institution Schuylkill P.O. Box 700 Minersville, PA 17954
Location	One hundred miles northwest of Philadelphia and 46 miles northeast of Harrisburg. West of Interstate 81, off State Highway 901. The area is served by Harrisburg International Airport, Amtrak in Harrisburg, and commercial bus lines.
Contact Numbers	Tel: 717-544-7100 Fax: 717-544-7225
Judicial District	Eastern Pennsylvania
Security Level	Medium/administrative
Male/Female	Male
Capacity	729
Current Pop.	1,209
Staff	336
History/Description	Opened in December 1991, Federal Correctional Institution and Federal Prison Camp Schuylkill occupy a 600-acre site. Federal Correctional Institution Schuylkill has four separate living units, each of which is made up of two wings. The buildings in the complex are separated from each other and flank a grassy area with trees. Each wing contains televisions and other recreational facilities, including pool tables and card tables. The cells have bunk beds and toilets; showers and interview rooms are also available. Because of overcrowding, bunk beds are often placed in the association areas (Her Majesty's Prison Service, 1993, pp. 161–162)
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	Unicor metals factory.
Food/Commissary	All prisoners use a central dining room for meals. The staff use a small dining room nearby and eat the same food as the prisoners. The food is reported to be excellent (Her Majesty's Prison Service, 1993, p. 162).
Medical	The prison has no inpatient facility and no nursing staff, so all nonroutine care is referred either to the medical facility at Federal Institution Rochester, or to local community services. The health care center has an emergency room and an X-ray facility. All new admissions have their medical history taken and undergo various physical examinations, including an audiogram and a dental examination, within 14 days of arrival. Checkups are provided, upon request, every 2 years or every year for inmates over 50 and just before release. Medications are distributed three times a day (Her Majesty's Prison Service, 1993, p. 83).
Counseling	In addition to standard counseling services there is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym/Sports	The gym is well equipped with a weights room attached, but it is not big enough for the population it serves. The prison also has a sports field with fixed tables and chairs, an additional, covered, weights area, a 300-meter running track, handball courts, basketball courts, a baseball diamond, and a soccer field (Her Majesty's Prison Service, 1993, p. 162).
Visits	Visiting hours from 8:30 a.m. to 3:00 p.m. Tuesday through Sunday. The visiting room is open with comfortable modern furniture. All prisoners are strip searched after visits, and all visitors must pass themselves and their belongings through an X-ray machine and portal (Her Majesty's Prison Service, 1993, pp. 161-163).
Discipline	For those prisoners who are punished for more severe offenses, the prison has a segregation unit with 94 cells in two wings. One wing holds prisoners under punishment; the other has prisoners in protective custody. The wing has a small secure exercise area that is divided into cages. The normal segregation cells house two inmates at a time. There is a "strap-down cell" for "difficult prisoners" that has a steel bed bolted to the floor upon which prisoners may be restrained (Her Majesty's Prison Service, 1993, p. 163).
Religion	One full-time chaplain and a contract rabbi and imam.

FEDERAL PRISON CAMP SCHUYLKILL

Address	Federal Prison Camp Schuylkill P.O. Box 700 Minersville, PA 17954
Location	Adjacent to Federal Correctional Institution Schuykill.
Contact Numbers	Tel: 717-544-7100 Fax: 717-544-7225
Judicial District	Eastern Pennsylvania
Security Level	Minimum
Male/Female	Male
Capacity	282
Current Pop.	296
History/Description	Opened in 1991, Federal Prison Camp Schuylkill houses prisoners in dormitories in bunk beds. The routine for the prisoners is very similar to that in Federal Correctional Institution Schuylkill.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	Work includes prison garden, Unicor.
Food/Commissary	Dining hours from 6:00 to 7:00 a.m., from 10:45 a.m. to 11:45 a.m., and after the 4:15 p.m. count clears during the week. On the weekend there is a coffee hour from 7:00 a.m. to 8:00 a.m. and brunch from 10:00 a.m. to 11:00 a.m., with dinner at the same time as during the week.
Recreation	Recreation includes indoor and outdoor activities such as crafts, weight room, music room, table games, softball field, basketball courts, a weight pile, handball/racquetball courts, a volleyball court, and several horseshoe pits. There is also a nature trail built by prisoners. Monthly schedules of activities and programs organized by the Recreation Department will be distributed.
Medical	Sick call is from 6:15 a.m. to 6:45 a.m. Monday, Tuesday, Thursday, and Friday.
Counseling	Psychology Services is open weekdays from 7:30 a.m. to 4:00 p.m. Priority services include court-ordered evaluations, intake screenings, treatment of major mental disorders, crisis intervention, and suicide prevention. Other services may include adjustment counseling, individual and group psychotherapy, prerelease counseling, drug and alcohol education and counseling, and other self-help, support, and educational programs.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours from 8:30 a.m. to 3:30 p.m. Saturday, Sunday, and all federal holidays. Visits are limited to five per month.
Religion	There is no chapel.

FEDERAL CORRECTIONAL INSTITUTION SEAGOVILLE

Address	Federal Correctional Institution Seagoville 2113 North Highway 175 Seagoville, TX 75159
Location	Eleven miles southeast of Dallas, off Highway 175 (Hawn Freeway). The area is served by the Dallas-Fort Worth International Airport, Amtrak in Dallas and Fort Worth, and commercial bus lines.
Contact Numbers	Tel: 972-287-2911 Fax: 972-287-5466
Judicial District	Northern Texas
Security Level	Low/administrative
Male/Female	Male
Capacity	866
Current Pop.	1,101
Staff	292

History/Description	Originally opened in August 1940 as a prison for women, it closed in June 1942, reopening 3 years later as a prison for men in June 1945.
Admission and Orientation	One week. A&O pack very detailed.
Education	According to its A&O pack, Federal Correctional Institution Seagoville stresses education. It offers classes in GED, ESL, adult continuing education, including conversational Spanish, income tax preparation, office skills, and music theory, as well as a certificate course in Microsoft Office Proficiency. There is also a Parenting Program. Vocational training is offered in a range of areas, including auto mechanics, small appliance repair, and horticulture. The law library is open from Monday through Saturday at various hours. The leisure library is open similar hours and holds books in Spanish and English.
Work	Mechanical Services, Food Service, Business Office; Unicor textile factory, business office, and quality control.
Food/Commissary	Meals are served in the dining room from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 10 minutes after last call, and following the clearance of the 4:00 p.m. count. On the weekends they are served from 7:00 a.m. to 8:00 a.m., following the 10:00 a.m. count, and following the 4:00 p.m. count. The commissary (also called the Trust Fund Sales Unit) is located in Building 4. Shopping hours are Monday through Friday after the 4:00 p.m. count until 8:30 p.m. Prisoners may shop only once per day.
Recreation	Inmate wellness program, indoor and outdoor sporting recreation, hobby crafts, music room, auditorium for musical events and movies, and the Pros and Cons Toastmasters club.
Medical	Sick call, Monday, Tuesday, Thursday, and Friday from 6:00 a.m. to 6:30 a.m. Emergency dental care can be signed up for at these same times. Medication is distributed three times each day. Hours will be posted. Over-the-counter medication, including Tylenol, aspirin, and Sudafed, may be bought at the commissary.
Counseling	Psychology Department is located in Building 9.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous. Programs offered in Spanish and English.
Gym	An indoor weight-lifting/fitness equipment area.
Visits	Visiting hours are Monday, Thursday, and Friday from 2:00 p.m. to 8:30 p.m. and on the weekends and federal holidays from 8:00 a.m. to 3:00 p.m. Prisoners receive 5 visiting points per month, with a weekday visit costing 1 point and a weekend visit equivalent to 2 points. Prisoners may be visited by a maximum of four adults and four children at any one visit.
Religion	Three staff chaplains, as well as several part-time chaplains and over 100 citizen volunteers.
Release Preparation	A course is offered by the Education Department for prisoners within 24 months of release.
Other	Mail is delivered Monday through Friday after the 4:00 p.m. count at the unit officer's station. Postage stamps cannot be received through the mail.

FEDERAL DETENTION CENTER SEATAC

Address	Federal Detention Center SeaTac P.O. Box 13901 Seattle, WA 98198
Location	Twelve miles south of Seattle and 16 miles north of Tacoma, 1 mile west of Interstate 5 (200th Street exit). SeaTac International Airport is 1 mile from the facility. Amtrak and commercial bus lines also serve the area. The street address is 2425 South 200th Street.
Contact Numbers	Tel: 206-870-5700 Fax: 206-870-5717
Judicial District	Western Washington
Security Level	Administrative
Male/Female	Male and female

Capacity	677
Current Pop.	592
Staff	144
History/Description	Opened in September 1997. Sentenced inmates may be eligible for escorted trips, furloughs, or halfway house (community corrections) placements. The institution also holds pretrial, holdover, and INS inmates. Housing is in two-person cells and dormitories.
Admission and Orientation	On arrival, prisoners will be issued a "standard bed roll" consisting of bedding and towels. Once you are assigned to a unit, you will be given clothes. You will estimate your size for these clothes during R&D. Prisoners will also be issued an identification card during admission that they must carry with them at all times, except to and from the showers. Prisoners designated to serve their sentence at SeaTac will be classified within 28 days of arrival. Those who are transfers, parole violators, mandatory release violators, or supervised release violators will be classified within 14 days. Program reviews will be held every 90 to 180 days thereafter, depending on the amount of time remaining to serve.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There is a law library with a photocopy machine and typewriters.
Work	Building, maintenance, Food Service. Pay rates from $0.12 an hour to $0.40 an hour.
Food/Commissary	Meals are delivered to each housing unit from a central kitchen. They are served during the week at 6:00 a.m., 11:00 a.m. and after the 4:00 p.m. count. On the weekends and holidays, breakfast is served at 7:00 a.m. Prisoners must submit a request for items from the commissary.
Recreation	Limited indoor and outdoor facilities available.
Medical	Medical and dental sick-call appointments are given on Monday, Tuesday, Thursday, and Friday in the medical examination room in each housing unit. Prisoners must submit a written request the evening before one of the sick call days. Emergencies should be seen immediately. Medication is distributed in pill line twice a day, after the 5:00 a.m. count and then again at 7:00 p.m. There is also a morning and afternoon insulin line.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours Monday, Thursday, and Friday, 1:00 p.m. to 8:00 p.m.; Saturday and Sunday, 8:00 a.m. to 3:00 p.m.
Religion	Central chapel for whole population. Weekly Native American prayer circle in one of the housing units when chaplain is available.
Release Program	Job hunting, interview techniques, stress management, and other coping skills.
Other	Smoking is allowed only in outdoor recreation area.

FEDERAL PRISON CAMP SEYMOUR JOHNSON

Address	Federal Prison Camp Seymour Johnson Caller Box 8004 Goldsboro, NC 27533-8004
Location	Near Goldsboro, North Carolina, on Seymour Johnson Air Force Base. Off Interstate Highways 40 and 95 and U.S. 70. The area is served by the Raleigh/Durham International Airport and the Kinston Airport, Amtrak in Raleigh and Durham, and commercial bus lines.
Contact Numbers	Tel: 919-735-9711 Fax: 919-735-0169
Judicial District	Eastern North Carolina
Security Level	Minimum
Male/Female	Male
Capacity	576
Current Pop.	530
Staff	101

History/Description	Opened March 1989; housing is dormitory style with two-person cubicles. Prisoners serve as labor force for adjacent air base.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. An associate's degree in business is offered through Wayne Community College, and there are vocational and apprenticeship programs.
Food/Commissary	Commissary is open on weekday nights. Prisoners may shop once per week.
Recreation	Recreation includes a small weights area, outdoor sports, music, and crafts.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. There is no restriction on the number of visits allowed. There is a separate children's area.
Religion	One full-time chaplain plus community volunteers.

FEDERAL CORRECTIONAL INSTITUTION SHERIDAN

Address	Federal Correctional Institution Sheridan P.O. Box 8000 27072 Ballston Road Sheridan, OR 97378-9601
Location	In northwestern Oregon, in the heart of the Willamette Valley, 90 minutes from Portland. Off Highway 18 on Ballston Road. The area is served by Portland International Airport, Amtrak in Portland and Salem, and commercial bus lines.
Contact Numbers	Tel: 503-843-4442 Fax: 503-843-3408
Judicial District	Oregon
Security Level	Medium/administrative
Male/Female	Male
Capacity	923
Current Pop.	1,406
Staff	There are currently 379 staff members. All staff members, including education, psychologists, industrial instructors, and administrators, are trained as custody officers (Her Majesty's Prison Service, 1993, p. 171).
History/Description	Federal Correctional Institution Sheridan opened in August 1989. The buildings are constructed of solid concrete with timber facades. Housing is in two-person cells.
Food/Commissary	Commissary is open Tuesday through Thursday in the evenings for the mainline population and on Friday for those in hospital and the special housing unit. Prisoners may shop once per week.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There are also vocational training classes such as drafting, building, and culinary arts, and apprenticeships in electrical wiring.
Medical	Sick call 6:00 a.m. to 6:25 a.m., four times per week; 24-hour emergency care also available.
Work	Unicor factory. There is also a production shop where prisoners make objects whose sale contributes toward a school for children with serious illnesses.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	The gym is large, with a basketball court and a running track that goes around the wall and is mounted 20 feet above the gym floor. The principal weight-lifting area is outside and covered.
Visits	Visiting hours are from 4:30 p.m. to 8:00 p.m. on Monday, Thursday, and Friday and from 8:30 a.m. to 3:00 p.m. on weekends and federal holidays. Inmates are given 40 points each month. Weekday visits cost 1 point and weekend visits cost 2 points. Up to four adults may be present at any one time.

FEDERAL PRISON CAMP SHERIDAN

Address	Federal Prison Camp Sheridan P.O. Box 8000 27072 Ballston Road Sheridan, OR 97378-9601
Location	Adjacent to Federal Correctional Institution Sheridan.
Contact Numbers	Tel: 503-843-4442 Fax: 503-843-3408
Judicial District	Oregon
Security Level	Minimum
Male/Female	Male
Capacity	512
Current Pop.	456
History/Description	The prison camp opened in 1989. Housing is dormitory style with four-person cubicles. The institution is overseen by a camp administrator who reports to the warden of the total institution.
Admission and Orientation	Newly arrived prisoners will be assigned to Unit 5(E) or Unit 6(F).
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There are also vocational training programs available, including horticulture and HVAC. Apprenticeships include dental assistant, HVAC, boiler operator, and electrical.
Work	Mechanical Services, Food Service, Business Office, and Unicor packing, shipping, warehousing, and quality control. Unicor offers postsecondary scholarships to selected inmates.
Food/Commissary	Meals are served in the dining hall at various times depending on work assignment. Commissary open 4:00 p.m. to 7:30 p.m. and sales are limited to one sale per week.
Recreation	Various indoor and outdoor activities. Two weight-lifting/fitness areas in the camp recreation area.
Medical	Sick call from 6:15 a.m. to 6:30 p.m. on Monday, Tuesday, Thursday, and Friday. Emergency care available at all times. Medicine dispensed at various times throughout the day. Hours are posted. Dental sick call from 7:15 a.m. to 7:30 a.m. on Monday, Wednesday, and Friday.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 5:00 p.m. to 8:00 p.m. Monday, Thursday, and Friday and 8:30 a.m. to 3:00 p.m. on weekends and federal holidays. Visits are distributed according to a points system. Inmates are allocated 40 points per month, and one weekday hour visit costs 1 point, while one weekend hour visit costs 2 points. No points are charged on visits occurring New Year's Day, July 4, Thanksgiving, and Christmas.
Religion	Three chaplains who are also available for counseling services.
Other	It is against prison rules to feed birds on the compound. Unit televisions may remain on 24 hours a day.

MEDICAL CENTER FOR FEDERAL PRISONERS SPRINGFIELD

Address	Medical Center for Federal Prisoners Springfield P.O. Box 4000 1900 West Sunshine Springfield, MO 65801-4000
Location	In Springfield, at the corner of Sunshine Street and the Kansas Expressway. Off Interstate 44. The area is served by the Springfield Municipal Airport and by commercial bus lines.
Contact Numbers	Tel: 417-862-7041 Fax: 417-837-1711

Judicial District	Western Missouri
Security Level	Administrative
Male/Female	Male
Capacity	912
Current Pop.	1,145
Staff	672
History/Description	Opened in September 1933, this is the major medical, surgical and psychiatric referral center for the Bureau of Prisons and contains a 20-bed mental health unit for Mariel detainees. It was originally called the Hospital for Defective Delinquents. A range of different housing is available, from one- and two-man rooms to open dormitories.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Food/Commissary	Prisoners may shop once per week. Hours will be posted on unit.
Medical	Springfield houses the bureau's first prison hospice. The hospice team includes a chaplain and two nurse managers. There are two 20-bed wards, one for patients with cancer and the other for AIDS patients. The hospice is staffed with the assistance of inmate volunteers who receive 30 hours of initial training in counseling and supportive services in addition to bimonthly training sessions.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	Inmates in the terminal stages of AIDS-related illnesses may be housed in the institution's hospice (see above).
Gym	Yes, with weights.
Visits	Visiting hours are from 8:15 a.m. to 3:00 p.m. from Thursday through Monday. Prisoners are given 8 visiting points per month. Weekend visits are worth 2 points, and weekday visits are worth 1 point.
Religion	Three full-time chaplains.

FEDERAL CORRECTIONAL INSTITUTION TAFT

Address	Federal Correctional Institution Taft 1500 Cadet Road Taft, CA 93268
Contact Numbers	Tel: 661-763-2510 Fax: 661-765-3002
Security Level	Low
Male/Female	Male
Capacity	1,767
Current Pop.	1,880
Staff	390
History/Description	First fully privatized federal facility. Opened in December 1997 and run by Wackenhut Corrections Corporation (WCC). According to WCC's description of the facility, both the Federal Correctional Institution and the Federal Prison Camp are made up of cubicles in open dormitories. The Federal Correctional Institution covers 75% of total program area (approx. 398,000 square feet) and is enclosed by a double security fence. Inmate housing is provided in three two-story buildings, each of which has two wings containing two units. Units are governed by unit manager, case managers, and counselors. Each wing has an officers' station overlooking 64 inmate cubicles. Adjacent to the officers' station are multipurpose spaces, TV rooms, toilets, showers, and laundry rooms.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There are also various vocational training classes. The leisure library has a collection of Spanish books.
Food/Commissary	Meals are served in the dining room.

Work	There is a Unicor furniture factory and a Unicor ink cartridge factory.
Recreation	Recreation includes sporting activities and arts and crafts.
Medical	Sick call 6:00 a.m. to 7:00 a.m. 7 days a week. Mental health screening; full medical, dental, pharmaceutical, radiology, and mental health services.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 8:00 a.m. to 3:00 p.m. Thursday, Friday, weekends, and federal holidays. Visits on Saturday end at 9:00 p.m. A total of six visitors (adults and children) may be present at any one time.
Religion	Catholic priest, Protestant minister, and volunteers from other faith groups.

FEDERAL PRISON CAMP TAFT

Address	Federal Prison Camp Taft 1500 Cadet Road Taft, CA 93268
Contact Numbers	Tel: 661-763-2510 Fax: 661-765-3002
Security Level	Minimum
Male/Female	Male
Capacity	512
Current Pop.	460
History/Description	First fully privatized federal facility. It opened in December 1997 and is run by Wackenhut Corrections Corporation (WCC). According to WCC's description of the facility, both the Federal Correctional Institution and the Federal Prison Camp are made up of cubicles in open dormitories. The Federal Prison Camp covers approximately 80,000 square feet. It offers the same inmate services and programs as the Federal Correctional Institution. It has one two-story housing unit with two wings. Each wing holds two units of open dormitories with low partitions, holding 64 inmates per wing, per floor. The counselor's offices, TV rooms, multipurpose rooms, toilets, shower, and laundry are all shared and grouped in the central part of the building.
Work	Work includes a Unicor warehouse, Food Services, and grounds maintenance.
Medical	As above.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 8:30 a.m. to 3:30 p.m. Friday, weekends, and federal holidays. Each month prisoners are given 20 visiting points. Friday visits cost 2 points, Saturday visits cost 6 points, Sunday visits 4 points. Federal holiday visits that fall on any other day will not be deducted from the inmate's monthly total. Up to six visitors may be present at any one time.
Religion	As above.

FEDERAL CORRECTIONAL INSTITUTION TALLADEGA

Address	Federal Correctional Institution Talladega 565 East Renfroe Road Talladega, AL 35160
Location	In the foothills of northern Alabama, 50 miles east of Birmingham and 100 miles west of Atlanta, Georgia. Off Interstate 20 on Renfroe Road.
Contact Numbers	Tel: 205-362-0410 Fax: 205-315-4495

Judicial District	Northern Alabama
Security Level	Medium
Male/Female	Male
Capacity	644
Current Pop.	1090
Staff	343
History/Description	Opened in November 1979. Five different units, Gamma, Delta, Sigma, Beta, and Omega, with housing units. It contains a high-security unit for Mariel detainees within 60 days of repatriation to Cuba and a secure housing unit for Mariel detainees deemed to be disruptive elsewhere.
Admission and Orientation	One-week program, during which incoming inmates will be housed in Omega Unit. A dental exam will be part of the physical examination of all new arrivals.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there are vocational training programs in cabinetmaking, carpentry, welding, masonry, and drafting. There are also apprenticeship programs for bricklayer, carpenter, cook, architectural drafter, wood machinist, painter, plumber, sheet metal worker, and welding technician. Recent adult continuing education courses have included typing and word processing, accounting, creative writing, and Spanish.
Work	Facility Department offers a range of employment, including automotive mechanics shop, carpenter shop, communications shop, construction shop, electrical shop, landscaping shop, construction 2 shop, plumbing shop, heating, refrigeration and air conditioning shop, utilities shop, and welding shop. There is also a Unicor furniture factory. Other avenues of employment used to support the industrial operation include the business office, quality assurance, and warehousing. There is a long waiting list for Unicor jobs.
Food/Commissary	Food served in dining room, cafeteria style. During the week, meals will be held from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and from 4:40 p.m. to 5:30 p.m. On the weekend and on holidays, there will be a coffee hour from 6:30 a.m. to 7:00 a.m., followed by brunch from 11:30 a.m. to 12:00 p.m. and dinner from 4:40 p.m. to 5:30 p.m. The commissary sales unit or store is located next to the laundry. It sells a variety of food items, beverages, tobacco products, and toiletry items. Each prisoner is allowed to shop once per week.
Recreation	Recreation includes indoor and outdoor activities. Cardiovascular training is available.
Religion	A variety of faith groups are represented in the chapel program, including Protestant, Catholic, Jewish, Muslim, Nation of Islam, Moorish Science Temple, Jehovah's Witnesses, and Native American. Bible studies are conducted by Prison Fellowship, Jehovah's Witnesses, and Charismatic volunteers.
Medical	Medical sick call 6:00 a.m. to 7:00 a.m. Monday through Friday. Dental sick call for those experiencing pain is from 6:30 a.m. to 7:00 a.m. at the Health Services Unit (HSU). Emergency care is available at all times. Pill line daily from 6:00 a.m. to 7:00 a.m., from 12:00 p.m. to 12:30 p.m., and from 5:00 p.m. to 5:30 p.m., except on weekends and holidays, when the morning line will occur from 8:00 a.m. to 8:30 a.m.
Counseling	Two psychologists, of whom one is assigned to Gamma and Delta Units and the other to Sigma and Beta. Both may be reached by inmate request forms in the listed units or by staff phone calls to the assigned units. Suicide prevention program, parenting program, stop smoking program, and stress management. There is also a victim impact program in which prisoners learn about the impact of crime from victims.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	New arrivals will be randomly tested for HIV; all those about to be released will be tested as well.
Visits	Visiting hours 9:00 a.m. to 3:00 p.m. Sunday, Monday, Thursday, Friday, Saturday, and federal holidays. All children under 18 must be accompanied by an adult. Visiting room is nonsmoking. There is no separate children's area.
Other	Hair may be worn in any style and length an individual desires, but artificial hair pieces (wigs, toupees) are not allowed. Mail is distributed during the week after 4:10 p.m. count.

FEDERAL PRISON CAMP TALLADEGA

Address	Federal Prison Camp Talladega 565 East Renfroe Road Talladega, AL 35160
Location	Adjacent to Federal Correctional Institution Talladega.
Contact Numbers	Tel: 205-362-0410 Fax: 205-315-4495
Judicial District	Northern Alabama
Security Level	Minimum
Male/Female	Male
Capacity	296
Current Pop.	324
History/Description	Opened in 1989; housing is dormitory-style in two-person cubicles.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	There is a Unicor warehouse.
Food/Commissary	Commissary is open in the middle of the day from Tuesday through Thursday. Prisoners may shop once per week.
Recreation	Recreation includes exercise bikes, music room, and games.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:00 p.m. to 9:00 p.m. on Friday and from 8:30 a.m. to 3:30 p.m. on weekends and federal holidays. There is no children's room.

FEDERAL CORRECTIONAL INSTITUTION TALLAHASSEE

Address	Federal Correctional Institution Tallahassee 501 Capital Circle, N.E. Tallahassee, FL 32301-3572
Location	Three miles east of downtown Tallahassee, on Highway 319 at its intersection with Park Avenue. Tallahassee is served by Tallahassee Regional Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 904-878-2173 Fax: 904-216-1299
Judicial District	Northern Florida
Security Level	Low: administrative
Male/Female	Female: Male
Capacity	652
Current Pop.	1,383
Staff	339
History/Description	Opened in November 1938; housing is in open dormitories.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there are 15 apprenticeship programs, all of which lead to outside accreditation or certification: baker, butcher, cook, dental assistant, dental technician, electrician, horticulturalist, landscape management technician, landscape technician supervisor, metal fabricator, painter, plumber, quality assurance technician, refrigeration mechanic, and stationary engineer. There are also seven vocational training programs, all of which lead to outside accreditation or certification: barbering/cosmetology, business education, electronics, horticulture, masonry, small engine repair, and woodworking. The 14-week parenting program for female offenders is designed to support positive relationships between inmates and their spouses and children during and after incarceration. Topics

	covered include distance parenting, communication with children, child development, family literacy, and substance abuse. The program includes a visiting room component.
Work	There is a Unicor furniture factory.
Counseling	Program for female victims of domestic violence and physical and sexual assault.
Drug Treatment	One of five national residential drug treatment programs for female offenders. The program is based on cognitive-behavior therapy. The participants are taught that they are responsible for their own behavior and the choices they make. They learn skills to improve their ability to manage their lives and to prevent a relapse. There is also a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours for men are from 8:15 a.m. to 3:00 p.m. on Wednesday, Thursday, Friday, weekends, and federal holidays. For women, visiting hours are from 4:30 p.m. to 8:30 p.m. on Fridays and from 8:30 a.m. to 3:15 p.m. on weekends and federal holidays. There are special activities for mothers enrolled in the parenting program.

FEDERAL CORRECTIONAL INSTITUTION TERMINAL ISLAND

Address	Federal Correctional Institution Terminal Island 1299 Seaside Avenue Terminal Island, CA 90731
Location	On a pier in Los Angeles Harbor, between San Pedro and Long Beach. Off Harbor Parkway to San Pedro (cross the Vincent Thomas Bridge and take Seaside Avenue to the main gate). The area is served by Los Angeles International Airport and Long Beach Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 310-831-8961 Fax: 310-732-5335
Judicial District	Central California
Security Level	Medium
Male/Female	Male
Capacity	452
Current Pop.	1,037
Staff	318
History/Description	Originally opened in June 1938, it closed in January 1942 and was reopened in May 1955. Housing is in open dormitories, with some single- or two-person rooms available.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are a number of vocational training courses such as carpentry, plumbing, electrical, refrigeration, and heating/ventilation and air conditioning. Thirty-day courses are offered in contractor's licensing, home inspections, and auto air conditioning. Three-year apprenticeships are also offered.
Work	There is a Unicor metals factory.
Recreation	Recreation includes indoor and outdoor activities, including individualized arts and crafts programs and intramural team sports such as basketball, baseball, and volleyball. Physical fitness and weight reduction programs are also offered. Some musical instruments are available in the recreation area. Harmonicas may be purchased through the Recreation Department. Instrument playing is never allowed in the units.
Medical	Sick call is Monday, Wednesday, Thursday, and Friday.
Counseling	Psychology Services offers screening, crisis intervention, suicide prevention, drug abuse treatment, and individual and group psychotherapy.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours 12:00 p.m. to 7:30 p.m. Monday, Thursday, and Friday and 8:00 a.m. to 3:00 p.m. Saturday, Sunday, and holidays. Each inmate will have 40 points each month for visitation. On weekends and holidays, 1 hour is equivalent to 2 points. On Monday, Thursday, and Friday, 1 hour of visitation is equivalent to 1 point.
Religion	Staff chaplains as well as contract and volunteer representatives of many faiths are available. Spiritual and family counseling is also available through the chaplains.
Release Preparation	Standard prerelease programming.

FEDERAL PRISON CAMP TERRE HAUTE

Address	Federal Prison Camp Terre Haute Highway 63 South Terre Haute, IN 47808
Location	Adjacent to U.S. Penitentiary Terre Haute.
Contact Numbers	Tel: 812-238-1531 Fax: 812-238-9873
Judicial District	Southern Indiana
Security Level	Minimum
Male/Female	Male
Capacity	340
Current Pop.	383
History/Description	Housing in 2-, 8-, and 12-person rooms
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Food/Commissary	Commissary is open Monday through Wednesday.
Recreation	Recreation includes organized sports, miniature golf, crafts, television, and cards.
Medical	Sick call is from 6:30 to 7:15 a.m. 4 days a week with 24-hour emergency care.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are Monday and Friday from 5:00 p.m. to 9:00 p.m. and on the weekend from 8:00 a.m. to 3:00 p.m. There is a small children's room.
Religion	See below.

U.S. PENITENTIARY TERRE HAUTE

Address	U.S. Penitentiary Terre Haute Highway 63 South Terre Haute, IN 47808
Location	Two miles south of the city of Terre Haute, which is 70 miles west of Indianapolis on Interstate 70. The institution is located on Highway 63. Terre Haute is served by Hulman Regional Airport and commercial bus lines.
Contact Numbers	Tel: 812-238-1531 Fax: 812-238-9873
Judicial District	Southern Indiana
Security Level	High
Male/Female	Male
Capacity	741
Current Pop.	1,303
Staff	510
History/Description	Opened October 1940; facility has four housing units. Housing is in two-person cells or dormitory style in two-man cubicles. Since 1994, it has held federal prisoners on death row. It also contains a reception and classification unit for Mariel detainees as they enter bureau custody.
Admission and Orientation	One day.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, specialized training programs are offered through Indiana Vocational Technical College in barber training.
Work	Jobs include Food Service, facilities, law library clerks, janitors, and a Unicor textile factory that makes towels and washcloths. There is also a Unicor mailbag repair factory.
Medical	Sick call is at 6:00 a.m. on Monday, Tuesday, Thursday, and Friday.
Recreation	Recreation includes weights, hobby crafts, indoor and outdoor activities, sports, physical fitness, and weight reduction programs. Two movies a week are shown on Fridays and Saturdays in the housing units. There is a quarter-mile paved track and a half-mile dirt track.

Drug Treatment	A 500-hour comprehensive residential drug treatment program, a nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes.
Visits	Visiting hours are from 8:00 a.m. to 3:00 p.m. on Thursday, Friday, and Monday. Prisoners may have no more than seven visits per month.
Religion	Three full-time chaplains, as well as contract and volunteer representatives of other faiths and a Native American sweat lodge.

FEDERAL CORRECTIONAL INSTITUTION TEXARKANA

Address	Federal Correctional Institution Texarkana P.O. Box 9500 Texarkana, TX 75505
Location	In northeast Texas near the Arkansas border, 70 miles north of Shreveport, Louisiana, and 175 miles east of Dallas. Off Route 59 south, on Leopard Drive.
Contact Numbers	Tel: 903-838-4587 Fax: 903-223-4424
Judicial District	Eastern Texas
Security Level	Low
Male/Female	Male
Capacity	749
Current Pop.	1,269
Staff	316
History/Description	Opened in August 1940; housing varies from two-person rooms to open dormitories.
Admission and Orientation	During admission and orientation, prisoners will be seen in the dental clinic for a full dental exam. If follow-up appointments are needed, they will be made at that time. Prisoners will also be given full physical and psychological screening at this time.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. The adult continuing education curriculum is established by results of surveys completed by the inmate population. In addition, there are vocational training courses that include HVAC, auto mechanics, and welding, and apprenticeships that include cooking, dental assistance, and plumbing.
Food/Commissary	Meals are served in the dining hall. During the Christmas/New Year holiday season, the spending limit at the commissary will increase by $50.
Work	Unicor furniture factory.
Recreation	Musical instruments (acoustic guitars, accordions, and percussion instruments) are available for use in the leisure center. Hobby craft programs in wood, leather, beads, knitting, and art are also available. The following programs are available; Walk-Run Club, Bike Club, Stair Master Club, calisthenics, yoga, and Health Promotion-Disease Prevention Program. These programs are open on a continued basis. Beginners' and intermediate acoustic guitar and art classes are available on a 12-week basis. The leisure center opens every day at 1:00 p.m. except on Thursdays, when it opens at 5:00 p.m.
Medical	Medical sick call from 6:00 a.m. to 6:30 a.m. Monday, Tuesday, Thursday, and Friday. Pill lines from 7:00 a.m. to 7:30 a.m., from 11:45 a.m. to 12:15 p.m., from 3:30 p.m. to 3:45 p.m., and from 8:30 p.m. to 8:45 p.m. Eye exams and glasses are available. Glasses usually take from 4 to 6 weeks to arrive. Emergency medical care is always available. Inmates confined in SHU will be offered sick call once a day by a health care provider. Dental services will be limited to dental emergencies only. Pill lines will be conducted up to four times a day according to a schedule that will be posted.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.

HIV/AIDS	As part of the A&O process, prisoners will receive detailed instructions about HIV and AIDS, how it is contracted, and how it is treated. The A&O pack contains more details. Prisoners who are tested will be counseled before the test and when they receive the results. If a prisoner is HIV positive, his condition will be monitored. He will remain in regular housing and work assignments unless his condition warrants a duty restriction.
Visits	Visiting hours are Friday from 5:00 p.m. to 8:00 p.m. and Saturday, Sunday, and holidays from 8:00 a.m. to 3:00 p.m.
Religion	Protestant and Catholic services are available as well as contract and volunteer representatives of other faiths.

FEDERAL PRISON CAMP TEXARKANA

Address	Federal Prison Camp Texarkana P.O. Box 9500 Texarkana, TX 75505
Location	Adjacent to Federal Correctional Institution Texarkana.
Contact Numbers	Tel: 903-838-4587 Fax: 903-223-4424
Judicial District	Eastern Texas
Security Level	Minimum
Male/Female	Male
Capacity	220
Current Pop.	270
Education	As above.
Recreation	As above.
Medical	Sick call 6:30 a.m. to 6:45 a.m., Monday, Tuesday, Thursday, and Friday. Emergency dental care may also be arranged at these times.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Religion	As above.
Visits	Visiting hours are from 8:30 a.m. to 3:30 p.m. on weekends and federal holidays. A separate children's room is available.

FEDERAL CORRECTIONAL INSTITUTION THREE RIVERS

Address	Federal Correctional Institution Three Rivers P.O. Box 4000 Three Rivers, TX 78071
Location	About 80 miles south of San Antonio and 73 miles northwest of Corpus Christi. On Interstate 37, 9 miles west of the town of Three Rivers; near the Choke Canyon Reservoir.
Contact Numbers	Tel: 361-786-3576 Fax: 512-786-4909
Judicial District	Southern Texas
Security Level	Medium
Male/Female	Male
Capacity	784
Current Pop.	1,062
Staff	309

History/Description	Opened in March 1991; contains four living units with four-man cells.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. In addition, there are vocational training courses that include HVAC and building, as well as apprenticeships that include dental assistance, HVAC, and plumbing.
Work	Work includes Food Service, orderlies, maintenance, and the Unicor factory. Unicor Three Rivers is a vehicular component repair operation that rebuilds component parts for forklifts to be resold to government or military agencies. It also refurbishes buses for the U.S. Immigration and Naturalization Service.
Food/Commissary	Meals are served in the dining hall. The commissary is open on weekdays. Hours will be posted. Prisoners may shop once per week.
Recreation	Recreation includes limited weights; indoor and outdoor activities, including Walk-Run Club, Bike Club, Stair Master Club, calisthenics, yoga, and Health Promotion-Disease Prevention Program; beginners' and intermediate acoustic guitar and art classes.
Medical	Sick call from 6:00 a.m. to 6:30 a.m. Monday, Tuesday, Thursday, and Friday, except for holidays. Medications are dispensed four times per day. Hours will be posted.
Counseling	Among some of the services provided by the Psychology staff are individual and group therapy, a 40-hour drug prevention program, relapse prevention groups, psychoeducational programs, and crisis intervention.
Drug Treatment	Residential Drug Abuse Treatment Program, nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
HIV/AIDS	As part of the A&O process, prisoners will receive detailed instructions about HIV and AIDS, how it is contracted, and how it is treated. Those scheduled to take part in a furlough will be tested.
Visits	Visiting hours are 5:00 p.m. to 8:00 p.m. on Fridays and 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Prisoners will be allowed six visitors at any one time, and their visits may last for a maximum of 2 hours. There is no separate children's room.
Religion	Protestant and Catholic services are available as well as contract and volunteer representatives of other faiths.

FEDERAL PRISON CAMP THREE RIVERS

Address	Federal Prison Camp Three Rivers P.O. Box 4000 Three Rivers, TX 78071
Location	Adjacent to Federal Correctional Institution Three Rivers.
Contact Numbers	Tel: 361-786-3576 Fax: 512-786-4909
Judicial District	Southern Texas
Security Level	Minimum
Male/Female	Male
Capacity	256
Current Pop.	268
History/Description	Housing is in open dormitories. Prisoners provide labor to main institution.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes.
Work	Unicor warehouse.
Food/Commissary	Commissary is open on Tuesday and Wednesday.
Medical	Sick call is from 6:30 a.m. to 7:00 a.m. 4 days a week.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:00 p.m. to 9:00 p.m. on Friday and from 8:00 a.m. to 3:00 p.m. on weekends and federal holidays. Prisoners may be visited by up to six visitors at any one time, and visits may be no longer than 2 hours. There is no separate children's room.

FEDERAL CORRECTIONAL INSTITUTION TUCSON

Address	Federal Correctional Institution Tucson 8901 South Wilmot Road Tucson, AZ 85706
Location	In southern Arizona, 10 miles southeast of the city of Tucson, near Interstate 10 and Wilmot Road. Tucson is served by Tucson International Airport, Amtrak, and commercial bus lines.
Contact Numbers	Tel: 520-574-7100 Fax: 520-670-5674
Judicial District	Arizona
Security Level	Medium; administrative
Male/Female	Male; male and female
Capacity	392
Current Pop.	848
Staff	237
History/Description	Opened in March 1982, this facility was originally a Metropolitan Correctional Center. It holds pretrial male inmates and those who are sentenced and awaiting transfer plus a small population of pretrial and short-term women. Housing is in two-person cells.
Admission and Orientation	Medical and psychological screening.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. In addition, there is vocational training in environmental technology. There is also a monthly mothering support group for pretrial and holdover female offenders that provides crisis management information.
Work	Work includes a Unicor textile factory. Facilities operations also offers work in building or maintenance trades, including mechanical, construction, electrical, plumbing, air conditioning/heating, carpentry, welding, painting, and landscaping. All inmates are required to do a 90-day assignment in Food Service.
Food/Commissary	Meals are eaten together in the dining room. Religious diets available if approved by chaplain, and medical diets may be assigned by health services department. All-you-can-eat soup and salad bar, Monday through Friday. Men may shop at the commissary Tuesday through Thursday after 4:00 p.m. count. Pretrial and presentence inmates shop on Fridays during the day, and women shop on Wednesday during the day. There is a monthly limit to how much can be spent.
Recreation	Television, pool tables, checkers, cards, and dominoes. Wellness program, acoustic guitars, music program for percussion, wind and string instruments. Hobby crafts in art, beadworking, and leathercraft.
Medical	Sick call sign-up 6:30 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Eye examinations may be requested. Contract psychiatric services 3 days each month.
Counseling	Two full-time psychologists and one drug treatment specialist. A 40-hour drug abuse treatment program includes individual and group counseling. Individual or group psychotherapy/counseling available. In addition, there are groups including inmate suicide-companion program, errors-in-thinking group, anger management, coping skills and stress management, Spanish circle, and alternatives-to-violence program.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Recreation yards offer equipment for basketball, boccie ball, handball, heavybag and speedbag training, horseshoes, jogging, soccer, softball, volleyball, walking, weight and fitness training.
Visits	Visiting hours 8:00 a.m. to 3:00 p.m. Saturday, Sunday, and federal holidays; 5:00 p.m. to 8:00 p.m. Monday and Tuesday.
Religion	Two full-time chaplains, five contract chaplains from various religious groups. Pastoral visits from outside clergy may be arranged by chaplains.

FEDERAL CORRECTIONAL INSTITUTION VICTORVILLE (MEDIUM)

Address	Federal Correctional Institution Victorville (Medium) 15115 Nisqualli Road Victorville, CA 92394
Location	In San Bernardino County, approximately 85 miles northwest of Los Angeles, on Interstate 15. The area is served by Ontario International Airport, Amtrak, and by commercial bus lines.
Contact Numbers	Tel: 760-951-0779 Fax: 760-951-5792
Judicial District	Central California
Security Level	Medium
Male/Female	Male
Capacity	1,053
Current Pop.	1,683
Staff	325
History/Description	Opened June 2000.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. Contact the education department for a list of courses.
Work	Unicor factory.
Food/Commissary	Food is served in the dining room from 6:00 a.m. to 7:00 a.m., from 10:45 a.m. to 12:30 p.m., and after the 4:00 p.m. count during the week. On weekends and holidays, there is a coffee hour from 7:00 a.m. to 8:00 a.m. and brunch after the 10:00 a.m. count. Dinner is at the same time as on weekdays.
Recreation	Indoor and outdoor activities include basketball, handball, jogging, and soccer, as well as cardiovascular room, hobby crafts, and music.
Medical	Emergency medical care is available at all times. Sick-call and pill-line hours will be posted.
Counseling	Group and individual work.
Drug Treatment	Alcoholics and Narcotics Anonymous.
Visits	Visiting hours 1:00 p.m. to 7:15 p.m. on Mondays, 4:30 p.m. to 8:30 p.m. on Fridays and from 8:30 a.m. to 3:00 p.m. on weekends and federal holidays. Each month, prisoners are allocated 40 visiting points. Two points per hour or fraction thereof will be deducted on weekends and holidays. One point per hour will be deducted for visits during the week. A maximum of 20 visits may be on a prisoner's approved visitors' list. A maximum of four people, including children, may visit at any one time.

FEDERAL PRISON CAMP VICTORVILLE

Address	Federal Prison Camp Victorville 15115 Nisqualli Road Victorville, CA 92394
Location	Adjacent to Federal Correctional Institution Victorville.
Contact Numbers	Tel: 760-951-0779 Fax: 760-951-5792
Judicial District	Central California
Security Level	Low
Male/Female	Female
Capacity	86
Current Pop.	176
History/Description	Opened January 2000.
Education	GED; no further education or vocational courses as of yet.
Food/Commissary	Meals are served in the dining room during the week from 6:00 a.m. to 7:00 a.m., from 11:00 a.m. to 12:00 p.m., and after the evening stand-up count. On weekends and federal holidays

	they are served from 7:00 a.m. to 8:00 a.m., from 11:00 a.m. to 12:30 p.m., and after the evening stand-up count.
Recreation	Recreation includes indoor and outdoor activities such as jogging/walking trail, basketball, cardiovascular room, table games, and hobby crafts.
Medical	Emergency medical care is available at all times. Sick-call and pill-lines hours will be posted.
Visits	Visits are from 8:30 a.m. to 3:00 p.m. on weekends and federal holidays. There are no limitations on the number of visits an SCP inmate may receive.

FEDERAL CORRECTIONAL INSTITUTION WASECA

Address	Federal Correctional Institution Waseca P.O. Box 1731 University Drive, S.W. Waseca, MN 56093
Location	In southern Minnesota, 75 miles south of Minneapolis on Interstate 35; 13 miles west of Owatonna on State Highway 57. The area is served by airports in Minneapolis (75 miles from the facility) and Rochester (70 miles away).
Contact Numbers	Tel: 507-835-8972 Fax: 507-837-4558
Judicial District	Minnesota
Security Level	Low
Male/Female	Male
Capacity	710
Current Pop.	1,080
Staff	205
History/Description	Opened August 1995; prisoners are housed in cells and cubicles.
Admission and Orientation	One or 2 weeks.
Education	Education includes GED, ESL, adult continuing education, and correspondence classes. There is also a vocational training program in horticulture.
Work	Unicor textile factory
Food/Commissary	Meals are served in a dining room, cafeteria style.
Recreation	Recreation includes a variety of indoor and outdoor activities, such as exercise equipment and crafts.
Medical	Sick call is held from 6:30 a.m. to 7:15 a.m. Monday, Tuesday, Thursday, and Friday. Pill line is held at various times throughout the day. Hours will be posted.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Gym	Yes.
Visits	Visiting hours are 4:30 p.m. to 8:30 p.m. Monday and Friday and 8:30 a.m. to 3:00 p.m. on weekends and federal holidays. Each prisoner may have up to 16 visits per month, with a total of five adult visitors at any one time.
Religion	Services are conducted regularly by a priest, a rabbi, an imam, medicine men, a Jehovah's Witness representative, Prison Fellowship programs, the Minneapolis Bible Fellowship, and others. The chapel is open most evenings, and a chaplain is usually present.
Release Preparation	Program offers classes and information seminars concerning the personal, social, and legal responsibilities of civilian life.

FEDERAL PRISON CAMP YANKTON

Address	Federal Prison Camp Yankton Box 680 Yankton, SD 57078
Location	In southeastern South Dakota, 60 miles northwest of Sioux City, Iowa, and 85 miles southwest of Sioux Falls, South Dakota. Off Interstate 81. The area is served by airports in Sioux City and Sioux Falls, as well as by Yankton Municipal Airport.
Contact Numbers	Tel: 605-665-3262 Fax: 605-665-4703
Judicial District	South Dakota
Security Level	Minimum
Male/Female	Male
Capacity	655
Current Pop.	641
Staff	110
History/Description	Opened January 1989; facility is housed in a former college.
Admission and Orientation	First week or two.
Education	Education includes GED, ESL, adult continuing education, parenting, and correspondence classes. Vocational training in horticulture and an apprenticeship in cooking and baking are also available. The law library is open at various times 7 days a week excluding federal holidays. Hours will be posted.
Work	Orderlies, barbers, Facilities Department.
Food/Commissary	Meals served from 6:30 a.m. to 7:20 a.m., from 11:00 a.m. to 12:25 p.m., and from 4:30 p.m. to 5:20 p.m. Commissary is open on Tuesday and Wednesday evenings.
Recreation	Recreation includes indoor and outdoor activities such as music, hobby crafts, physical fitness, team sports, and a weight reduction program. There is also the Gavel Club, an inmate organization formed for self-development.
Medical	Medical and dental sick call is from 6:45 a.m. to 7:15 a.m., Monday, Wednesday, Thursday, and Friday. Emergencies can be seen at any time. Pill-line hours will be posted.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are 4:30 p.m. to 9:30 p.m. Thursday and Friday and 8:00 a.m. to 3:00 p.m. on weekends and federal holidays.
Release preparation	Standardized courses and topics will be offered throughout the year.
Other	Prisoners are not entitled to receive stamps through the mail.

FEDERAL CORRECTIONAL INSTITUTION YAZOO CITY

Address	Federal Correctional Institution Yazoo City P.O. Box 5050 Yazoo City, MS 39194
Location	About 60 miles north of Jackson, Mississippi, off Highway 49. The area is served by most major carriers at the airport in Jackson. Yazoo City also is served by Amtrak and commercial bus lines.
Contact Numbers	Tel: 601-751-4800 Fax: 601-751-4905
Judicial District	Southern Mississippi
Security Level	Low
Male/Female	Male
Capacity	1,976

Current Pop.	1,907
Staff	288
History/Description	Opened in March 1997. There are six housing units, each of which has a laundry.
Education	Education includes GED, ESL, adult continuing education, parenting, computer classes, and correspondence classes. In addition, vocational training classes include carpentry, sewing, and advanced drafting.
Work	Food Service, Facilities, and a Unicor textile factory.
Food/Commissary.	Meals are served at 6:00 a.m., 11:00 a.m., and after the 4:00 p.m. count during the week. On the weekend, there is a coffee hour at 7:00 a.m. and brunch at 10:00 a.m., followed by dinner after the 4:00 p.m. count. Prisoners will be allowed to visit the commissary once a week Monday through Thursday. Special housing unit sales will occur on Fridays.
Recreation	Recreation includes intramural programs in basketball, unit league, draft league, over-40 league, softball, soccer, volleyball, and flag football. There are also programs in music, cycling, calisthenics, yoga, aerobics, painting, rowing machines, horseshoes, racquetball, boccie, board games, band, art, and leathercraft.
Medical	Sick call from 6:40 a.m. to 7:00 a.m. Monday, Tuesday, Thursday, and Friday. Medication is dispensed at various times each day. Hours will be posted.
Drug Treatment	Nonresidential drug program, drug education, and a range of volunteer groups, including Narcotics Anonymous and Alcoholics Anonymous.
Visits	Visiting hours are from 5:00 p.m. to 8:30 p.m. on Friday and from 8:00 a.m. to 3:00 p.m. on Saturday, Sunday, and federal holidays. Each prisoner is allowed four visits per month, with up to five adults and the prisoner's children at any one time.
Religion	Three full-time chaplains.
Other	Smoking is prohibited in all buildings.

Bibliography

Abadinsky, H. (2000). *Probation and parole: Theory and practice* (7th ed.). Upper Saddle River, NJ: Prentice Hall.

Abadinsky, H. (2003). *Probation and parole: Theory and practice* (8th ed.). Upper Saddle River, NJ: Prentice Hall.

Abbott, J. H. (1981). *In the belly of the beast: Letters from prison.* New York: Random House.

Abbott, J. H., with Zack, N. (1987). *My return.* Buffalo, NY: Prometheus.

ABC News. (2001, June 11). *The protesters outside: Demonstrators gather, for and against McVeigh execution.* Retrieved September 12, 2004, from http://abcnews.go.com/sections/us/dailynews/mcveigh_protesters010611.html

Abel, R. L. (1991). The failure of punishment as social control. *Israel Law Review, 25*, 740–752.

Abt Associates, Inc. (1998). *Private prisons in the United States: An assessment of current practice*. Retrieved September 9, 2003, from http://www.abtassoc.com/reports/criminal-justice/priv-report.pdf

Abu-Jamal, M. (1995). *Live from death row.* New York: Avon.

Acker, J., Bohm, R., & Lanier, C. (Eds.). (1998). *America's experiment with capital punishment: Reflections on the past, present, and future of the ultimate penal sanction.* Durham, NC: Carolina Academic Press.

ACLU National Prison Project. (n.d.). *Prisoners' rights*. Retrieved October 26, 2002, from http://www.aclu.org/issues/prisons/npp_missionl.html

Acoca, L. (1998). Defusing the time bomb: Understanding and meeting the growing health care needs of incarcerated women in America. *Crime & Delinquency, 44,* 49–70.

Acorn, L. (1992). Military cares for its own with one-of-a-kind facility. *Corrections Today, 54*(1), 50.

Adams, D. (1999). *Summary of state sex offender registry dissemination procedure* (NCJ 177620). Washington, DC: Bureau of Justice Statistics.

Adams, G. (1990). *Cage eleven.* Dingle, Ireland: Brandon Books.

Adams, R. (1992). *Prison riots in Britain and the USA*. London: Macmillan.

Adamson, C. (1983). Punishment after slavery: Southern state penal systems, 1865–1890. *Social Problems, 5*, 555–569.

Adamson, C. (1984). Hard labor and solitary confinement: Effects of the business cycle and labor supply on prison discipline in the United States, 1790–1835. In S. Spitzer & A. Scull (Eds.), *Research in Law and Social Control, 6.*

Aday, R. H. (1994). Golden years behind bars: Special programs and facilities for elderly inmates. *Federal Probation, 58*(2), 47–54.

Adelberg, E., & Currie, C. (1987). *Too few to count: Canadian women in conflict with the law.* Vancouver, BC: Press Gang.

Adilman, M. (Ed.). (1989). *Spirits of the age: Poets of conscience.* Toronto: Quarry.

Agozino, B. (2003). How scientific is criminal justice? A methodological critique of research on *McCleskey v. Kemp* and other capital cases. *National Black Law Journal* (Columbia ed.), *17*(1), 85–97.

Agresti, A., & Finlay, B. (1997). *Statistical methods for the social sciences* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.

AIDS Education and Global Information System (AEGIS). (2004). Retrieved form http://www.aegis.com

Akers, R. L. (2000). *Criminological theories.* Los Angeles: Roxbury.

Akerstrom, M. (1988). The social construction of snitches. *Deviant Behavior*, *9,* 155–167.

Alarid, L. F. (2000a). Sexual assault and coercion among incarcerated women prisoners: Excerpts from prison letters. *The Prison Journal, 80,* 391–406.

Alarid, L. F. (2000b). Sexual orientation perspectives of incarcerated bisexual and gay men: The county jail protective custody experience. *The Prison Journal, 80*(1)*,* 80–95.

Alarid, L. F., & Cromwell, P. (2002). *Correctional perspectives*. Los Angeles: Roxbury.

Alaska Laws Concerning Weightlifting in Prison. (n.d.). Retrieved October 18, 2002, from http://www.strengthtech.com/correct/laws/states/alaska/alaska.htm

Albonetti, C. (1997). Sentencing under the Federal Sentencing Guidelines: Effects of defendant characteristics, guilty pleas, and departures on sentence outcomes for drug offenses, 1991–1992. *Law & Society Review, 31*, 789–822.

Albright, J., & Kunstel, M. (1997). *Bombshell: The secret story of American's unknown atomic spy conspiracy*. New York: Times Book Corp.

Aldenberg, W. B. (1998). Bursting at the seams: An analysis of compassionate-release statutes and the current problem of HIV and AIDS in U.S. prisons and jails. *New England Journal on Criminal & Civil Confinement, 24,* 541–597.

Aleph Institute. (n.d.). *Institutional handbook of Jewish practice and procedure.* Miami, FL: Author. Retrieved from www.aleph-institute.org

Alexander, J., & Austin, J. (1992). *Handbook for evaluating objective prison classification systems*. Washington, DC: National Institute of Corrections.

Alexander, R., Jr. (2000). *Counseling, treatment, and intervention methods with juvenile and adult offenders.* Belmont, CA: Brooks/Cole.

Allen, F. (1964). *The borderland of criminal justice.* Chicago: University of Chicago.

Allen, H. (1987). *Justice unbalanced*. Milton Keynes, UK: Open University Press.

Allen, H. E., & Abril, J. (1997). The new chain gang: Corrections in the next century. *American Journal of Criminal Justice, 22*, 1–12.

Allen, H. E., & Simonsen, C. E. (2001). *Corrections in America: An introduction.* Upper Saddle River, NJ: Prentice Hall.

Alving, A. S., Graige, B., Jr., Pullman, T. N., Merrill Whorton, C., Jones, R., Jr., & Eichelberger, L. (1946, December). Procedures used at Stateville Penitentiary for the testing of potential antimalarial agents. *Journal of Clinical Investigation*, *27*, 2–5.

American Academy of Physician Assistants. (n.d.). Retrieved from www.aapa.org

American Association of Correctional Psychologists (Standards Committee). (2000). Standards for psychology services in jails, prison, correctional facilities and agencies. *Criminal Justice and Behavior, 27*, 433–493.

American Bar Association. (1981). *Standards for criminal justice: Legal status of prisoners* (2nd ed.). Washington, DC: Author.

American Bar Association. (1995). *Compassionate release of terminally ill prisoners.* Draft Report of the ABA Corrections and Sentencing Committee's Compassionate Release Working Group. (On file with the author)

American Bar Association. (2003). *ABA House of Delegates Resolution 103B (February 2003).* Retrieved from www .abanet.org/leadership/recommendations03/103B.pds

American Bar Association and the National Bar Association. (2001). *Justice by gender: The lack of appropriate prevention, diversion and treatment alternatives for girls in the justice system.* Chicago: Author.

American Civil Liberties Union. (2004). ACLU home page. Retrieved from www.ACLU.org

American College of Physicians. (1998). *Ethics manual* (4th ed.). West Philadelphia, PA: Author.

American Correctional Association. (1983). *The American prison: From the beginning . . . a pictorial history.* Lanham, MD: Author.

American Correctional Association. (1986). *Study of prison industry: History, components, and goals.* Washington, DC: National Institute of Corrections.

American Correctional Association. (1990). *Causes, preventive measures, and methods of controlling riots and disturbances in correctional institutions.* Lanham, MD: Author.

American Correctional Association. (Ed.). (1993a). *Classification: A tool for managing today's offenders.* Lanham, MD: Author.

American Correctional Association. (1993b). *Gangs in correctional institutions: A national assessment.* Lanham, MD: Author.

American Correctional Association. (1993c). *Standards for the administration of correctional agencies* (2nd ed.). College Park, MD: Author.

American Correctional Association. (1993d). *Standards for correctional training academies*. Lanham, MD: Author.

American Correctional Association. (1995). *Historical overview: Chain gangs in the United States, 1880s–1995.* Washington, DC: Author.

American Correctional Association. (1996a). *Creative therapies and programs in corrections.* Lanham, MD: Author.

American Correctional Association. (1996b). *Preventing and managing riots and disturbances.* Lanham, MD: Author.

American Correctional Association. (1996c). *Standards supplement*. Lanham, MD: Author.

American Correctional Association. (2002a). *Standards for adult correctional institutions* (4th ed.). College Park, MD: Author.

American Correctional Association. (2002b). *2002 directory: Adult and juvenile correctional departments, institutions, agencies, and probation and parole authorities.* Lanham, MD: Author.

American Correctional Association. (2004). ACA home page. Retrieved from www.aca.org

American Correctional Association public correctional policy on correctional health care, ratified by the American Correctional Association Delegate Assembly at the 117th Congress of Correction in New Orleans, LA, August 6, 1987, reviewed and amended at the Congress of Correction in Nashville, TN, August 23, 1996.

American Friends Service Committee. (1971). *Struggle for justice: A report on crime & punishment in America.* New York: Hill and Wang.

American Friends Service Committee. (1973). *Struggle for justice.* New York: Hill and Wang.

American Friends Service Committee. (1997). *National campaign to stop control unit prisons.* Retrieved from http://www.afsc.org/crimjust/controlu.htm

American Friends Service Committee. (2002). *American Friends Service Committee: Criminal justice program.* Retrieved November 25, 2002, from http://www.afsc.org/

American Psychiatric Association. (1994). *Diagnostic and statistical manual of mental disorders* (4th ed.). Washington, DC: Author.

American Psychiatric Association. (2000a). *Diagnostic and statistical manual of mental disorders* (text revision). Washington, DC: Author.

American Psychiatric Association. (2000b). *Psychiatric services in jails and prisons: A task force report of the American Psychiatric Association* (2nd ed.). Washington, DC: Author.

Amnesty International. (1996). *Worldwide human rights violations January to December 1995.* New York: Author.

Amnesty International. (1997). *Peru—Prisoners of conscience: Every day in prison one day too many* (AMR 46/03/97). New York: AI Index.

Amnesty International. (1998). *Betraying the young: Human rights violations against children in the U.S. justice system* (Publication No. AMR 51/57/98). New York: Author.

Amnesty International. (1999). *"Not part of my sentence": Violations of the human rights of women in custody*. AI Index: AMR 51/01/99. New York: Author. Retrieved from http://www.web.amnesty.org/ai.nsf/index/AMR510011999

Amnesty International. (2000a). *AI [Amnesty International] Index.* London: Author.

Amnesty International. (2000b). *The case of Mumia Abu-Jamal: A life in the balance*. New York: Seven Stories.

Amnesty International. (2002a). *Malaysia: Caning should be abolished.* Retrieved from http://web.amnesty.org/library/index/ENGASA280032002

Amnesty International. (2002b). Saudi Arabia. *Annual report 2002*. Retrieved from http://web.amnesty.org/web/ar2002.nsf/mde/saudi+arabia!Open

Amnesty International. (2003). Web site Against the Death Penalty. Retrieved March 25, 2003, from http://www.web.amnesty.org/rmp/dplibrary.nsf/index?openview

Amnesty International. (2004). *The death penalty gives up on juvenile offenders.* Retrieved from http://www.amnestyusa.org/abolish/juveniles.html

Andenaes, J. (1974). *Punishment and deterrence.* Ann Arbor: University of Michigan Press.

Anderson, D. C. (1978). Co-corrections. *Corrections Magazine, 4*(3), 32–41.

Anderson, F. W. (1982). *Hanging in Canada: Concise history of a controversial topic*. Surrey, BC: Frontier Books.

Anderson, H. (2002). *Feds charge 40 Aryan Brotherhood figures*. Retrieved from www.upi.com

Anderson, J., & Dyson, L. (2001). *Legal rights of prisoners*. Lanham, MD: University Press of America.

Anderson, J. F., Laronistine, D., & Burns, J. (1999). *Boot camps: An intermediate sanction.* Lanham, MD: University Press of America.

Andrews, D., & Bonta, J. (1995). *The Level of Service Inventory-Revised (LSI-R*). North Tonawanda, NY: MultiHealth Systems.

Andrews, D., Bonta, J., & Hoge, R. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior, 17*, 19–52.

Andrews, D. A., & Bonta, J. (2003). *The psychology of criminal conduct* (3rd ed.). Cincinnati, OH: Anderson.

Andrews, D. A., Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P., & Cullen, F. T. (1990). Does correctional treatment work? A clinically-relevant and psychologically-informed meta-analysis. *Criminology*, *28*(3), 369–404.

Andrews, W. (1991). *Old time punishments.* New York: Dorset. (Original work published 1890)

Angle, P. M. (1992). *Bloody Williamson: A chapter in lawlessness.* Chicago: University of Illinois Press.

Angola Prisoners' Blues [Recording]. (1959, 1996). Arhoolie CD 419. Ed. Chris Strachwitz & Harry Oster.

Anno, B. J. (2001). *Correctional health care: Guidelines for the management of an adequate delivery system*. Washington, DC: National Institute of Corrections.

Anno, B. J. (2001). *Correctional health care: Guidelines for the management of an adequate delivery system*. Washington, DC: National Institute of Corrections.

Anonymous. (1998). The tide of violence recedes and with a tougher youth policy the next one may be averted. *Alberta Report, 25*, 5.

Anonymous. (1999). Federal prison official testifies before Congress. *Corrections Digest, 30,* 2–3.

Anson, R. H., & Harnett, C. M. (1983). Correlates of escape: A preliminary assessment of Georgia prisons. *Criminal Justice Review. 8*,(1), 38–42.

Anti-Defamation League. (1982). *Hate groups: A record of bigotry and violence.* New York: Author.

Anti-Defamation League. (2002a). ADL home page. Retrieved from www.adl.org/presrele/extremism_72/4178_72.asp

Anti-Defamation League. (2002b). *Anti-Defamation League: Fighting anti-Semitism, bigotry and extremism since 1913*. Retrieved from www.adl.org

Applegate, B. K., & Cullen, F. T. (1996). Assessing public support for three strikes you're out laws: Global versus specific attitudes. *Crime & Delinquency, 42,* 517–535.

Aptheker, B. (1999). *The morning breaks: The trial of Angela Davis* (2nd ed.). New York: Cornell University Press.

Aquino, M. A. (2002). *The Church of Satan* (5th ed.). San Francisco: Xeper.

Arax, M. (2000, June 10). 8 prison guards are acquitted in Corcoran battles. *Los Angeles Times,* p. A1.

Architectural Barriers Act of August 12, 1968 as Amended through 1978. 36 CFR Part 1192.

Armstrong, D. (1985). Review essay: The subject and the social in medicine—An appreciation of Michel Foucault. *Sociology of Health and Illness*, *1*, 111.

Aronson, H. (1978). *Deal.* New York: Ballantine.

Arrigo, B. (1999). (Ed.). *Social justice/criminal justice.* Belmont, CA: Wadsworth.

Arrigo, B. (2001). Praxis. In E. McLaughlin & Muncie J. (Eds.), *The Sage dictionary of criminology* (pp. 219–221). London: Sage.

Arrigo, B. A. (2002). *Punishing the mentally ill: A critical analysis of law and psychiatry.* Albany: State University of New York Press.

Arrigo, B. A., & Fowler, C. R. (2001). The "death row" community: A community psychology perspective. *Deviant Behavior, 22*(1), 43–71.

Arrigo, B. A., & Tasca, J. J. (1999). The right to refuse treatment, competency to be executed, and therapeutic jurisprudence: Toward a systematic analysis. *Law and Psychology Review, 23,* 1–47.

Art Behind Bars. Retrieved from http://www.artbehindbars.com

Ashurst-Sumners Act/Sumners-Ashurst Act, 18 U.S.C. 1761 (1935/1940).

Ashworth, A. (1992). Sentencing reform structures. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 16). Chicago: University of Chicago Press.

Association of Physician Assistant Programs. (n.d.). Retrieved from http://www.apap.org/

Auerbach, B. J. (2001). *Emerging practices: Wage policies and practices for the Prison Industries Enhancement Certification Program (PIECP).* Washington, DC: Bureau of Justice Assistance. Retrieved September 10, 2004, from http://www.nationalcia.org/piewages.pdf

Auerhahn, K., & Dermody Leonard, E. (2000). Docile bodies? Chemical restraints and the female inmate. *Journal of Criminal Law and Criminology, 90*(2), 599–634.

Augustus, J. (1939). *John Augustus, first probation officer.* New York: National Probation and Parole Association.

Austin, J. (1995). The overrepresentation of minority youth in the California juvenile justice system. In K. Kempf-Leonard, C. Pope, & W. Feyerherm (Eds.), *Minorities in juvenile justice* (pp. 153–178). Thousand Oaks, CA: Sage.

Austin, J. (2001). Prisoner reentry: Current trends, practices, and issues. *Crime & Delinquency, 47*(3), 314–335.

Austin, J., Bruce, M. A., Carroll, L., McCall, P. L., & Richards, S. C. (2001). The use of incarceration in the United States. American Society of Criminology National Policy Committee. *Critical Criminology: An International Journal, 10*(1), 17–41.

Austin, J., Clark, J., Hardyman, P., & Henry, D. A. (1999). The impact of "three strikes and you're out." *Punishment and Society, 1,* 131–162.

Austin, J., & Coventry, G. (2001). *Emerging issues on privatized prisons.* Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance.

Austin, J., et al. (1996). *National assessment of structured sentencing*. Final report to the Bureau of Justice Assistance. San Francisco: National Council on Crime and Delinquency.

Austin, J., & Irwin, J. (2001). *It's about time: America's imprisonment binge* (3rd ed.). Belmont, CA: Wadsworth.

Austin, J., Johnson, K. D., & Gregoriou, M. (2000). *Juveniles in adult prisons and jails.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Austin, J., Marino, A. B., Carroll, L., McCall, P. L., & Richards, S. C. (2001). The use of incarceration in the United States. American Society of Criminology National Policy Committee. *Critical Criminology: An International Journal, 10*(1), 17–41.

Australian Bureau of Statistics. (2004). Australian Bureau of Statistics home page. http://www.abs.gov.au/

Avalon Project. (2002). *Convention between the United States of America and other powers, relating to prisoners of war.* Retrieved from http://www.yale.edu/lawweb/avalon/lawofwar/geneva02.htm

Avins, A. (1967). The Ku Klux Klan Act of 1871: Some reflected light on state action and the Fourteenth Amendment. *Saint Louis University Law Journal, XL*, 331–381.

Axford, R. W. (1982). *Too long been silent: Japanese Americans speak out.* Lincoln, NE: Media Publishing & Marketing.

Ayers, E. (1984). *Vengeance and justice: Crime and punishment in the 19th century American South.* New York: Oxford University Press.

Ayers, E. L. (1984). *Vengeance and justice: Crime and punishment in the 19th-century American South.* New York: Oxford University Press.

Ayers, W. (1997). *A kind and just parent: The children of juvenile court*. Boston: Beacon.

Babbie, E. (1999). *The basics of social research* (8th ed.). Belmont, CA: Wadsworth.

Babiker, G., & Arnold, L. (1997). *The language of injury*. Leicester, UK: British Psychological Society.

Bagby, I., Perl, P., & Froehle, B. (2001). *The mosque in America: A national portrait.* Washington, DC: Council on American Islamic Relations.

Balbus, I. (1977). *The dialectics of legal repression: Black rebels before the criminal courts.* Chicago: University of Chicago.

Baldus, C. D., Woodworth, G. G., & Pulaski, C. A., Jr. (1989). *Equal justice and the death penalty.* Boston: Northeastern University Press.

Ball, R. A., Huff, C. R., & Lilly, J. R. (1988). *House arrest and correctional policy: Doing time at home.* Newbury Park, CA: Sage.

Balsamo, W., & Carpozi, G., Jr. (1996). *Crime incorporated: The inside story of the Mafia's first 100 years.* Far Hills, NJ: New Horizon.

Banks, C. (2002). Doing time in Alaska: Women, culture and crime. In R. Muraskin (Ed.), *It's a crime: Women and justice* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.

Barak-Glantz, I. L. (1983). Who's in the "hole"? *Criminal Justice Review, 8,* 29–37.

Barbour, H., & Frost, J. W. (1988). *The Quakers*. New York: Greenwood.

Bardwell, M. C., & Arrigo, B. A. (2002). *Criminal competency on trial: The case of Colin Ferguson.* Durham, NC: Carolina Academic.

Barling, J., Fullagar, C., & Kelloway, K. (1992). *The union and its members: A psychological approach*. New York: Oxford University Press.

Barlow, D. E., Barlow, M. H., & Chiricos, T. G. (1993). Long economic cycles and the criminal justice system in the U.S. *Crime, Law, and Social Change*, *19*(2), 143–169.

Barnes, H. E. (1920, October). *The historical origin of the prison system in America*. Paper presented at the annual meeting of the New York State Historical Society, Bear Mountain Park, NY.

Barnes, H. E. (1921). The economics of American penology as illustrated by the experience of the state of Pennsylvania. *Journal of Political Economy, 29*(8), 617–642.

Barnes, H. E. (1968). *The evolution of penology in Pennsylvania: A study in American social history*. Montclair, NJ: Patterson Smith. (Original work published 1927)

Barnes, H. E., & Teeters, N. K. (1959). *New horizons in criminology* (3rd ed.). Englewood Cliffs, NJ: Prentice Hall.

Barron, J. A., & Dienes, C. T. (2000). *First Amendment law in a nutshell.* St. Paul, MN: West Group.

Barry, J. V. (1958). *Alexander Maconochie of Norfolk Island.* Melbourne: University of Melbourne Press.

Barry, M. (2000). The mentor/monitor debate in criminal justice: "What works" for offenders. *British Journal of Social Work, 30*, 575–595.

Bartlett, R. (2000). Helping inmate moms keep in touch: Prison programs encourage ties with children. *Corrections Today, 62*(7), 102–104.

Bartollas, C. (2000). *Juvenile delinquency* (5th ed.). Needham Heights, MA: Allyn & Bacon.

Bartollas, C., & Miller, S. H. (1998). *Juvenile justice in America* (2nd ed.). Englewood Cliffs, NJ: Prentice Hall.

Bartollas, C., & Miller, S. J. (2001). *Juvenile justice in America* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.

Bates, S. (1934, February 4). The prison: A complex problem. *New York Times,* p. SM1.

Bates, S. (1936). *Prisons and beyond*. New York: Macmillan.

Batiuk, M., Moke, P., & Rounree, P. (1997). Crime and rehabilitation: Correctional education as an agent of change—A research note. *Justice Quarterly, 14*(1).

Batiuk, M., Moke, P., & Rountree, P. (1997). Crime and rehabilitation: Correctional education as an agent of change—A research note. *Justice Quarterly, 14*(1).

Baum, D. (1997). *Smoke and mirrors: The war on drugs and the politics of failure.* Boston: Little, Brown/Back Bay Books.

Bauman, Z. (2000). Social issues of law and order. *British Journal of Criminology, 40,* 205–221.

Baxandall, R. F. (1987). *Words on fire: The life and writings of Elizabeth Gurley Flynn.* Douglas Series on women's lives and the meaning of gender. New Brunswick, NJ: Rutgers University Press.

Bayse, D. (1993). *Helping hands: A handbook for volunteers in prison.* Lanham, MD: American Correctional Association.

Bazemore, G., & Schiff, M. (2001). *Restorative community justice.* Cincinnati, OH: Anderson.

BBC News Special Report. (1998, January 9). *When is a "criminal" a political prisoner?*

Bean, P. (2002). *Drugs and crime.* Cullompton, UK: Willans.

Bearrows, T. (1987). Status offenders and the juvenile court: Past practices, future prospects. In F. Hartmann (Ed.), *From children to citizens: Vol. 2. The role of the juvenile court.* New York: Springer-Verlag.

Beaumont, G. de, & Tocqueville, A. de. (1833). *On the penitentiary system in the United States* (F. Lieber, Trans.). Philadelphia: Carey, Lee and Blanchard.

Beaumont, G. de, & Tocqueville, A. de. (1964). *On the penitentiary system in the United States and its application in France* (Introduction by T. Sellin). Carbondale: Southern Illinois University Press. (Original work published 1833)

Beccaria, C. (1819). *An essay on crimes and punishments.* Philadelphia: Philip H. Nicklin. (Original work published 1764)

Beccaria, C. (1963). *On crimes and punishments* (Introduction by H. Paolucci, Trans.). New York: Macmillan. (Original work published 1764)

Beck, A. (2000). *Prisoners in 1999.* Washington, DC: U.S. Department of Justice.

Beck, A. J., & Brien, P. M. (1995). Trends in the U.S. correctional populations: Recent findings from the Bureau of Justice Statistics. In K. C. Haas & G. P. Alpert (Eds.), *The dilemmas of corrections* (3rd ed.). Project Heights, IL: Waveland.

Beck, A. J., & Harrison, P. M. (2002). *Prisoners in 2001* (NCJ 195189). Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Beck, A. J., & Karberg, J. C. (2001). *Prison and jail inmates at midyear 2000.* Washington, DC: U.S. Department of Justice.

Beck, A. J., Karberg, J. C., & Harrison, P. M. (2002). *Prison and jail inmates at midyear 2001* (NCJ 191702). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Beck, A. J., & Maruschak, L. M. (2001). *Mental health treatment in state prisons, 2000* (NCJ 188215). Washington, DC: U.S. Department of Justice.

Becker, E. (2001, February 9). As ex-theorist on young "superpredators," Bush aide has regrets. *New York Times*. Retrieved from www.nytimes.com/2001/02/09/politics

Beckerman, A. (1998, September/October). Charting a course: Meeting the challenge of permanency planning for children with incarcerated parents. *Child Welfare, 77*(5), 513–529.

Beckett, K. (1997). *Making crime pay: Law and order in contemporary American politics*. New York: Oxford University Press.

Beckett, K., & Sasson, T. (2000). *The politics of injustice: Crime and punishment in America*. Thousand Oaks, CA: Pine Forge.

Beckford, J., & Gilliat, S. (1998). *Religion in prison: Equal rites in a multi-faith society*. Cambridge, UK: Cambridge University Press.

Bedau, H. A. (Ed.). (1982). *The death penalty in America: Current controversies*. New York: Oxford University Press.

Beetham, D. (1991). *The legitimation of power.* London: Macmillan.

Behan, B. (1958). *Borstal boy.* New York: Knopf.

Belbot, B. A., & Marquart, J. W. (1998, September). The political community model and prisoner litigation: Can we afford not to try a better way? *The Prison Journal. 78*, 299–329.

Belenko, S. R. (1993). *Crack and the evolution of anti-drug policy.* Westport, CT: Greenwood.

Belknap, J. (1995). Women in conflict: An analysis of women correctional officers. In B. R. Price & N. J. Sokoloff (Eds.), *The criminal justice system and women: Offenders, victims and workers* (2nd ed., pp. 195–227). New York: McGraw-Hill.

Belknap, J. (2001). *The invisible woman: Gender, crime, and justice* (2nd ed.). Belmont, CA: Wadsworth.

Bell, M. (1987). *The turkey shoot: Tracking the Attica cover-up*. New York: Grove.

Bellamy, R. (Ed.). (1995). *Beccaria: On crimes and punishment and other writings*. Cambridge, UK: Cambridge University Press.

Belz, H. (1978). *Emancipation and equal rights: Politics and constitutionalism in the Civil War era.* New York: Norton.

Benekos, P. J., & Merlo, A. V. (1995, March). Three strikes and you're out!: The political sentencing game. *Federal Probation*, *59*, 3–9.

Benjamin, T. B., & Lux, K. (1977). Solitary confinement as psychological punishment. *California Law Review, 13*, 265–296.

Bennett, J. V. (1964). *Of prisons and justice: A selection of the writings of James V. Bennett.* Washington, DC: U.S. Government Printing Office.

Bennett, W. J., DiIulio, J. J., Jr., & Walters, J. P. (1996). *Body count: Moral poverty . . . and how to win America's war against crime and drugs*. New York: Simon & Schuster.

Bentham Project. (2004). *Jeremy Bentham*. Retrieved from http://www.ucl.ac.uk/Bentham-Project/info/jb.htm

Bentham, J. (1823). *An introduction to the principles of morals and legislation*. London: W. Pickering.

Bentham, J. (1843). *The works of Jeremy Bentham* (Vol. 1). Edinburgh, Scotland: William Tait.

Bentham, J. (1948). *An introduction to the principles of morals and legislation* (with an introduction by W. Harrison, Ed.). New York: Macmillan.

Bentham, J. (1970). *The collected works of Jeremy Bentham* (J. H. Burns & H. L. A. Hart, Eds.). London: University of London–Athlone Press.

Bentham, J. (1995). *The Panopticon writings* (Introduction by M. Bozovic, Ed.). London: Verso.

Bentham, J. (2001). *The Panopticon letters.* Cartome Archives. Retrieved from http://cartome.org/panopticon2.htm

Beres, L. S., & Griffith, T. D. (1998). Do three strikes laws make sense? Habitual offender statutes and criminal incapacitation. *Georgetown Law Review, 87,* 103–138.

Berger, V. (1991). "Black box decision" on life or death—If they're arbitrary, don't blame the jury: A reply to Judge Patrick Higginbotham. *Case Western Reserve Law Review, 41*(4), 1067–1093.

Bergner, D. (1998). *God of the rodeo: The search for hope, faith, and six-second ride in Louisiana's Angola Prison*. New York: Crown.

Bergsmann, I. (1989). The forgotten few: Juvenile female offenders. *Federal Probation, 58*, 73–78.

Berkman, H. (1996). Proud and wary, prison project director bows out. *National Law Journal, 18*(19), A12.

Bernard Fall, B. (1967). *Street without joy*. Harrisburg, PA: Stackpole.

Bernard, T. J. (1992). *The cycle of juvenile justice.* New York: Oxford University Press.

Berry, E. (1996). Women prisoners and health care. In K. L. Moss (Ed.), *Man-made medicine: Women's health, public policy, and reform* (pp. 249–272). Durham, NC: Duke University Press.

Bettag, O. (1957). Use of prison inmates in medical research. *American Journal of Correction, 19*(3), 4–6, 26–29.

Bevan, C. (Ed.). (1984). *Minimum standard guidelines for Australian prisons.* Canberra: Australian Institute of Criminology.

Bhat, A., Carr-Hill, R., & Ohri, S. (1988). *Britain's black population: A new perspective*. Aldershot, UK: Gower.

Bianchi, H., & van Swaaningen, R. (Eds.). (1986). *Abolitionism: Towards a non-repressive approach to crime.* Amsterdam: Free University Press.

Bilchik, S., Seymour, C., & Kreisher, K. (2001, December). Parents in prison. *Corrections Today, 63*(7), 108–111.

Birnmaum, G., et al. (2001, January 11). Hizzoner: $50M strip-search deal not set in stone. *New York Post*.

Bisexual Resource Center. (2003). *Bisexuality*. Retrieved from http://www.biresource.org/pamphlets/bisexuality.html

Bishop, D. M., & Frazier, C. S. (1991). Transfer of juveniles to criminal court: A case study and analysis of prosecutorial waiver. *Notre Dame Journal of Law, Ethics and Public Policy, 5,* 281–302.

Bishop, D. M., & Frazier, C. S. (1998). The influence of race in juvenile justice processing. *Journal of Research in Crime and Delinquency, 25,* 242–263.

Bishop, D. M., Frazier, C. S., & Henretta, J. (1989). Prosecutorial waiver: Case study of questionable reform. *Crime & Delinquency,* 35, 179–201.

Bishop, D. M., Frazier, C. S., Lanza-Kaduce, L., & Winner, L. (1996). The transfer of juveniles to criminal court: Does it make a difference? *Crime & Delinquency, 42,* 187–202.

Blaauw, E., Vermunt, R., & Kerkhof, A. (1997). Detention circumstances in police stations: Towards setting the standards. *Policing and Society, 7*, 45–69.

Black, M. S. (1998). Keeping the promise: Research obligations for curriculum study and Latino schooling. *Journal of Curriculum & Supervision, 13*(4), 373–379.

Black, S. (2001). Correctional employee stress and strain. *Corrections Today, 63*(6).

Blackburn, R. (1988). *The overthrow of colonial slavery*, 1776–1848. London: Verso.

Blackburn, R. (1993). *The psychology of criminal conduct: Theory, research and practice*. Chichester, UK: Wiley.

Blakely, C. R. (1997). Santa Fe—17 years later: The status and effect of the Duran Consent Decree. *Corrections Today*, *2,* 66–68.

Blecker, R. (1990, May). Haven or hell? Inside Lorton Central Prison: Experiences of punishment justified. *Stanford Law Review,* p. 1149.

Blight, J. (2000). *Transgender inmates* (Trends and Issues in Criminal Justice, No. 168). Canberra: Australian Institute of Criminology.

Blinn, C. (Ed.). (1997). *Maternal ties.* Lanham, MD: American Correctional Association.

Block, K. J., & Potthast, M. (1998, September/October). Girl Scouts beyond bars: Facilitating parent-child contact in correctional settings. *Child Welfare, 77*(5), 561–578.

Blomberg, T. G., & Lucken, K. (2000). *American penology: A history of control.* New York: Aldine de Gruyter.

Bloom, B. (1995). Imprisoned mothers. In K. Gabel & D. Johnston (Eds.), *Children of incarcerated parents.* New York: Lexington.

Bloom, B., & Steinhart, D. (1993). *Why punish the children?* San Francisco: National Council on Crime and Delinquency.

Bloom, B., Chesney-Lind, M., & Owen, B. (1994). *Women in California prisons: Hidden victims of the war on drugs.* San Francisco: Center on Juvenile and Criminal Justice.

Bloom, B., Owen, B., & Covington, S. (2003). *Gender-responsive strategies: Research, practice and guiding principles for women offenders.* Washington, DC: National Institute of Corrections.

Bloom, R. M. (2002). *Ratting: The use and abuse of informants in the American justice system.* Westport, CT: Praeger.

Boal, A. (1995). *The rainbow of desire: The Boal method of theatre and therapy* (A. Jackson, Trans.). London: Routledge.

The Body: An AIDS and HIV Information Service. (2004) Retrieved from http://www.thebody.com/whatis/prison.html

Boethius, A. (1969). *The consolation of philosophy* (V. E. Watts, Trans.). Harmondworth, UK: Penguin.

Bohm, R. M. (1999). *Deathquest: An introduction to the theory and practice of capital punishment in the United States*. Cincinnati, OH: Anderson.

Bonczar, T., & Glaze, L. (1999). *Probation and parole in the United States.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Bonta, J. (1996). Risk, needs assessment, and treatment. In A. Harland (Ed.), *Choosing correctional options that work: Defining the demand and evaluation the supply* (pp. 18–32). Thousand Oaks, CA: Sage.

Bonta, J., LaPrairie, C., & Wallace-Capretta, S. (1997). Risk prediction and re-offending: Aboriginal and non-Aboriginal offenders. *Canadian Journal of Criminology. 39,* 127–144.

Bonta, J., Rooney, J., & Wallace-Capretta, S. (1999). *Electronic monitoring in Canada* (User report). Ottawa, ON: Solicitor General Canada.

Booth, M. A. (1981). *Recreation and leisure time activities in the correctional setting: A selected bibliography*. Washington, DC: U.S. Department of Justice, National Institute of Justice.

Boothby, J. L., & Clements, C. B. (2000). A national survey of correctional psychologists. *Criminal Justice and Behavior, 27*(6), 716–732.

Borins, S. (2002). New public management, North American style. In K. McLaughlin, S. P. Osborne, & E. Ferlie (Eds.), *The new public management: Current trends and future prospects* (pp. 1–21). London: Routledge.

Bortner, M. A. (1988). *Delinquency and justice: An age of crisis.* New York: McGraw-Hill.

Bortner, M. A., & Williams, L. M. (1997). *Youth in prison.* New York: Routledge.

Boston, J., & Manville, D. E. (1995). *Prisoners' self-help litigation manual* (3rd ed.). New York: Oceana.

Bosworth, M. (1999a). Agency and choice in women's prisons: Toward a constitutive penology. In S. Henry & Milovanovic D. (Eds.). *Constitutive criminology at work: Applications to crime and justice* (pp. 205–226). Albany: State University of New York Press.

Bosworth, M. (1999b). *Engendering resistance: Agency and power in women's prisons*. Aldershot, UK: Ashgate.

Bosworth, M. (2002). *The U.S. federal prison system.* Thousand Oaks, CA: Sage.

Bosworth, M., & Bush-Baskette, S. (Eds.). (2005). *Race, gender and punishment: Theorizing differences.* Boston: Northeastern University Press.

Bosworth, M., & Carrabine, E. (2001). Reassessing resistance: Race, gender and sexuality in prison. *Punishment and Society, 3*(4), 501–515.

Bottomley, A. K. (1990). Parole in transition: A comparative study of origins, developments, and prospects for the 1990s. In M. Tonry & N. Morris (Eds.), *Crime and justice: A review of research* (Vol. 12). Chicago: University of Chicago Press.

Bottoms, A. (1977). Reflections on the renaissance of dangerousness. *Howard Journal of Criminal Justice, 16*, 70–96.

Bottoms, A. (1987). Limiting prison use: Experience in England and Wales. *Howard Journal of Criminal Justice, 26*, 177–202.

Boudouris, J. (1996). *Parents in prison: Addressing the needs of families*. Lanham, MD: American Correctional Association.

Bowker, L. H. (1982). *Corrections: The science and the art.* New York: Macmillan.

Bowker, L. H. (1998). On the difficulty of eradicating masculine violence: Multisystem overdetermination. In L. H. Bowker (Ed.), *Masculinities and violence* (pp. 1–14). Thousand Oaks, CA: Sage.

Bowman, G., Hakim, S., & Seidenstat, P. (Eds.). (1993). *Privatizing correctional institutions*. New Brunswick, NJ: Transaction.

Boyer, P. (1978). *Urban masses and moral order, 1820–1920.* Cambridge, MA: Harvard University Press.

Boyles, C. A. (1996, Spring). Trainers' newest challenge. *Journal of Correctional Training*, 16–18.

Bragg, R. (1995, March 26). Chain gangs to return to roads of Alabama. *New York Times,* p. 16.

Braithwaite, J. (1989). *Crime, shame, and reintegration.* Cambridge, UK, and New York: Cambridge University Press.

Braithwaite, J. (1999). Restorative justice: Assessing optimistic and pessimistic accounts. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 25). Chicago: University of Chicago Press.

Braithwaite, J. (2000). Shame and criminal justice. *Canadian Journal of Criminology, 42*(3), 281–298.

Braithwaite, J. (2002). *Restorative justice and responsive regulation.* Oxford, UK: Oxford University Press.

Braithwaite, J., & Mugford, S. (1994). Conditions of successful reintegration ceremonies. *British Journal of Criminology, 34*(2), 139–171.

Braithwaite, R. L., Stephens, T., Bowman, N., Milton, M., & Braithwaite, K. (1998, April). Tattooing and body piercing: Examining the public health implications of these risky behaviors. *Corrections Today,* 120–121, 178.

Branch-Johnson, W. (1957). *The English prison hulks.* London: C. Johnson.

Brandon, G. (1983). *The dead sell memories: An anthropological study of Santería in New York City.* Unpublished doctoral dissertation, Rutgers University, New Brunswick, New Jersey.

Branham, L. S. (2002). *The law of sentencing, corrections, and prisoners' rights.* St. Paul, MN: West.

Braswell, M., Fuller, J. R., & Lozoff, B. (2000). *Corrections, peacemaking, and restorative justice: Transforming individuals and institutions.* Cincinnati, OH: Anderson.

Bremner, R. H. (1988). *American philanthropy*, second edition. Chicago: University of Chicago Press.

Brennan, T., & Austin, J. (1997). *Women in jail: Classification issues.* Washington, DC: U.S. Department of Justice, National Institute of Corrections.

Breytenbach, B. (1984). *The true confessions of an albino terrorist.* London: Faber.

Bridges, G., & Steen, S. (1998). Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. *American Sociological Review, 63,* 5–45.

Britton, D. M. (2003). *At work in the iron cage: The prison as a gendered organization.* New York: New York University Press.

Brock, P. (Ed.). (2002). *Liberty and conscience: A documentary history of conscientious objectors in America through the Civil War.* Oxford, UK: Oxford University Press.

Brockway, Z. R. (1871). The ideal of a true prison system for a state. In E. C. Wines (Ed.), *Transactions of the National Congress on Penitentiary and Reformatory Discipline*. Albany, NY: Weed Parsons & Company.

Brockway, Z. R. (1910). The American reformatory prison system. *American Journal of Sociology, 15*(4), 454–477.

Brockway, Z. R. (1969). *Fifty years of prison service: An autobiography*. Montclair, NJ: Patterson Smith. (Original work published 1912)

Brodsky, S. L., & Eggleston, N. E. (Eds.). (1970). *The military prison: Theory, research, and practice.* Carbondale: Southern Illinois University Press.

Brodsky, S., & Scogin, F. (1988). Inmates in protective custody: First data on emotional effects. *Forensic Reports, 1*(4), 267–280.

Brooks, A. (1996). Megan's Law: Constitutionality and policy. *Criminal Justice Ethics, 15*(1), 56–66.

Brown, D. M. (1984). *Mabel Walker Willebrandt: A study of power, loyalty, and law.* Knoxville: University of Tennessee Press.

Brown, E., & Adler, D. (1989). *Public justice, private mercy: A governor's education on death row*. New York: Weidenfeld & Nicolson.

Brown, M. P., & Elrod, P. (1999, Summer). Citizens' perceptions of a "good" electronic house arrest program. *Corrections Management Quarterly, 3*(3), 37–42.

Brown, S., Esbensen, F., & Geis, G. (2001). *Criminology: Explaining crime and its context.* Cincinnati, OH: Anderson.

Brown-Dean, K. (2004). Stolen democracy: Felon disenfranchisement laws and minority political empowerment. In W. E. Nelson, Jr., & J. Perez-Monforti (Eds.), *Black and Latina/o politics: Issues in political development in the United States*.

Browning, F. (1970, October). From rumble to revolution: The Young Lords. *Ramparts,* pp. 19–25.

Brownlee, I. (1998). New labour-new penology? Punitive rhetoric and the limits of managerialism in criminal justice policy. *Journal of Law and Society, 25*(3), 313–335.

Buchanan, S. G. (1974–1975). The quest for freedom: A legal history of the Thirteenth Amendment. *Houston Law Review, 12,* 1–34, 331–378, 592–639, 843–889, 1069–1085.

Bunyon, J. (1978). *Grace abounding to the chief of sinners*. Grand Rapids, MI: Baker Book House.

Burdon, W., & Gallagher, C. (2002). Coercion and sex offenders: Controlling sex-offending behavior through incapacitation and treatment. *Criminal Justice and Behavior, 29*(1), 87–109.

Bureau of Justice Assistance. (2001). *Emerging issues on privatized prisons*. Washington, DC: Office of Justice Programs.

Bureau of Justice Assistance. (2004). *Prison Industry Enhancement Certification Program.* Washington, DC: Author. Retrieved September 10, 2004, from http://www.ojp.usdoj.gov/BJA/grant/piecp.html

Bureau of Justice Statistics. (1994). *Comparing federal and state prison inmates* 1991 (NCJ-145864). Washington, DC: Author. Retrieved September 10, 2004, from http://www.ojp.usdoj.gov/bjs/abstract/cfaspi91.htm

Bureau of Justice Statistics. (1997). *Substance abuse and treatment, state and federal prisoners, 1997*. Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (1998). *Alcohol and crime.* Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (1999a). *Truth in sentencing in state prisons*. Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (1999b). *Women offenders* (NCJ175688). Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2000a). *Correctional populations in the United States, 1997* (NCJ177613). Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2000b). *Mental health treatment in state prisons* (NCJ-188215). Washington, DC: U.S. Department of Justice. Retrieved September 10, 2004, from www.ojp.usdoj.gov/bjs/pub/press/mhts00pr.htm

Bureau of Justice Statistics. (2001). *Federal drug offenders, 1999 with trends 1984–99, NCJ August 2001*. Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2002a). *Bureau of Justice Statistics strategic plan FY 2003–2004.* Washington, DC: U.S. Department of Justice, Office of Justice Programs. Retrieved from http://www.ojp.usdoj.gov.

Bureau of Justice Statistics. (2002b). *Prisoners in 2001.* Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2003a). *Census of state and federal correctional facilities, 2000*. Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2003b). *Key crime and justice facts at a glance.* U.S. Department of Justice. Retrieved from http://www.ojp.usdoj.gov/bjs/glance.htm

Bureau of Labor Statistics. (2003a). *Highlights of women's earnings in 2002.* Washington, DC: U.S. Department of Labor.

Bureau of Labor Statistics. (2003b). *Occupational outlook handbook, 2002–3 edition: Correctional officers.* Washington, DC: U.S. Department of Labor.

Bureau of Prisons. (1949). *Handbook of correctional institution design and construction*. Washington, DC: U.S. Department of Justice, Bureau of Prisons.

Bureau of Prisons. (1993). *Security designation and custody classification manual.* Retrieved September 10, 2004, from http://www.bop.gov

Bureau of Prisons. (2001, July). Kathleen M. Hawk, director of the Federal Bureau of Prisons. Retrieved from www.bop.gov

Bureau of Prisons. (2003). *Salary table 2003-GS.* Retrieved from http://www.bop.gov/

Bureau of Prisons. (2004a). BOP home page. Retrieved from http://www.bop.gov

Bureau of Prisons. (2004b). *Federal Bureau of Prisons quick facts.* Retrieved from http://www.bop.gov/fact0598.html

Burke, P., & Adams, L. (1991). *Classification of women offenders in state correctional facilities: A handbook for practitioners*. Washington, DC: National Institute of Corrections.

Burns, K. L. (1997). Note: Return to hard time: The Prison Litigation Reform Act of 1995. *Georgia Law Review, 31,* 879–927.

Burns, R. (1932). *I am a fugitive from a Georgia chain gang.* New York: Vanguard.

Burnside, J., &. Baker, N. (Eds.). (1994). *Relational justice: Repairing the breach.* Winchester, UK: Waterside.

Burrow, T. (1927). The group method of analysis. *Psychoanalytic Review, 14*, 268–280.

Burrows, J., Clarke, A., Davison, T., Tarling, R., & Webb, S. (2000). *The nature and effectiveness of drugs throughcare for released prisoners.* Home Office Research Findings 109. London: Home Office.

Burstein, J. (1977). *Conjugal visits in prison.* Lexington, MA: Lexington.

Burt, M., & Keenan, F. (1995). *Adult ESL learner assessment: Purposes and tools*. Washington, DC: National Center for ESL Literacy Education. (ERIC Digest No. EDO-LE-95–08)

Burton, A. (1991). *Black, red, and deadly.* Austin, TX: Eakin.

Burton-Rose, D., Pens, D., & Wright, P. (Eds.). (1998). *The celling of America: An inside look at the U.S. prison industry*. Monroe, ME: Common Courage.

Bush-Baskette, S. R. (2000). *The war on drugs and the black female: Testing the impact of the sentencing policies for crack cocaine on black females in the federal system.* Unpublished doctoral dissertation, Rutgers University.

Bushfield, B., & Bushfield, S. (2000). Time out. *Planning, 66*(6), 16.

Butcher, J., Dahlstrom, W., Graham, W., Tellegen, A., & Kaemmer, B. (1989). *Manual for the restandardized Minnesota Multiphasic Personality Inventory: MMPI-2. An interpretative and administrative guide.* Minneapolis: University of Minnesota Press.

Butler, A., & Henderson, C. M. (1990). *Angola: Louisiana State Penitentiary. A half-century of rage and reform*. Lafayette: Center for Louisiana Studies, University of Southwestern Louisiana.

Butler, A., & Henderson, C. M. (1992). *Dying to tell: Angola crime, consequence, conclusion at Louisiana State Penitentiary*. Lafayette: Center for Louisiana Studies, University of Southwestern Louisiana.

Butler, T. J. (1999). Commentary: The Prison Litigation Reform Act: A separation of powers dilemma. *Alabama Law Review, 50,* 585–601.

Butterfield, F. (2001, May 20). Inmate rehabilitation returns as prison goal. *New York Times* online. Retrieved from http://www.nytimes.com

Byrne, J. M., Lurigio, A., & Petersilia, J. (Eds.). (1992). *Smart sentencing: The emergence of intermediate sanctions.* Newbury Park, CA: Sage.

Cabana, D. A. (1996). *Death at midnight: The confession of an executioner*. Boston: Northeastern University Press.

Cable, G. (1889). *The silent South.* New York: Scribner's.

Calavita, K. (1992). *Inside the state: The bracero program, immigration, and the I.N.S.* New York: Routledge.

Calhoun, A. J. (1996). *Correctional worker risk for perpetrating sexual abuse of female inmates*. Unpublished dissertation, University of Hawaii.

Calhoun, F. S. (1989). *The lawmen: United States marshals and their deputies 1789–1989.* Washington, DC: Smithsonian Institution Press.

California Correctional Peace Officers Association. (2002). *Welcome to the California Correctional Peace Officers Association.* Retrieved October 23, 2002, from http://www.ccpoanet.org/

California Department of Corrections. (1999). *Report on inmate characteristics*. Sacramento: Author.

California Department of Corrections. (2003a). *Career opportunities*. Retrieved from http://www.corr.ca.gov

California Department of Corrections. (2003b). *Estimates and statistical analysis-historical trends:* Figure 10, Institutional and camp design bed capacity and population. Sacramento: Author.

California Prison Focus. (2004a). California Prison Focus home page. Retrieved from http://www.prisons.org

California Prison Focus. (2004b). *Corcoran State Prison 2001–2002: Inside California's brutal maximum security prison.* Retrieved from http://www.prisons.org/Corcoran02.htm

Camp, C., & Camp, G. (1999). *The corrections yearbook 1999*. Middletown, CT: Criminal Justice Institute.

Camp, C. G., & Camp, G. M. (2001a). *The corrections yearbook 2000: Adult corrections.* Middleton, CT: Criminal Justice Institute.

Camp, C. G., & Camp, G. M. (2001b). *The corrections yearbook 2001: Adult systems.* Middletown, CT: Criminal Justice Institute.

Camp, G., & Camp, C. (1985). *Prison gangs: Their extent, nature, and impact on prisons.* Washington, DC: U.S. Department of Justice.

Camp. H. (1995). *Iron in her soul: Elizabeth Gurley Flynn and the American left*. Pullman: Washington State University Press.

Campbell, C. (2001). *The intolerable hulks: British shipboard confinement, 1776–1857* (3rd ed.). Tucson, AZ: Fenestra.

Campbell, K. (1996). Where are the civil rights icons of the '60s? *Ebony*, *51*(10), 108–112.

Campling, P., & Haigh, R. (1999). *Therapeutic communities: Past, present, and future.* London: Jessica Kingsley.

Camus, A. (1961). Reflections on the guillotine. In *Resistance, rebellion, and death* (pp. 173–234, J. O'Brien, Trans.). New York: Knopf.

Canadian Association of Elizabeth Fry Societies. (2002a). *Goals of the Elizabeth Fry Societies.* Retrieved from http://www.elizabethfry.ca/

Canadian Association of Elizabeth Fry Societies. (2002b). *Origins of the Elizabeth Fry Societies.* Retrieved from http://www.elizabethfry.ca/

Canadian Association of Elizabeth Fry Societies. (2002c). *Principles of the Elizabeth Fry Societies.* Retrieved from http://www.elizabethfry.ca/

Cao, L., Zhao, J., & Van Dine, S. (1997). Prison disciplinary tickets: A test of the deprivation and importation models. *Journal of Criminal Justice, 25,* 103–113.

Capeci, J., & Mustain, G. (1996). *Gotti: Rise and fall.* New York: Penguin/Onyx.

Caplan, J. (Ed.). (2000). *Written on the body: The tattoo in European and American history.* Princeton, NJ: Princeton University Press.

Carcach, C., & Grant, A. (1999). Imprisonment in Australia: Trends in prison populations and imprisonment rates 1982–1998. In *Trends and issues in crime and criminal justice No. 130.* Canberra: Australian Institute of Criminology.

Cardozo-Freeman, I. (1984). *The joint: Language and culture in a maximum security prison*. Springfield, IL: Charles C Thomas.

Carelton, M. (1971). *Politics and punishment: The history of the Louisiana State penal system.* Baton Rouge: Louisiana State University Press.

Carlen, P. (1983). *Women's imprisonment: A study in social control.* London: Routledge & Kegan Paul.

Carlen, P. (1990). *Alternatives to women's imprisonment*. Buckingham, UK: Open University Press.

Carlen, P. (2002). Governing the governors: Telling the tales of managers, mandarins and mavericks. *Criminal Justice, 2*(1), 27–49.

Carleton, M. T. (1971). *Politics and punishment: The history of Louisiana State penal system.* Baton Rouge: Louisiana State University Press.

Carlson, N. A. (1975). The federal prison system: Forty-five years of change. *Federal Probation, 39*(2), 37–42.

Carlson, N. A., Hess, K. M., & Orthmann, C. M. (1999). *Corrections in the 21st century: A practical approach.* Belmont, CA: West/Wadsworth.

Carlson, P., & Garret, J. (Eds.). (1999). *Prison and jail administration: Practice and theory.* Gaithersburg, MD: Aspen.

Carney, F. (1989). *Criminality and its treatment: The Patuxent experience.* Malabar, FL: Krieger.

Carney, L. P. (1980). *Corrections: Treatment and philosophy.* Englewood Cliffs, NJ: Prentice Hall.

Carp, S., & Davis, J. (1989). *Design considerations in the building of women's prisons.* Washington, DC: National Institute of Corrections.

Carpenter, M. (1967). *Reformatory prison discipline as developed by the Rt. Hon. Sir Walter Crofton in the Irish convict prisons*. Reprint. Montclair, NJ: Patterson Smith. (Original work published 1872)

Carrabine, E. (2004). *Power, discourse and resistance: A genealogy of the Strangeways prison riot*. Aldershot, UK: Ashgate.

Carrigan, D. (1991). *Crime and punishment in Canada, a history.* Toronto: McClelland & Stewart.

Carroll, J., McGovern, J. J., McGinley, J. J., Torres, J. C., Walder, J. R., Pagan, E. S., et al. (2000). A program evaluation study of a nursing home operated as a modified therapeutic community for chemically dependent persons with AIDS. *Journal of Substance Abuse Treatment, 18,* 373–386.

Carroll, L. (1974). *Hacks, blacks, and cons: Race relations in a maximum security prison.* Lexington, MA: Lexington.

Carroll-Burke, P. (2000). *Colonial discipline: The making of the Irish convict system*. Dublin: Four Courts.

Carter, D. (1992, Winter). The status of education and training in corrections. *Journal of Correctional Training*, 6–9.

Carter, R. M., Glaser, R., & Wilkins, L. T. (1977). *Correctional institutions.* Philadelphia: Lippincott.

Castlebury, G. (2001). High profile inmates: A security concern for Texas prisons. *Corrections Today, 63*, 124–125.

Cavadino, M., & Dignan, J. (2002). *The penal system.* London: Sage.

Cecil, D. K., Drapkin, D. A., MacKenzie, D. L., & Hickman, L. J. (2000). The effectiveness of adult basic education and life-skills programs in reducing recidivism: A review and assessment of the research. *Journal of Correctional Education, 51*, 207–226.

Centers for Disease Control and Prevention. (2001). *Providing services to inmates living with HIV.* Retrieved from http://www.cdc.gov/idu

Chaiken, J. M., & Chaiken, M. R. (1990). Drugs and predatory crime. In M. Tonry& J. Q. Wilson (Eds.), *Drugs and crime.* Chicago: University of Chicago Press.

Chain gangs for women cause furor. (1996, April 28). *New York Times,* p. 30.

Chambliss, W. (1999). *Power, politics, and crime.* Boulder, CO: Westview.

Chambliss, W., & King, H. (1984). *The boxman: A professional thief's journey.* Toronto: John Wiley.

Champion, D. (2001). *The juvenile justice system: Delinquency, processing, and the law.* Upper Saddle River, NJ: Prentice Hall.

Champion, D. J. (1990). *Corrections in the United States.* Englewood Cliffs, NJ: Prentice Hall.

Champion, D. J. (1998). *The juvenile justice system: Delinquency, processing, and the law* (2nd ed.). Upper Saddle River, NJ: Prentice Hall.

Champion, D. J. (2001). *Corrections in the United States: A contemporary perspective.* Upper Saddle River, NJ: Prentice Hall.

Chan, J. B. L. (1999). Governing police practice: Limits of the new accountability. *British Journal of Sociology, 50*(2), 251–270.

Chang, N. (2002). *Silencing political dissent: How post–September 11 anti-terrorism measures threaten our civil liberties.* New York: Seven Stories.

Chayet, E. C. (1994). Correctional "good time" as a means of early release. *Criminal Justice Abstracts, 26*(3), 521–538.

Cheatwood, D. (1998). Prison movies: Films about adult, male, civilian prisons: 1929–1995. In F. Bailey & D. Hale (Eds.), *Popular culture, crime, and justice* (pp. 209–231). New York: West/Wadsworth.

Cheek, F. E., & Miller-Marie, D. (1983). The experience of stress of correction officers: A double blind theory of correctional stress. *Journal of Criminal Justice, 11*(2), 105–120.

Cheesman, F., II, Hanson, R. A., & Ostrom, B. J. (2000, April). A tale of two laws: The U.S. Congress confronts habeas corpus petitions and Section 1983 lawsuits. *Law and Policy, 2,* 89–111.

Chesney-Lind, M. (1977). Judicial paternalism and the female status offender: Training women to know their place. *Crime & Delinquency, 23,* 121–130.

Chesney-Lind, M. (1986). Women and crime: The female offender. *Signs: Journal of Women in Culture and Society, 12*(1), 78–96.

Chesney-Lind, M. (1997). *The female offender: Girls, women and crime*. Thousand Oaks, CA: Sage.

Chesney-Lind, M. (2000). Reflections on an accidental career. *Women & Criminal Justice*, *11*(4), 3–4.

Chesney-Lind, M. (2002). Meda Chesney-Lind home page. Retrieved from www.chesneylind.com

Chesney-Lind, M., & Brown, M. (1999). Girls and violence: An overview. In D. J. Flannery & C. R. Huff (Eds.), *Youth violence: Prevention, intervention, and social policy* (pp. 171–199). Washington, DC: American Psychiatric Press.

Chesney-Lind, M., & Hagedorn, J. M. (Eds.). (1999). *Female gangs in America: Essays on gender, and gangs.* Chicago: Lakeview.

Chesney-Lind, M., & Mauer, M. (Eds.). (2002). *Invisible punishment: The collateral consequences of mass imprisonment*. New York: New Press.

Chesney-Lind, M., & Pasko, L. (2004). *The female offender: Girls, women, and crime* (2nd ed.). Thousand Oaks, CA: Sage.

Chesney-Lind, M., & Shelden, R. G. (1998). *Girls, delinquency, and juvenile justice* (2nd ed.). Belmont, CA: Wadsworth.

Chevigny, B. G. (Ed.). (2002). *Doing time: 25 years of prison writing—A PEN American Center Prize anthology.* New York: Arcade.

Chicago Police Department. (1967, April 17). Puerto Rican community: City of Chicago. *Investigator's Report.* (Available from the archives of the Chicago Historical Society)

Chicknavorian, E. D. (1990, Winter). House arrest: A viable alternative to the current prison system. *New England Journal on Criminal and Civil Confinement, 16*(1), 53–66.

Chin, K. (1996). *Chinatown gangs.* New York: Oxford University Press.

Chiricos, T. G., & Delone, M. A. (1992). Labor surplus and punishment: A review and assessment of theory and evidence. *Social Problems, 39*(4), 421–446.

Chiricos, T. G., & Waldo, G. P. (1970). Punishment and crime: An examination of some empirical evidence. *Social Problems, 18*(2), 200–217.

Christian Apologetics. (2002). Christian Apologetics home page. Retrieved from www.apologetics.com

Christianson, S. (1998). *With liberty for some: 500 years of imprisonment in America*. Boston: Northeastern University Press.

Christie, N. (1986). Suitable enemies. In H. Bianchi & R. van Swaaningen (Eds.), *Abolitionism: Towards a non-repressive approach to crime* (pp. 42–54). Amsterdam: Free University Press.

Christie, N. (2001). *Crime control as industry: Toward gulags, Western style* (3rd ed.). New York: Routledge.

Churchill, W., & Vander Wall, J. (1988). *Agents of repression.* Boston: South End.

Churchill, W., & Vander Wall, J. (Eds.) (1992). *Cages of steel: The politics of imprisonment in the United States*. Washington, DC: Maisonneuve.

Churchill, W., & Vander Wall, J. (2002). *The COINTELPRO Papers: Documents from the FBI's secret wars against dissent in the United States*. Boston: South End.

Chute, C. L., & Bell, M. (1956). *Crime, courts, and probation.* New York: Macmillan.

Civil Rights Restoration Act of 1978. Public Law 100-259; 102 Stat. 28.

Clare, E., Adrian, J., Bottomley, K., & Liebling, A. (1997). *Privatizing prisons: Rhetoric and reality.* Thousand Oaks, CA: Sage.

Clare, E., Adrian, J., Bottomley, K., & Liebling, A. (1997). *Privatizing prisons: Rhetoric and reality.* Thousand Oaks, CA: Sage.

Clark, A. W. (1994). *Procedural labyrinths and the injustice of death: A critique of death penalty habeas corpus.* Dissertation, Queen's University at Kingston, MAI, 33, No. 05, 1419.

Clark, J., Austin, J., & Henry, A. (1997). *"Three strikes and you're out": A review of state legislation.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

Clark, R. X. (1973). *The brothers of Attica.* New York: Links Books.

Clay, J. (2000). *Maconochie's experiment: How one man's extraordinary vision saved transported convicts from degradation and despair.* London: Murray.

Clear, T. (1994). *Harm in American penology.* Albany: State University of New York Press.

Clear, T. (1998). Challenges for corrections in the community. In J. Petersilia (Ed.), *Community corrections: Probation, parole, and intermediate sanctions.* New York: Oxford University Press.

Clear, T., Stout, B., Dammer, H., Kelly, L., Hardyman, P, & Shapiro, C. (1992). *Prisoners, prisons and religion: Final report.* Newark, NJ: Rutgers University, School of Criminal Justice.

Clear, T. R. (1997). Societal responses to the president's crime commission: A thirty-year retrospective. In L. Robinson (Ed.), *The challenge of crime in a free society: Looking back looking forward* (pp. 131–139). Washington, DC: U.S. Department of Justice.

Clear, T. R., & Cole, G. F. (1992). *American corrections.* Belmont, CA: Wadsworth.

Clear, T. R., & Cole, G. F. (1997). *American corrections* (4th ed.). Belmont, CA: Wadsworth.

Clear, T. R., & Cole, G. F. (2000). *American corrections* (5th ed.). Belmont, CA: Wadsworth.

Clear, T. R., & Cole, G. F. (2003a). *American corrections* (6th ed). Belmont, CA: Wadsworth/Thomson.

Clear, T. R., & Cole, G. F. (2003b). The death penalty. In T. R. Clear & G. F. Cole, *American corrections* (6th ed.). Belmont, CA: Wadsworth/Thomson.

Clear, T. R., & Cole, G. F. (2003c). Incarceration. In T. R. Clear & G. F. Cole, *American corrections* (6th ed.). Belmont, CA: Wadsworth/Thomson.

Clear, T. R., & Cole, G. F. (2003d). Intermediate sanctions and community corrections. In T. R. Clear & G. F. Cole, *American corrections* (6th ed.). Belmont, CA: Wadsworth/Thomson.

Clear, T. R., & Sumter, M. (2002). Prisoners and religion: Religion and adjustment to prison. *Journal of Offender Rehabilitation, 3*(4), 129–161.

Cleaver, E. (1968). *Soul on ice.* New York: McGraw-Hill.

Cleaver, K. N. (1999). Women, power, and revolution. *New Political Science*, *21*(2), 231–236.

Clem, C. (Ed.). (1999). *Annotated bibliography on offender job training and placement* (2nd ed.). Washington, DC: National Institute of Corrections. Retrieved August 4, 2003, from http://www.nicic.org/pubs/1999/015538.pdf

Clement, D. (2000). *Private vs. public: The prison debate*. Minneapolis, MN: Fedgazette.

Clement, M. (1997). *The juvenile justice system: Law and process.* Boston: Butterworth-Heinemann.

Clements, C. (1986). *Offender needs assessment*. College Park, MD: American Correctional Association.

Clemmer, D. (1940). *The prison community.* Boston: Christopher.

Clemmer, D. (1958). *The prison community.* New York: Holt, Rinehart & Winston. (Original work published 1940)

Cleveland, W. (2000). *Art in other places.* Westport, CT: Praeger.

Clinger, W. (2001). *Citizen's guide on using the Freedom of Information Act and the Privacy Act of 1974 to request government records.* Collingwood, PA: Diane Publishing.

Cloward, R. A. (1960). Social control in the prison. In *Theoretical studies in social organization of the prison.* New York: Social Science Research Council.

Coates, R., Miller, A., & Ohlin, L. (1978). *Diversity in a youth correctional system: Handling delinquents in Massachusetts.* Cambridge, MA: Ballinger.

Cohen, S. (1973). Writing from inside. *New Society*, August 31, pp. 447–449.

Cohen, S. (Ed.). (1986). *Contemporary crises: Law, crime and social policy, 10*. [Special abolitionism issue]. The Hague, Netherlands: Martinus Nijhoff.

Cohen, S. (1991). Alternatives to punishment—The abolitionist case. *Israel Law Review, 25*, 729–739.

Cohen, S. (2001). *States of denial: Knowing about atrocities and suffering.* Malden, MA: Blackwell.

Cohen, S., & Taylor, L. (1972). *Psychological survival: The experience of long-term imprisonment.* New York: Pantheon.

Cohen, S., & Taylor, L. (1978). *Escape attempts: The theory and practice of resistance to everyday life.* Harmondsworth, UK: Penguin.

Cohen, S., & Taylor, L. (1981). *Psychological survival*. London: Penguin.

Cole, G. F., & Smith, C. E. (2001a). Corrections. In G. F. Cole & C. E. Smith, *The American system of criminal justice* (9th ed.). Belmont, CA: Wadsworth/Thomson.

Cole, G. F., & Smith, C. E. (2001b). Prisons: Their goal and management. In *The American system of criminal justice* (9th ed.). Belmont, CA: Wadsworth/Thomson.

Coll, C. G., Miller, J. B., Fields, J. P., & Mathews, B. The experiences of women in prison: Implications for services and prevention. *Women and therapy, 20*(4), 11–28.

Collins, W. (2001). *Contracting for correctional services provided by private firms.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Corrections Program Office.

Collins, W. C., & Collins, A. W. (1996). *Women in jail: Legal issues.* Washington, DC: U.S. Department of Justice, National Institute of Corrections.

Colman, P. (1992). *Breaking the chains: The crusade of Dorothea Lynde Dix.* White Hall, VA: Shoe Tree.

Colson, C. W. (2001). *Justice that restores.* Wheaton, IL: Tyndale House.

Columbia Human Rights Law Review. (2000). *A jailhouse lawyer's manual* (5th ed.). New York: Author.

Columbia Human Rights Law Review. (2002). *A jailhouse lawyer's manual* (5th ed., 2002 supplement). New York: Author.

Colvin, M. (1982, June). The 1980 New Mexico prison riot. *Social Problems*, *25*, 449–463.

Colvin, M. (1992). *The penitentiary in crisis: From accommodation to riot in New Mexico.* Albany: State University of New York Press.

Colvin, M. (1997). *Penitentiaries, reformatories, and chain gangs: Social theory and the history of punishment in nineteenth-century America.* New York: St. Martin's.

Commission for Racial Equality. (2003a). *The murder of Zahid Mubarek: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part 1.* London: Author.

Commission for Racial Equality. (2003b). *Racial equality in prisons: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part 2.* London: Author.

Commissioner tells viewers of need for the loaf as staff detail experience with inmate assault. (2002, November). *DOCS Today*, 6–7.

Committee for the Prevention of Torture. (1991). *Report to the United Kingdom government on the visit to the United Kingdom carried out by the CPT from 29 July 1990 to 10 August 1990.* Strasbourg, France: Council of Europe.

Common Sense for Drug Policy. (n.d.). Retrieved from http://www.csdp.org/

Composition, in ancient and medieval law. (2002). In *Columbia encyclopedia* (6th ed.). New York: Columbia University Press. Retrieved December 29, 2002, from www.bartleby.com/65/

Conley, C. (1998). The women's prison association: Supporting women offenders and their families. *National Institute of Justice: Program focus* (NJC 172858). Washington, DC: U.S. Department of Justice.

Conley, J. (1980). Prisons, production, and profit: Reconsidering the importance of prison industries. *Journal of Social History, 14*(2), 257–275.

Conneau, T. (1976). *The slaver's log book*. Englewood Cliffs, NJ: Prentice Hall.

Conover, T. (2000). *Newjack: Guarding Sing Sing.* New York: Random House.

Conrad, J. P. (1981). *Adult offender education programs.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

Conrad, P., & Schneider, J. (Eds.). (1992). *Deviance and medicalization* (exp. ed.). Philadelphia: Temple University Press.

Convicts and Cops. (2002). Convicts and Cops home page. Retrieved from www.convictsandcops.com

Cook, J. R. (2001). *Asphalt justice: A critique of the criminal justice system in America*. Westport, CT: Praeger.

Cooper, P. J. (2003). *Governing by contract: Challenges and opportunities for public managers.* Washington, DC: Congressional Quarterly Press.

Copeland, A. J. (1888). *Bridewell Royal Hospital, past and present: A short account of it as palace, hospital, prison, and school; with a collection of enteresting [*sic*] memoranda hitherto unpublished*. London: Gardner, Darton.

Cordilia, A. (1983). *The making of an inmate: Prisons as a way of life*. Cambridge, MA: Schenkman.

Corrado, R. R., Odgers, C., & Cohen, I. M. (2000). The incarceration of female young offenders: Protection for whom? *Canadian Journal of Criminology, 42*(2), 189–208.

Correction yearbook. (2000). Retrieved from http://www.cji-inc.com/cyb/download/000ver50.pdf

Correctional officers salaries. (2002). *Correctional officer salaries—North Dakota and surrounding states.* Unpublished report prepared by the North Dakota Legislative Council staff for Representative Ron Carlisle.

Correctional Service of Canada. (2001). *Basic facts about federal corrections.* Ottawa, ON: Public Works and Government Services Canada.

Corrections Compendium. (2002, August). Inmate privileges and fees for service. *Corrections Compendium, 27,* 8–26.

Correia, K. M. (2001). *Handbook of correctional psychology*. Springfield, IL: Charles C Thomas.

Corriden, M. (1995, March). The informant trap. *National Law Journal*, 20.

Corringe, T. (1996). *God's just vengeance: Crime, violence and the rhetoric of salvation* Cambridge, UK: Cambridge University Press.

Corsentino, M. (1997). Inmate chain gangs are an improper form of punishment. In C. Cozic (Ed.), *America's prisons: Opposing viewpoints* (pp. 12–127). San Diego, CA: Greenhaven.

Costa, R. (2003). Comment: Now I lay me down to sleep: A look at overnight visitation rights available to incarcerated mothers. *New England Journal on Criminal and Civil Confinement, 29,* 67–97.

Costanzo, M (1997). *Just revenge.* New York: St. Martin's.

Courtright, K. E., Berg, B. L., & Mutchnick, R. J. (1997, September). Cost effectiveness of using house arrest with electronic monitoring. *Federal Probation, 61*(3), 19–22.

Courtright, K. E., Berg, B. L., & Mutchnick, R J. (2000). Rehabilitation in the new machine? Exploring drug and alcohol use and variables related to success among DUI offenders under electronic monitoring—Some preliminary outcome results. *Criminology, 44*(3), 293–311.

Couturier, L. (2001). Suicide prevention in a large state department of corrections. *Corrections Today, 63*, 90–97.

Cowart, J. (1996). *The prison minister's handbook: Volunteer ministry to the forgotten Christian.* San Jose, CA: Resource Publications.

Cox, M. (Ed.). (1992). *Shakespeare comes to Broadmoor. "The actors are come hither."* London: Jessica Kingsley.

Cox, P. (2002). *Gender, justice and welfare: Bad girls in Britain, 1900–1950*. London: Palgrave.

Cressey, D. R. (Ed.). (1961). *The prison: Studies in institutional organization and change.* New York: Holt, Rinehart & Winston.

Criminal Justice Policy Council. (1999). *Oranges to oranges: Comparing the operational costs of juvenile and adult correctional programs in Texas*. Austin, TX: Author.

Criminal Justice Policy Foundation. (n.d.). Retrieved from http://www.cjpf.org/

Cripe, C. (1997). *Legal aspects of corrections management*. Gaithersburg, MD: Aspen.

Cripe, C. A. (1997). *Legal aspects of corrections management.* Gaithersburg, MD: Aspen.

Cripe, C. A. (1999). Inmate disciplinary procedures. In P. M. Carlson & J. S. Garrett, *Prison and jail administration: Practice and theory.* Gaithersburg, MD: Aspen.

Critical Resistance. (Ed.). (2000). Critical Resistance to the prison-industrial complex. *Social Justice, 27*(3).

Critical Resistance. (2002a). *What is abolition?* Retrieved from http://www.criticalresistance.org

Critical Resistance. (2002b). *What is Critical Resistance*. Retrieved from http://www.criticalresistance.org

Critical Resistance. (2003). Critical Resistance home page. Retrieved March 15, 2003, from http://www.criticalresistance.org

Cromwell, P. F., Del Carmen, R. V., & Alarid, L. F. (2002). Nonresidential intermediate sanctions. In P. F. Cromwell, R. V. Del Carmen, & L. F. Alarid, *Community-based corrections* (5th ed.). Belmont, CA: Wadsworth/Thomson.

Cronin, R. C., & Han, M. (1994). *Boot camps for adult and juvenile offenders: Overview and update.* Research report. Washington, DC: National Institute of Justice.

Crouch, B. M., & Marquart, J. W. (1989). *An appeal to justice: Litigated reform of Texas prisons*. Austin: University of Texas Press.

Crowe, J. C. (1956). The origin and development of Tennessee's prison problem. *Tennessee Historical Quarterly*, *15*(2), 122–130.

Crowther, B. (1989). *Captured on film: The prison movie*. London: BT Basford.

Culhane, C. (1985). *Still barred from prison: Social injustice in Canada.* Montreal, QU: Black Rose Books.

Cullen, F., & Applegate, B. (Eds.). (1998). *Offender rehabilitation.* Brookfield, VT: Dartmouth Publishing.

Cullen, F. T. (1995). Assessing the penal harm movement. *Journal of Research in Crime and Delinquency, 32*, 338–358.

Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice and prospects. Policies, processes and decisions of the criminal justice system. *Criminal Justice, 3,* 109–175.

Cullen, M., & Wilson, R. J. (2003). *TRY—Treatment readiness for you: A workbook for sex offenders.* Lanham, MD: American Correctional Association.

Cummings, E. (1994). *The rise and fall of California's radical prison movement.* Stanford, CA: Stanford University Press.

Cummings, J., & Volkman, E. (1992). *Goombata: The improbable rise and fall of John Gotti and his gang.* New York: Avon.

Cummins, E. (1994). *The rise and fall of California's radical prison movement*. Stanford, CA: Stanford University Press.

Currie, E. (1985). *Confronting crime: An American challenge.* New York: Pantheon.

Currie, E. (1993). *Reckoning: Drugs, the cities, and the American future.* New York: Hill and Wang.

Currie, E. (1998). *Crime and punishment in America.* New York: Metropolitan Books.

Curry, G. D., & Decker, S. H. (1998). *Confronting gangs: Crime and community.* Los Angeles: Roxbury

Curry, G. D., & Decker, S. H. (2003). *Confronting gangs: Crime and community* (2nd ed.). Los Angeles: Roxbury.

Daane, D. (2003). Pregnant prisoners: Health, security and special needs issues. In S. F. Sharp (Ed.), *The incarcerated woman: Rehabilitative programming in women's prisons* (pp. 61–72). Upper Saddle River, NJ: Prentice Hall.

Dabney, D., & Vaughn, M. S. (2000). Incompetent jail and prison doctors. *The Prison Journal, 80,* 151–183.

Dalai Lama. (1990). *Freedom in exile: The autobiography of the Dalai Lama*. New York: Harper Collins.

Dalton, V. (1999). Australian deaths in custody & custody related police operations. In *Trends and issues in crime and criminal justice No. 105*. Canberra: Australian Institute of Criminology.

Daly, K. (2002). Restorative justice: The real story. *Punishment and Society, 4*(1), 55–79.

Dammer, H. R. (1992). *Piety in prison: An ethnography of religion in the correctional environment.* Ann Arbor, MI: Doctoral Dissertation Abstracts.

Damousi, J. (1997). *Depraved and disorderly: Female convicts, sexuality and gender in colonial Australia.* Cambridge, UK: Cambridge University Press.

Daniel, P. (1972). *The shadow of slavery: Peonage in the South, 1901–1969.* Urbana: University of Illinois Press.

Daniels, R. (1993*). Prisoners without trial: Japanese Americans in World War II.* New York: Hill and Wang.

Daniels, R., Taylor, S., & Kitano, H. (Eds.). (1986). *Japanese Americans, from relocation to redress*. Salt Lake City: University of Utah Press.

Danitz, T. (1998). *The gangs behind bars.* News World Communications, Inc. Retrieved from www.find articles.com

Das, D. K., Light, S. C., & Verma, A. (2001). Using police as custodial officers: An analysis from the perspective of international human rights standards. *Police Quarterly, 4*, 215–232.

Daveson, B. A., & Edwards, J. (2001). A descriptive study exploring the role of music therapy in prisons. *Arts in Psychotherapy, 28*(2), 137–141. Retrieved from http:// www.elsevier.com/inca/publications/store/8/3/3/

Davidson, H. S. (Ed.). (1995). *Schooling in a "total institution": Critical perspectives on prison education.* Westport, CT: Bergin & Garvey.

Davies, I. (1990). *Writers in prison.* Toronto: Between the Lines.

Davies, M. (1993). *Punishing criminals: Developing community-based intermediate sanctions.* Westport, CT: Greenwood.

Davis, A. (1987). Rape, racism and the capitalist setting. *Black Scholar, 9*(7), 24–30.

Davis, A. Y. (1971). *If they came in the morning: Voices of resistance.* New York: New American Library.

Davis, A. Y. (1974). *Angela Davis: An autobiography.* New York: Random House.

Davis, A. Y. (1981). *Women, race, and class.* New York: Random House.

Davis, A. Y. (1989). *Women, culture, and politics.* New York: Random House.

Davis, A. Y. (1998). *Blues legacies and black feminism: Gertrude "Ma" Rainey, Bessie Smith, and Billie Holiday.* New York: Pantheon.

Davis, A. Y. (2003). *Are prisons obsolete?* New York: Seven Stories.

Davis, A. Y., & Shaylor, C. (2001). Race, gender and the prison industrial complex: California and beyond. *Meridiens, 2*(1), 1–25.

Davis, J. R. (1998). Co-corrections in the U.S.: Housing men and women together has advantages and disadvantages. *Corrections Compendium, 23*(3), 1–3.

Davis, M. (1995, February 20). Hell factories in the field: a prison-industrial complex. *The Nation*, p. 229.

Davis, S. P. (1990, May). Good time. *Corrections Compendium, 15*(4).

Dawes, J., & Grant, A (2000). An expensive decision: Corrections in Australia. In Australian Institute of Criminology, *Handbook of Australian criminology.* Cambridge, UK: Cambridge University Press.

DC Department of Corrections. (2004). DC Department of Corrections home page. Retrieved from http://www.doc.dc.gov/main.shtm

De Leon, G. (2000). *The therapeutic community: Theory, model, and method.* New York: Springer.

De Sade, Marquis. (1966). *120 days in Sodom* (A. Wainhouse & R. Seaver, Comp. & Trans.). New York: Grove.

Death Penalty Information Center. (2001). *The death penalty in 2001: Year end report.* Washington, DC: Author. Retrieved from http://www.deathpenaltyinfo.org/YearEndReport2001.pdf

Death Penalty Information Center. (2003a). *The constitutionality of the death penalty in America.* Retrieved from http://www.deathpenaltyinfo.org/article.php?scid=15&did=410#SuspendingtheDeathPenalty

Death Penalty Information Center. (2003b). Death Penalty Information Center home page. Retrieved March 25, 2003, from http://www.deathpenaltyinfo.org/

DeBerry, C. E. (1994). *Blacks in corrections: Understanding network systems in prison society.* Lima, OH: Wyndham Hall.

Decker, S. H., & Van Winkle, B. (1996). *Life in the gang: Family, friends and violence*. New York: Cambridge University Press.

DeGroot, A. S. (2000, May). HIV infection among incarcerated women: Epidemic behind bars. *The AIDS Reader.*

Delgado, J. M. (n.d.). *The Puerto Rican prisoners of war.* Retrieved October 2, 2003, from http://www.prisonactivit.org/pps+pows/pr-pows.html

DeMay, K. R. (1994). Violent Crime Control and Law Enforcement Act of 1994: The semi-automatic "assault weapon"—The latest victim in this country's war against crime. *Hamline Journal of Public Law and Policy, 16,* 199ff.

DeNeal, G. (1998). *A knight of another sort: Prohibition days and Charlie Birger.* Carbondale: Southern Illinois University Press.

Department of the Army. (1994). *Army Regulation 190-47: The Army corrections system.* Washington, DC: Author.

Department of Transportation. (1981). *Minimum guidelines and requirements for accessible design*. U.S. Architectural and Transportation Barriers Compliance Board. Washington, DC: Department of Transportation Board.

Deutsch, M., & Susler, J. (1991). Political prisoners in the United States: The hidden reality. *Social Justice*, *18*(3), 92–106.

Developments in the law of prisons: IV. In the belly of the whale—Religious practice in prison. (2002). [Special issue]. *Harvard Law Review, 115*, 1891.

Developments in the law: The law of prisons: II. The Prison Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act: Implications for federal district judges. (2002). [Special isssue]. *Harvard Law Review, 115,* 1846.

Diaz-Cotto, J. (1996). *Gender, ethnicity, and the state: Latina and Latino prison politics.* Albany: State University of New York Press.

Dickinson, G., & Seaman, T. (1994). Communication policy changes from 1971–1991 in state correctional facilities for adult males in the United States. *The Prison Journal, 74*, 371–382.

Dieter, R. C. (1997). *Innocence and the death penalty: The increasing danger of executing the innocent*. Retrieved from http://deathpenaltyinfo.org/

Dietz, E. F., O'Connell, D. J., & Scarpitti, F. R. (2003). Therapeutic communities and prison management: An examination of the effects of operating an in-prison therapeutic community on levels of institutional disorder. *International Journal of Offender Therapy and Comparative Criminology, 47*(2), 210–223.

DiFrancesco, C. (1990). *"Dermal body language" among prison inmates: The multiple unprofessional tattoo.* Unpublished doctoral dissertation, University of Mississippi.

DiIulio, J. J., Jr. (1987). *Governing prisons: A comparative study of correctional management.* New York: Free Press.

DiIulio, J. J., Jr. (Ed.). (1990). *Courts, corrections, and the Constitution: The impact of judicial intervention on prisons and jails*. New York: Oxford University Press.

DiIulio, J. J., Jr. (1991). *No escape: The future of American corrections*. New York: Basic Books.

Disposition of prisoner's earnings. (2001). Montana Code Annotated §46-18-702. Retrieved November 15, 2002, from http://wwwunix.oit.umass.edu/~kastor/private/ prison-labor.html

Ditton, P. (1999). *Mental health and treatment of inmates and probationers.* Rockville, MD: U.S. Department of Justice, Bureau of Justice Statistics.

Ditton, P. M., & Wilson, D. J. (1999, January). *Truth in sentencing in state prisons* (Bureau of Justice Statistics Special Report No. NCJ 170032). Washington, DC: U.S. Department of Justice. Retrieved September 12, 2004, from http://www.ojp.usdoj.gov/bjs/pub/pdf/tssp.pdf

Dix, D. L. (1971). *On behalf of the insane poor: Selected reports.* New York: Arno.

Dix, D. L. (1975). *The lady and the president: The letters of Dorothea Dix and Millard Fillmore.* Lexington: University Press of Kentucky.

Dix, D. L., & Lightner, D. L. (1999). *Asylum, prison, and poorhouse: The writings and reform work of Dorothea Dix in Illinois.* Carbondale: Southern Illinois University Press.

Dobash, R. P., Dobash, R. E., & Gutteridge, S. (1986). *The imprisonment of women.* London: Basil Blackwell.

Docker, L. (2002). The greatest happiness—Watson Mangioni. Mondaq Ltd. Retrieved July 25, 2002, from http:/www.mondaq.com

Dodge, L. M. (2002). *"Whores and thieves of the worst kind": Women, crime, and prisons, 1835–2000.* DeKalb: Northern Illinois University Press.

Dolan, K. (1997/1998). Evidence about HIV transmission in prisons. *Canadian HIV/AIDS Policy & Law Newsletter, 3*(4)/*4*(1), 32–35. Retrieved from http://www.aidslaw.ca/Maincontent/otherdocs/Newsletter/winter9798/26DOLANE.html

Dole, R. (1995). Hearings on Prison Litigation Reform Act. *Congressional Record,* September 27.

Donaldson, S. (1993a). *A million jockers, punks, and queens: Sex among American male prisoners and its implications for concepts of sexual orientation*. Retrieved from http://www.spr.org/docs/prison-sex-lecture.html

Donaldson, S. (1993b, December 29). The rape crisis behind bars. *New York Times,* p. A11.

Donaldson, S. (1995). *Rape of incarcerated Americans: A preliminary statistical look*. Retrieved from http://www.spr.org/docs/stats.html

Donaldson, S. (1996, August). The deal behind bars. *Harpers Magazine, 293,* 17–20.

Donaldson, S. (2001a). A million jockers, punks, and queens. In S. Sabo, T. Kupers, & W. London, *Prison masculinities.* Philadelphia: Temple University Press.

Donaldson, S. (2001b). *Rape trauma syndrome in male prisoners*. Retrieved from http://www.igc.apc.org/spr/docs/rts.html

Donin, H. H. (1972). *To be a Jew, A guide to Jewish observance in contemporary life.* New York: Basic Books, HarperCollins.

Donohue, W. A. (1994). *Twilight of liberty: The legacy of the ACLU.* New Brunswick, CT: Transaction Publishers.

Donziger, S. (1996). *The real war on crime: The report of the National Criminal Justice Commission.* New York: HarperPerennial.

Dooley, E. (1981). Sir Walter Crofton and the Irish or intermediate system of prison discipline. *New England Journal of Prison Law, 575,* 72–115.

Dooley, M. J. (1998, Spring). Integrating technology and training. *Journal of Correctional Training*, 23–25.

Dostoevsky, F. (1951). *Crime and punishment* (D. Magarshack, Trans.). Harmondsworth, UK: Penguin.

Dow, M. (2004). *American gulag: Inside U.S. immigration prisons*. Berkeley: University of California Press.

Dowd, S. (Ed.). (1996). *This prison where I live: The PEN anthology of imprisoned writers.* London: Cassell.

Dowell, D., Klein, C., & Krichmar, C. (1983). Evaluation of a halfway house for women. *Journal of Criminology, 13*(1), 217–226.

Dowie, M. (1973). Unionizing prison labor. *Social Policy, 4*(1), 56–60.

Doyle, M. (1992). *Federal habeas corpus background & issues*. Series title: Major studies and issue briefs of the Congressional Research Service. Supplement 1992, 92–615 A. 4006199277. Washington, DC: Library of Congress, Congressional Research Service.

Drug Policy Alliance. (n.d.). Retrieved from http://www.drugpolicy.org/

Dubler, N. N. (1998). The collision of confinement and care: End-of-life care in prisons and jails. *Journal of Law, Medicine and Ethics, 26,* 149–156.

Dubler, N. N., & Heyman, B. (1998). End-of-life care in prisons and jails. In M. Paises (Ed.), *Clinical practice in correctional medicine* (pp. 355–364). St. Louis, MO: Mosby.

Duffee, D. E. (1989). *Corrections practice and policy*. New York: Random House.

Duffy, C. (1950). *The San Quentin story*. Garden City, NY: Doubleday.

Duffy, C. (1962). *88 men and 2 women.* Garden City, NY: Doubleday.

Duguid, S. (2000). *Can prisons work? The prisoner as object and subject in modern corrections.* Toronto: University of Toronto Press.

Duker, W. F. (1977). The president's power to pardon: A constitutional history. *William and Mary Law Review, 18*, 475–538.

Duncan, D. F., & Ellis, T. R. (1973, May-June). Situational variables associated with prison escapes. *American Journal of Corrections,* 29–30.

Duncan, M. (1996). *Romantic outlaws, beloved prisons.* New York: New York University Press.

Duncombe, D. D. (1992). The task of prison chaplaincy: An inmate's view. *Journal of Pastoral Care, 46*, 193–209.

Duran, E., & Duran, B. (1995). *Native American postcolonial psychology*. Albany: State University of New York Press.

Durham, A. M. (1989a). Newgate of Connecticut: Origins and early days of an early American prison. *Justice Quarterly, 6*(1), 89–116.

Durham, A. M. (1989b). Origins of interest in the privatization of punishment: The nineteenth and twentieth century American experience. *Criminology, 27*(1), 107–139.

Durham, A. M. (1990). Social control and imprisonment during the American Revolution: Newgate of Connecticut. *Justice Quarterly*, *7*(2), 293–323.

Dutton, M., & Zhangrun, X. (1998). Facing difference: Relations, change and the prison sector in contemporary China. In R. P. Weiss & N. South (Eds.), *Comparing prison systems: Toward a comparative and international penology* (pp. 289–336). Amsterdam: Gordon and Breach.

Dvorchak, R. (1989, June 18). Medicine behind bars. *Los Angeles Times,* p. 2.

Dyer, J. (2000). *The perpetual prisoner machine: How America profits from crime*. Boulder, CO: Westview.

Eaglin, J., Cordisco, M., Wheeler, R., & McKenna, J. (1997). *Resource guide for managing civil rights litigation*. Collingwood, PA: Diane.

Earle, A. M. (1995). *Curious punishments of bygone days.* Bedford, MA: Applewood. (Original work published 1896, Chicago: H. S. Stone)

Earle, K., Bradigan, B., & Morgenbesser, L. (2001). Mental health care for American Indians in prison. *Journal of Ethnic and Cultural Diversity in Social Work, 9*(3/4), 111–132.

Earley, P. (1992). *The hot house: Life inside Leavenworth Prison.* New York: Bantam.

Earley, P., & Shur, G. (2002). *WITSEC.* New York: Bantam.

Early, B., Zimmerman, J., & Williams, D. (1999). Prisoners' right. *Georgetown Law Journal, 87*(5), 1903–1974.

Earnings of prisoner. (n.d.). 31 Ariz. Rev. Stat. §334. Retrieved November 15, 2002, from http://www.azleg.state.az.us/ars/31/00334.htm

Edwards, J. (2002, August 12). Struggling to keep client confidences: Lawyers in post–Sept. 11 "special interest" cases talk about how they are coping with often-intrusive government security measures. *New Jersey Law Journal,* p. 4.

Eigenberg, H. (1990). Rape in male prisons: Examining the relationship between correctional officers' attitudes toward male rape and their willingness to respond to acts of rape. In M. C. Braswell, R. Montgomery, & S. Dillingham (Eds.), *Prison violence in America*. Cincinnati, OH: Anderson.

Eigenberg, H. M. (2000). Correctional officers and their perceptions of homosexuality, rape, and prostitution in male prisons. *The Prison Journal, 80*(4)*,* 415–433.

Eisenman, R. (2000). Characteristics of prisoners in the California Department of Corrections: Race, ethnicity, and other aspects. *Mankind Quarterly, 41*, 211–215.

Ekirch, A. R. (1987*). Bound for America: The transportation of British convicts to the colonies, 1718–1775*. Oxford, UK: Clarendon.

Elias, G. L., & Ricci, K. (1997). *Women in jail: Facility planning issues.* Washington, DC: U.S. Department of Justice, National Institute of Corrections.

Elihu, R. (Ed.). (1996). *Criminal injustice: Confronting the prison crisis.* Boston: South End.

Eller, C. (1991). *Conscientious objectors and the Second World War.* Westport, CT: Praeger.

Elmira. (1998, October). *DOCS Today.* Retrieved from http://www.geocities.com/MotorCity/Downs/3548/facility/elmira.html

Empy, L. T. (Ed.). (1979). *Juvenile justice: The Progressive legacy and current reforms.* Charlottesville: University Press of Virginia.

Encinas, G. (1984). *Prison argot.* Lanham, MD: University Press of America.

Engel, H. (1996). *Lord High Executioner: An unabashed look at hangmen, headsmen, and their kind.* Toronto: Key Porter.

Engen, R., Gainey, R., Crutchfield, R., & Weis, J. (2003). Discretion and disparity under sentencing guidelines: The role of departures and structured sentencing alternatives. *Criminology, 41*, 99–130.

Enos, S. (1998). Managing motherhood in prison: The impact of race and ethnicity on child placements. In J. Harden & M. Hill (Eds.), *Breaking the rules: Women in prison and feminist therapy.* Binghamton, NY: Harrington Park.

Enos, S. (2001). *Mothering from the inside: Parenting in a women's prison.* Albany: State University of New York Press.

Erickson, G. A. (1957). *Warden Ragen of Joliet*. New York: Dutton.

Eriksson, T. (1976). *The reformers: An historical survey of pioneer experiments in the treatment of criminals* (C. Djurklou, Trans.). New York: Elsevier Scientific.

Etzioni, A., & Carney, D. (1997). *Repentance: A comparative perspective.* Lanham, MD: Rowman & Littlefield.

Exec. Order No. 11755, 18 U.S.C. 4082 (1973). Retrieved November 20, 2002, from http://www.envirotext.eh.doe.gov/data/eos/nixon/19731229.html

Fairweather, L., & McConville, S. (Eds.). (2000). *Prison architecture: Policy, design and experience*. Oxford, UK: Architectural Press.

Faith, K. (1993a). *Unruly women: The politics of confinement and resistance.* Vancouver, BC: Press Gang.

Faith, K. (1993b). Women confined. In *Unruly women: The politics of confinement and resistance* (Chap. 4.). Vancouver, BC: Press Gang.

Faiver, K. L. (1998). *Health care management issues in corrections.* Lanham, MD: American Correctional Association.

Families Against Mandatory Minimums. (2002). *Primer on mandatory sentences.* Washington, DC: Author. Retrieved from http://www.famm.org/rs_publications.htm

Families to Amend California's 3-Strikes. (n.d.). Third strike cases by ethnic and sex, June, 2002 [Table]. In *Latest statistics.* Retrieved March 16, 2003, from http://www.facts1.com/general/stats.htm#4,076

Family and Corrections Network. (1993). The children's centre—Bedford Hills Correctional Facility. In *Report from the Fourth North American Conference on the Family and Corrections, Quebec City, Quebec, Canada.* Palmyra, VA: Author.

Farber, N. J., Aboff, B. M., Weiner, J., Davis, E., Boyer, E. G., & Ubel, P. A. (2001). Physicians' willingness to participate in the process of lethal injection for capital punishment. *Annals of Internal Medicine, 135*(100), 884–888.

Farbstein, J. (1986). *Correctional facility planning and design*. New York: Van Nostrand Reinhold.

Farkas, M. (2000). A typology of correctional officers. *Internal Journal of Offender Therapy and Comparative Criminology, 44*(4), 431–449.

Farkas, M. A. (1990). Professionalization: Is it the "cure all" for what ails the corrections officer? *Journal of Crime and Justice, 13*, 29–54.

Farkas, M. A., & Rand, K. (1997). Female correctional officers and prison privacy. *Marquette Law Review, 80,* 995.

Farmer, A. (2002). *Mothers in prison losing all parental rights.* Retrieved from the National Organization for Women Web site: http://www.now.org/eNews/june2002/062102 prison.html

Farr, G. R. (n.d.). *The federal Confederate prisoner of war camp at Elmira.* Retrieved from http://www.rootsweb.com/~srgp/military/elmcivwr.htm

Farr, K. A. (2000). Classification for female inmates: Moving forward. *Crime & Delinquency, 46*, 3–17.

Farrell, C. (2003). World corporal punishment Web site. Retrieved from http://www.corpun.com/

Farrell, W. J. (1994). *Prisons, work and punishment.* Dubuque, IA: Kendall-Hunt.

Faulkner, P., & Faulkner, W. (1997). Effects of organizational change on inmate status and the inmate code of conduct. *Journal of Crime and Justice, 20*(1), 55–72.

Fayol, H. (1984). General principles of management. In D. S. Pugh (Ed.), *Organization theory* (2nd ed.). New York: Penguin.

FBI Files, No. 183–7396, Aryan Brotherhood. (1982). Paperless archives home page. Retrieved from www.paperlessarchives.com/ab.html

Federal Bureau of Investigation. (1980). *Uniform Crime Reports for the United States.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Investigation. (1999). *Uniform Crime Reports for the United States, 1998.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Investigation. (2003). *Uniform Crime Reports for the United States, 2002.* Washington, DC: U.S. Department of Justice. Retrieved from http://www.fbi.gov/ucr/02cius.htm

Federal Bureau of Investigation. (n.d.). *Uniform Crime Report.* Retrieved from http://www.fbi.gov/ucr.htm

Federal Bureau of Prisons. (1987). *Inmate discipline and special housing units* (Program Statement S5270.07). Washington, DC: U.S. Department of Justice. Retrieved from http://www.bop.gov

Federal Bureau of Prisons. (1998). *A profile of female offenders.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Prisons. (1999). *Substance abuse treatment programs in the Federal Bureau of Prisons: Report to Congress, as required by the Violent Crime Control and Law Enforcement Act of 1994.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Prisons. (2000a). *Judicial resource guide to the Federal Bureau of Prisons.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Prisons. (2000b). *Security designation and custody classification manual.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Prisons. (2000c). *State of the bureau 1999: Accomplishments and goals.* Washington, DC: U.S. Department of Justice.

Federal Bureau of Prisons. (2000d). *TRIAD Drug Treatment Evaluation Project: Three-year outcome report.* Retrieved from www.bop.gov

Federal Bureau of Prisons. (2004). *Federal Bureau of Prisons: Mission and vision.* Retrieved September 14, 2004, from http://www.bop.gov

Federal Bureau of Prisons, Office of Public Affairs. (2000). *Federal death penalty legislative history and mission of USP Terre Haute.* Washington, DC: Author.

Federal Courts Study Committee. (1990). *Report*. Washington, DC: Administrative Office of the U.S. Courts.

Federal Death Penalty Defense Newsletter. (1995, December; 1998 January). Retrieved November 25, 2002, from http://www.capdefnet.org/fdprc/contents/past_newsletters/4_past_issues_of_fdprc.htm

Federal Laws Concerning Weightlifting in Prison. (n.d.). Retrieved October 18, 2002, from http://www.strengthtech.com/correct/laws/federal/federal.htm

Federal Resource Center for Children of Prisoners. (2003). *What happens to children?* Retrieved August 2, 2003, from www.cwla.org/programs/incarcerated/cop_03.htm

Federman, C. H. (1996). *The primary of rights and the procedures of federalism: The development of habeas corpus and federal-state relations, 1789–1991.* Dissertation, University of Virginia, DAI, 62, no. 09a, 3170.

Feeley, M., & Rubin, E. L. (1998). *Judicial policy making and the modern state: How the courts reformed America's prisons.* New York: Cambridge University Press.

Feeley, M., & Simon, J. (1992). The new penology: Notes on the emerging strategy of corrections and its implications . *Criminology, 30*(4), 449–474.

Feeley, M., & Simon, J. (1994). Actuarial justice: The emerging new criminal law. In D. Nelken (Ed), *The futures of criminology* (pp. 173–201). London: Sage.

Feld, B. C. (1988). *In re Gault* revisited: A cross-state comparison of the right to counsel in juvenile court. *Crime & Delinquency, 34*(4), 393–424.

Feld, B. C. (1999). *Bad kids: Race and the transformation of the juvenile court*. New York: Oxford University Press.

Felson, R. B., & Ackermann, J. (2001). Arrest for domestic and other assault. *Criminology, 39,* 655–675.

Fernandez, R. (1994). *Prisoners of colonialism: The struggle for justice in Puerto Rico*. Monroe, ME: Common Courage.

Fielder, S. I. (2000). Comment: Past wrongs, present futility, and the future of prisoner relief: A reasonable interpretation of "available" in the context of the PLRA. *University of California Davis Law Review, 33,* 713–750.

Figueira-McDonough, J., & Sarri, R. (Eds.). (2002). *Women at the margins: Neglect, punishment, and resistance.* Binghamton, NY: Haworth.

Fillingham, L. A. (1993). *Foucault for beginners.* New York: Writers and Readers.

Fillmore, C. J., & Dell, C. A. (2001). *Prairie women, violence, and self-harm.* Winnipeg, CAN: Elizabeth Fry Society of Manitoba.

Fillmore, L.W., & Snow, C. E. (2000). *What teachers need to know about language*. Washington, DC: U.S. Department of Education, Educational Research and Improvement. (ERIC Digest No. ED-99-CO-0008)

Finckenauer, J. (1992). Juvenile criminals: Punishment or reform? In C. Hartjen & E. Rhine (Eds.), *Correctional theory and practice.* Chicago: Nelson-Hall.

Fine, M., Torre, M. E., Boudin, K., Bowen, I., Clark, J., Hylton, D., Martinez, M., Roberts, R. A., Smart, P., & Upegui, D. (2001). *Changing minds: The impact of college in a maximum security prison.* New York: Graduate Center of the City University of New York. Retrieved from http://www.changingminds.ws/

Finnane, M. (1997). *Punishment in Australian society.* Melbourne: Oxford University Press.

First, R. (1982). *117 days.* Harmondsworth, UK: Penguin.

Fisher, I. (1994. April 10). Prison boot camps offer no quick fix. *New York Times*.

Fisher-Giorlando, M. (1987). *Prison culture: Using music as data*. Unpublished dissertation. Columbus: Ohio State University.

Fishman, L. T. (1990). *Women at the wall.* Albany: State University of New York Press.

Fitzgerald, M. (1977). *Prisoners in revolt.* Middlesex, UK: Penguin.

Flanagan, T. (1999). *Long-term imprisonment: Policy, science, and correctional practice.* Thousand Oaks, CA: Sage.

Flanagan, T., & Maguire, K. (1993). A full employment policy for prisons in the United States: Some arguments,

estimates and implications. *Journal of Criminal Justice, 21*, 117–130.

Flanagan, T. J. (1991, Spring). Adaptation and adjustment among long-term prisoners. *Federal Prison Journal, 2,* 41–51.

Flavin, J., & D. Rosenthal. (2003). La Bodega de la Familia: Supporting parolees' reintegration within a family context. *Fordham University Urban Law Journal, 30*(5), 1603–1620.

Fleisher, M. (1989). *Warehousing violence.* Newbury Park, CA: Sage.

Fleming, M. M. (1993). Santería. *Hispanic, 6,* 32–35.

Fliter, J. A. (2001). *Prisoners' rights: The Supreme Court and evolving standards of decency.* Westport, CT: Greenwood.

Florida Children's Campaign. (2001). *Campaign news and updates: Florida Juvenile Justice Benchmark Poll.* Retrieved from http://www.iamforkids.org

Florida Department of Corrections. (n.d.). *Major prison gangs*. Retrieved from www.dc.state.fl.us/pub/gangs/ prison

Flynn, E. G. (1963). *The Alderson story: My life as a political prisoner.* New York: International Publishers.

Flynn, E. G. (1973). *Rebel girl: An autobiography, my first life.* New York: International Publishers.

Foerstel, H. (1999). *Freedom of information and the right to know: The origins and applications of the Freedom of Information Act.* Westport, CT: Greenwood.

Foner, P. S. (1955). *History of the labor movement in the United States*. New York: International Publishers.

Foner, P. S., & Miller, S. M. (Eds.). (1982). *Kate Richards O'Hare: Selected writings and speeches*. Baton Rouge: Louisiana State University Press.

Forsyth, C. J., & Evans, R. D. (2003). Reconsidering the pseudo-family/gang gender distinction in prison research. *Journal of Police and Criminal Psychology, 18,* 15–23.

Forsythe, B. (Ed.). (2000). *The state of prisons in England 1775-1905.* London: Routledge.

Foster, B. (1995). Plantation days at Angola: Major James and the origins of modern corrections in Louisiana. In B. Foster, W. Rideau, & D. Dennis (Eds.), *The wall is strong: Corrections in Louisiana*. Lafayette: Center for Louisiana Studies.

Foster, B., Rideau, W., & Dennis, D. (Eds.). (1995). *The wall is strong: Corrections in Louisiana.* Lafayette: Center for Louisiana Studies, University of Southwestern Louisiana.

Foucault, M. (1965). *Madness and civilization: A history of insanity in the age of reason.* New York: Pantheon.

Foucault, M. (1967). *Madness and civilization*. London: Tavistock.

Foucault, M. (1970). *The order of things* [*Les Mots et les choses*] (Trans. unnamed). London: Tavistock.

Foucault, M. (1972). *The archaeology of knowledge*. London: Routledge.

Foucault, M. (1975). *Surveiller et punir: Naissance de la prison.* Paris: Éditions Gallimard.

Foucault, M. (1977). *Discipline and punish: The birth of the prison* [*Surveiller et punir: Naissance de la prison*] (A. Sheridan, Trans.). London: Allen Lane-Penguin.

Foucault, M. (1977). *Discipline and punish: The birth of the prison.* New York: Pantheon.

Foucault, M. (1977). *Discipline and punish: The birth of the prison.* New York: Vintage.

Foucault, M. (1979). *Discipline and punish: The birth of the prison.* New York: Doubleday.

Foucault, M. (1980a). *The history of sexuality: Vol. 1. An introduction.* New York: Random House.

Foucault, M. (1980b). *Power/knowledge: Selected interviews and other writings 1972–1977* (C. Gordon, Ed.). Hemel Hempstead, UK: Harvester-Wheatsheaf.

Foucault, M. (1991a). *Discipline and punish* (A. Sheridan, Trans.). London: Penguin.

Foucault, M. (1991b). Governmentality. In G. Burchell, C. Gordon, & P. Miller, *The Foucault effect: Studies in governmentality*. Chicago: University of Chicago Press.

Foucault, M. (1995). *Discipline and punish: The birth of the prison.* New York: Vintage.

Fox, J. (1976). *Self-imposed stigmata: A study among female inmates.* Unpublished doctoral dissertation, State University of New York at Albany.

Fox, J. (1982). *Organizational and racial conflict in maximum-security prisons.* Lexington, MA: Lexington Books.

Fox, V. (1973). *Violence behind bars: An explosive report on prison riots in the United States.* Westport, CT: Greenwood.

Fradella, H. F. (1998, December). A typology of the frivolous: Varying meanings of frivolity in Section 1983 Prisoner Civil Rights Litigation. *The Prison Journal, 78*, 465–491.

Fraden, R. (2001). *Imagining Medea: Rhodessa Jones and theater for incarcerated women.* Chapel Hill: University of North Carolina Press.

Franke, H. (1992). The rise and decline of solitary confinement. *British Journal of Criminology*, *32*(2), 125–143.

Frankel, M. E. (1974). *Criminal sentences: Law without order*. New York: Hill and Wang.

Franklin, H. B. (1982). *Prison literature in America: The victim as criminal and artist*. Westport, CT: Lawrence Hill & Company.

Franklin, H. B. (1989). *Prison literature in America: The victim as criminal and artist.* New York: Oxford University Press.

Franklin, H. B. (Ed.). (1998). *Prison writing in 20th century America*. New York and London: Penguin.

Franklin, J. D. (2000). Comment: Three strikes and you're out of constitutional rights? The Prison Litigation Reform Act's "three strikes" provision and its effect on indigents. *University of Colorado Law Review, 71,* 189–220.

Frazier, C. E., & Bishop, D. (1990). *Gender bias in juvenile justice processing: implications of the JJDP Act.* Paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Denver.

Freed, D. J. (1992). Federal sentencing in the wake of the guidelines: Unacceptable limits on the discretion of sentencers. *Yale Law Journal, 101,* 1681.

Freedman, E. B. (1981). *Their sisters' keepers: Women's prison reform in America, 1830–1930.* Ann Arbor: University of Michigan Press.

Freedman, E. B. (1996a). *Maternal justice: Miriam Van Waters and the female reform tradition.* Chicago: University of Chicago Press.

Freedman, E. B. (1996b). The prison lesbian: Race, class, and the construction of the aggressive female homosexual, 1915–1965. *Feminist Studies, 22*(2)*,* 397–423.

Freedman, E. M. (2001). *Habeas corpus: Rethinking the great writ of liberty.* New York: New York University Press.

Freedman, J. (1983). *Social movements of the sixties and seventies*. New York: Longman.

Freeman, A., Aiyetoro, A., & Korn, R. (1987). *Report on the High Security Unit for women, Federal Correctional Institution, Lexington, Kentucky.* Washington, DC: American Civil Liberties Union, National Prison Project.

Freeman, R. M. (1998). Public perceptions and corrections: Correctional officers as smug hacks. In F. Bailey & D. Hale (Eds.), *Popular culture, crime, and justice* (pp. 196–208). New York: West/Wadsworth.

FreePeltier.org. (2004). *The case of Leonard Peltier: Native American political prisoner*. Retrieved September 10, 2004, from www.freepeltier.org

Freilich, J. D., Newman, G., Shoham, S. G., & Addad, M. (Eds.). (2002). *Migration, culture conflict, and crime.* Burlington, VT: Ashgate.

Freud, S. (1971). *The psychopathology of everyday life.* New York: Norton.

Friedman, L. M. (1993). *Crime and punishment in American history.* New York: Basic Books.

Friedman, M. (1992). Special project: Cruel and unusual punishment in the provision of prison medical care—Challenging the deliberate indifference standard. *Vanderbilt Law Review, 45*, 921.

Fritsch, E., & Hemmens, C. (1995). Juvenile waiver in the United States 1979–1995: A comparison and analysis of state waiver statutes. *Juvenile and Family Court Journal, 46,* 17–35.

Fry, E. (1827). *Observations on visiting, superintending, and government of female prisons.* London: John and Arthur Arch.

Fuchs, M. (2002, September 21). After 9/11, inmates search for the true nature of Islam. *New York Times,* p. A16.

Gabel, K., & Girard, K. (1995). Long-term care nurseries in prisons: A descriptive study. In K. Gabel & D. Johnston (Eds.), *Children of incarcerated parents* (pp. 237–254). New York: Lexington.

Gabel, K., & Johnston, D. (Eds.). (1995). *Children of incarcerated parents.* New York: Lexington.

Gadsden, V., Rethemeyer, R. K., Turri-Wofford, J., & Morrison, M. (2001). *Uncertain support: State fathering efforts in correctional settings.* Philadelphia: University of Pennsylvania, National Center on Fathers and Families.

Gainey, R. R., & Payne, B. K. (2000, February). Understanding the experience of house arrest with electronic monitoring: An analysis of quantitative and qualitative data. *International Journal of Offender Therapy and Comparative Criminology, 44*(1), 84–96.

Galanter, M. (1991). Punishment: Civil style. *Israel Law Review, 25*, 759–791.

Galaway, B., & Hudson, J. (Eds.). (1996). *Restorative justice: International perspectives.* Monsey, NY: Criminal Justice Press.

Galliher, J. F. (1972, July). Change in a correctional institution: A case study of the tightening-up process. *Crime & Delinquency*, *18,* 263–270.

Ganzfried, S. (1993). (H. E. Goldin, Trans., annotated revised ed.). *Code of Jewish law: Kitzur [Abridged] Shulhan Arukh, A compilation of Jewish laws and customs*. New York: Hebrew Publishing Company.

Garabedian, P. G. (1963). Social roles and processes of socialization in the prison community. *Social Problems, 11,* 139–152.

Gardell, M. (1996). *In the name of Elijah Muhammad: Louis Farrakhan and the Nation of Islam*. Durham, NC: Duke University Press.

Garey, D. (1998). *Defending everybody: A history of the American Civil Liberties Union.* New York: TV Books.

Garland, D. (1990). *Punishment and modern society: A study in social theory.* Chicago: University of Chicago Press.

Garland, D. (1991). Sociological perspectives on punishment. *Crime and Justice. 14*(1), 115–164.

Garland, D. (2001). *The culture of control: Crime and social order in contemporary society.* Chicago: University of Chicago Press.

Garland, D. (2002). Of crimes and criminals: The development of criminology in Britain. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (pp. 7–50). London: Oxford University Press.

Garofalo, A. (2000). *Brennan v. State*: The constitutionality of executing sixteen-year-old offenders in Florida. *Nova Law Review, 24*, 855.

Garrett, P. W., & MacCormack, A. H. (Eds.). (1929). *Handbook of American prisons and reformatories*. New York: National Society of Penal Information.

Garvey, J., & Schauer, F. (1996). *The First Amendment: A reader.* St. Paul, MN: West Group.

Garvey, M. O. (2001). Death in Terre Haute. *Commonweal, 128*(13), 9–11.

Gatrell, V. A. C. (1994). *The hanging tree: Execution and the English people, 1770–1868.* Oxford, UK: Oxford University Press.

Gaucher, B. (Ed.). (2002). *Writing as resistance: The Journal of Prisoners on Prisons anthology (1988–2002).* Toronto: Canadian Scholars' Press.

Gaylin, W. (1970). *In the service of their country: War resisters in prison.* New York: Viking.

Geis, G., Mobley, A., & Shichor, D. (1999). Private prisons, criminological research, and conflict of interest: A case study. *Crime & Delinquency, 45*, 372–388.

Genders, E., & Player, E. (1987). Women in prison: The treatment, the control and the experience. In P. Carlen & A. Worrall (Eds.), *Gender, crime and justice* (pp. 161–175). Milton Keynes, UK: Open University Press.

Genders, E., & Player, E. (1989). *Race relations in prison.* Oxford, UK: Clarendon.

Genders, E., & Player, E. (1995). *Grendon: A study of a therapeutic prison*. Oxford, UK: Clarendon.

Gendreau, P., & Ross, R. (1987). Revivification of rehabilitation: Evidence from the 1980s. *Justice Quarterly, 4*(3), 349–407.

General Accounting Office. (1998). *Illegal aliens: Changes in the process of denying aliens entry into the United States.* Washington, DC: U.S. Government Printing Office.

Genet, J. (1966). *The miracle of the rose* (B. Frechman, Trans.). New York: Grove.

Gengler, W., & Riley, C. (1995). Two states' training programs lead the way to the 21st century. *Corrections Today*, *57*(3), 104–107.

George, A. L. (1893). *The Texas convict: Thrilling and terrible experience of a Texas boy.* Austin, TX: Ben C. Jones.

George, N. (1998). *Hip hop America.* New York: Penguin.

Gerard, R. E. (1991, April) The ten commandments of unit management. *Corrections Today,* 32, 34, 36.

Gerber, J., & Fritsch, E. (1993). *Prison education and offender behavior: A review of the scientific literature.* Huntsville: Texas Department of Criminal Justice, Institutional Division.

Gettinger, S., & Krajick, K. (1979). The demise of prison medical research. *Corrections, 5*(4), 4–14.

Giallombardo, R. (1966a). Social roles in a prison for women. *Social Problems, 13,* 268–288.

Giallombardo, R. (1966b). *Society of women: A study of a women's prison*. New York: John Wiley.

Giallombardo. R. (1974). *The social world of imprisoned girls: A comparative study of institutions for juvenile delinquents.* New York: John Wiley.

Gibbs, J. P. (1968). Crime, punishment and deterrence. *Southwestern Social Science Quarterly, 48,* 515–530.

Gildemeister, G. A. (1987). *Prison labor and convict competition with free workers in industrializing America, 1840–1890*. New York: Garland.

Gill, H. B. (1931). The prison labor problem. *The Annals, 157*, 83–101.

Gill, H. B. (2001). A new prison discipline. In E. J. Latessa, A. Holsinger, J. W. Marquart, & J. R. Sorensen (Eds.), *Correctional contexts* (2nd ed., pp. 49–55). Los Angeles: Roxbury.

Gillespie, A. C. (1998). Note: Constitutional challenges to civil commitment laws: An uphill battle for sexual predators after *Kansas v. Hendricks*. *Catholic University Law Review, 47,* 1145–1187.

Gillespie, K. (2000). *Dancehall ladies: Executed women of the 20th century.* Lanham, MD: University Press of America.

Gillespie, L. K. (2003). *Inside the death chamber: Exploring executions.* New York: Allyn & Bacon.

Gillin, J. L. (1926). *Criminology and penology*. New York: Century.

Gilmore, M. (1994). *Shot in the heart.* New York: Doubleday.

Gilmore, R .W. (In press). *Golden gulag,* Berkeley: University of California Press.

Ginzberg, L. D. (1990). *Women and the work of benevolence*. New Haven, CT: Yale University Press.

Girdner, A., & Loftis, A. (1969). *The great betrayal: The evacuation of the Japanese-Americans during World War II*. London: Macmillan.

Girschick, L. (1999). *No safe haven: Stories of women in prison.* Boston: Northeastern University Press.

Girshick, L. B. (1996). *Soledad women: Wives of prisoners speak out.* Westport, CT: Praeger.

Glaberson, W. (2001, February 16). States' pardons now looked at in starker light. *New York Times*. Retrieved from http://www.nytimes.com/2001/02/16/national/16STAT.html?ex=1080622800&en=776f3bf5c096c91b&ei=5070

Gladstone, M. (2004, March 6). Negotiator works both sides. *San Jose Mercury News,* p. 3A.

Glaser, D. (1998). Who gets probation and parole: Case study versus actuarial decision making. In P. O'Malley (Ed), *Crime and the risk society* (pp. 439–450). Dartmouth, UK: Ashgate.

Glaser, W. (1964). *The effectiveness of a prison and parole system.* Indianapolis, IN: Bobbs-Merrill.

Glaze, L. (2003). *Probation and parole in the United States, 2002*. Washington, DC: Bureau of Justice Statistics.

Glaze, L., & Palla, S. (2004). *Probation and parole in the United States, 2003* (NCJ 205336). Washington, DC: Bureau of Justice Statistics.

Gleason, J. (1975). *Santería*. Bronx, NY: Atheneum.

Glicken, M. D., & Sechrest, D. K. (2003). *The role of the helping professions in treating the victims and perpetrators of violence.* Boston: Allyn & Bacon.

Glueck, B. (1916). *Studies in forensic psychiatry*. Boston: Little, Brown.

Glueck, S. (Ed.). (1933). *Probation and criminal justice: Essays in honor of Herbert C. Parsons.* New York: Macmillan.

Glueck, S., & Glueck, E. T. (1930). *500 criminal careers.* New York: Knopf.

Glueck, S., & Glueck, E. T. (1934). *500 delinquent women.* New York: Knopf.

Goff, C. (1999). *Corrections in Canada.* Cincinnati, OH: Anderson.

Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. Garden City, NY: Doubleday/Anchor.

Goffman, E. (1997). Characteristics of total institutions. In J. W. Marquart & J. R. Sorensen (Eds.), *Correctional contexts: Contemporary and classical readings* (pp. 97–108). Los Angeles: Roxbury.

Goldberg, D. (1996, September 12). Demand to remove artificial leg is found unreasonable. *Los Angeles Daily Journal*, p. 1.

Goldfarb, P. (1996, March). Describing without circumscribing: Questioning the construction of gender in the discourse of intimate violence. *George Washington Law Review, 64,* 582.

Goldman, P. (1973). *The death and life of Malcolm X.* New York: Harper & Row.

Goldson, B. (2002). New punitiveness: The politics of child incarceration. In J. Muncie, G. Hughes, & E. McLaughlin (Eds.), *Youth justice: Critical readings* (pp. 386–401). London: Sage.

Goldstein, A. (1974). *The unquiet death of Julius and Ethel Rosenberg* [Film]. Brooklyn, NY: First Run/Icarus Films.

Gollaher, D. (1995). *Voice for the mad: The life of Dorothea Dix.* New York: Free Press.

Goodstein, L., & Hepburn, J. (1985). *Determinate sentencing and imprisonment: A failure of reform.* Cincinnati, OH: Anderson.

Gordon, G., & McConnell, E. H. (1999). Are conjugal and familial visitations effective rehabilitative concepts? *The Prison Journal, 79,* 119–135.

Gordon, J., & McConnell, E. (1999). Are conjugal and familial visitations effective rehabilitative concepts? *The Prison Journal, 79,* 119–135.

Gordon, R. E. (2000). *The funhouse mirror: Reflections on prison.* Pullman: Washington State University Press.

Gorman, T. (2001). Back on the chain gang: Why the Eighth Amendment and the history of slavery proscribe the resurgence of chain gangs. In P. Leighton & J. Reiman (Eds.), *Criminal justice ethics.* Upper Saddle River, NJ: Prentice Hall.

Gorn, E. J. (2001). *Mother Jones: The most dangerous women in America.* New York: Hill and Wang.

Gottfredson, D. M. (1999). *Effects of judges' sentencing decisions on criminal careers* (NCJ–178889). Washington, DC: U.S. Department of Justice, National Institute of Justice.

Gottfredson, M. R., Chandler, M. A., & Cohen, L. E. (1983). Legal aim, discretion, and social control: A case study of the Federal Youth Corrections Act. *Criminology, 21,* 95–118.

Gottfredson, S. D., & McConville, S. (1987). *America's correctional crisis: Prison populations and public policy.* Westport, CT: Greenwood.

Gottlieb, D., & Coyne, R. (2001, Winter). Habeas corpus practice in state and federal courts. *New Mexico Law Review, 31*(1), 201–217.

GRACE, End-of-Life Care Standards of Practice in Correctional Settings. (2004). Retrieved from http://www.graceprojects.org/graceprojects/standards.htm

GRACE Project. (2001). *A handbook for end-of-life care in correctional facilities.* Alexandria, VA: Volunteers of America.

Graham, E., Delnef, C., & Murphy, J. (2000). Long-term offenders. *Forum on Corrections Research, 12*(3).

Gramsci, A. (1971). *Selections from the prison notebooks* (Q. Hoare & P. Nowell-Smith, Trans.). London: Lawrence & Wishart.

Granfield, J. (1978). The life sentence: Its meaning. *Police-Chief-Gaithersburg-Md*, *45*, 45–47.

Grassian, S. (1983). Psychopathological effects of solitary confinement. *American Journal of Psychiatry, 140*(11), 1450–1454.

Grassian, S., & Friedman, N. (1986). Effects of sensory deprivation in psychiatric seclusion and solitary confinement. *International Journal of Law and Psychiatry, 8,* 49–65.

Gray, M. P. (1999). *Elmira, a city on a prison-camp contract.* Retrieved from http://www.gloverfamily.com/civilwar/elmira/elmirahistory.htm

Gray, T. (2002). *Exploring corrections: A book of readings.* Boston: Allyn & Bacon.

Great Britain Home Office Research Development and Statistics Directorate. (2001). *Statistics on women and the criminal justice system, 2001.* London: Author.

Green, F. (1949). Some aspects of the convict lease system in the Southern states. In *Essays in Southern history* (Vol. 31). Durham: University of North Carolina Press.

Greenberg, D. (1993). *Crime and capitalism: Readings in Marxist criminology* (Expanded and updated ed.). Philadelphia: Temple University Press.

Greenfeld, L. A., & Snell, T. L. (1999). *Women offenders: Bureau of Justice Statistics Bulletin.* Washington, DC: U.S. Department of Justice.

Greenfeld, L., & Smith, S. (1999). *American Indians and crime* (Vol. NCJ 173386). Washington, DC: U.S. Department of Justice.

Greenfield, L. A., & Snell, T. L. (1999). *Women offenders* (Bureau of Justice Statistics special report). Washington, DC: Bureau of Justice.

Greenwood, P. W., Model, K. E., Rydell, C. P., & Chiesa, J. (1996). *Diverting children from a life of crime: Measuring costs and benefits.* Santa Monica, CA: RAND.

Greer, K. (2000). The changing nature of interpersonal relationships in a women's prison. *The Prison Journal, 80*(4), 442–468.

Greer, K. R. (2000). The changing nature of interpersonal relationships in a women's prison. *The Prison Journal*, *80*(4), 442–468.

Greifinger, R. (2002). *The health status of soon-to-be-released inmates: A report to Congress.* Retrieved from the National Commission on Correctional Health Care Web site: http://www.ncchc.org/pubs/pubs_stbr.html

Greifinger, R. B. (1999). Commentary: Is it politic to limit our compassion*? Journal of Law, Medicine & Ethics, 27,* 234–237.

Griffin, P. (2000). National overviews. *State juvenile justice profiles.* Pittsburgh, PA: National Center for Juvenile Justice. Retrieved from http://www.ncjj.or/stateprofiles/

Griffin, P., Torbet, P. M., & Szymanski, L. (1998). *Trying juveniles as adults in criminal court: An analysis of state transfer provisions.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Grimes, P. W., & Rogers, K. E. (2000). Truth-in-sentencing, law enforcement, and inmate population growth. *Journal of Socioeconomics, 28,* 745–757.

Griset, P. (1991). *Determinate sentencing: The promise and the reality of retributive justice.* Albany: State University of New York Press.

Grobsmith, E. (1994). *Indians in prison: Incarcerated Native Americans in Nebraska*. Lincoln & London: University of Nebraska Press.

Groden, R. J. (1994). *The killing of the president: The complete photogenic record of the JFK assassination, the conspiracy, and the cover-up*. New York: Penguin Studio.

Grossman, W. (2001, June 28). Naked sham. *Houston Press*, p. 19.

Grünhut, M. (1948/1972). *Prison labor.* In M. Grünhut, *Penal reform: A comparative study* (Chap. 9). Montclair, NJ: Patterson-Smith.

Gudjonsson, G. H., & Howard, L. R. C. (1998). *Forensic psychology: A guide to practice*. London & New York: Routledge.

Guerette, R. T. (2000). *Substantial assistance departures: Unintended consequences of Sections 3553 (E) and 5k1.1 of the United States Sentencing Guidelines.* Unpublished master's thesis, University of North Carolina, Charlotte.

Gunaratna, R. (2003). *Inside Al Qaeda: Global network of terror.* New York: Berkley.

Gusfield, J. R. (1986). *Symbolic crusade: Status politics and the American temperance movement.* Chicago: University of Illinois Press.

Gussak, D., & Virshup, E. (1997). *Drawing time: Art therapy in prisons and other correctional settings.* Chicago: Magnolia Street Publishers.

Gutterman, M. (1997). The prison jurisprudence of Justice Thurgood Marshall. *Maryland Law Review, 56,* 149ff.

Gutting, G. (1989). *Michel Foucault's archaeology of scientific reason*. Cambridge, UK: Cambridge University Press.

Guy, W. A. (1875). John Howard's true place in history. *Journal of the Statistical Society of London. 38*, 430–437.

Hadaway, T. (1986). *Prison writers: An anthology*. London: Iron Press.

Haga, B. (1994). Prison blues: Jeans change public perceptions, offer innovative solutions. *Corrections Compendium, 19,* 1–4.

Hagan, J., & Dinovitzer, R. (1999). Collateral consequences of imprisonment for children, communities, and prisoners. In M. Tonry & J. Petersilia (Eds.), *Prisons.* Chicago: University of Chicago Press.

Hagedorn, J. (1990). Back in the field again: Gang research in the nineties. In C. R. Huff (Ed.), *Gangs in America.* Newbury Park, CA: Sage.

Hagedorn, J. (1998). *People and folks* (2nd ed.). Chicago: Lakeview.

Haggard, M., with Russel, P. (1981). *Sing me back home*. New York: Pocket Books.

Hahn, P. H. (1996). Standardized curriculum for correctional officers. *The Keepers' Voice*, *15*(4), 6.

Haigler, K. O., Harlow, C., O'Connor, P., & Campbell, A. (1994). *Literacy behind prison walls.* Washington, DC: National Center for Education Statistics.

Haines, H. H. (1996). *Against capital punishment: The anti-death penalty movement in America, 1972–1994.* New York: Oxford University Press.

Hairsten, C. F. (1988). Family ties during imprisonment: Do they influence future criminal activity? *Federal Probation, 52*(1), 48–52.

Hairston, C. F. (1990). Mothers in jail: Parent-child separation and jail visitation. *Affilia, 6*(2), 9–27.

Hairston, C. F. (1991). Family ties during imprisonment: Important to whom and for what? *Journal of Sociology and Social Welfare, 18*(1), 87–104.

Hairston, C. F. (1998, September/October). The forgotten parent: Understanding the forces that influence incarcerated fathers relationships with their children. *Child Welfare, 77*(5), 617–639.

Hallinan, J. T. (2001). *Going up the river: Travels in a prison nation.* New York: Random House.

Hamilton, A. (1999). No. 74. *The federalist papers*. New York: Mentor Books. (Original work published 1788)

Hamilton, G. S. (2002). Casenote: The blurry line between "mad" and "bad"—Is "lack-of-control" a workable standard for sexually violent predators? *University of Richmond Law Review, 36,* 481–508.

Hamm, M. (1997). *Apocalypse in Oklahoma.* Boston: Northeastern University Press.

Hamm, M. S. (1995). *The abandoned ones: The imprisonment and the uprising of the Mariel boat people*. Boston: Northeastern University Press.

Hamm, M. S., Coupez, T., Hoze, F. E., & Weinstein, C. (1994). The myth of human imprisonment: A critical analysis of severe discipline in maximum security prisons, 1945–1990. In M. C. Braswell, R. H. Montgomery, Jr., & L. X. Lombardo (Eds.), *Prison violence in America* (2nd ed., pp. 167–200). Cincinnati, OH: Anderson.

Hammett, T. M., Harmon, P., & Maruschak. L M. (1999). *1996–1997 update: HIV/AIDS, STDs, and TB in correctional facilities.* Washington, DC: National Institute of Justice.

Hammett, T. M., Roberts, C., & Kennedy S. (2001). Health-related issues in prisoner reentry. *Crime & Delinquency, 47*(3), 390–409.

Handling offenders the military's way. (1992, February). *Corrections Today, 54*(1).

Haney, C. (1993). "Infamous punishment": The psychological consequences of isolation. *The National Prison Project Journal, 8*(2), 3–7, 21.

Haney, C. (1997). Psychology and the limits to prison pain: Confronting the coming crisis in Eighth Amendment law. *Psychology, Public Policy and Law, 3*(4), 499-588.

Haney, C. (2003). Mental health issues in long-term solitary and "supermax" confinement. *Crime & Delinquency, 49,* 124–156.

Haney, C., & Lynch, M. (1997). Regulating prisons of the future: The psychological consequences of solitary and supermax confinement. *New York University Review of Law and Social Change, 23,* 477–570.

Hanks, G. (1981). *Friend of prisoners: The story of Elizabeth Fry.* Exeter, UK: Religious and Moral Education Press.

Hannah-Moffat, K. (1999). Moral agent or actuarial subject: Risk and Canadian women's imprisonment. *Theoretical Criminology, 3*(1), 71–94.

Hannah-Moffat, K., & Shaw, M. (2000). *An ideal prison? Critical essays on women's imprisonment.* Halifax, NS: Fernwood.

Hanson, R. K., & Bussière, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology, 66*, 348–362.

Hanson, R. K., & Harris, A. J. R. (2000). *The Sex Offender Needs Assessment Rating (SONAR): A method for measuring change in risk levels* (User Report 2000-1). Ottawa, ON: Department of the Solicitor General of Canada. Retrieved from http://www.sgc.gc.ca

Hanson, R. K., & Thornton, D. (1999). *Static-99: Improving actuarial risk assessments for sex offenders* (User Report 1999-02). Ottawa, ON: Department of the Solicitor General of Canada. Retrieved from http://www.sgc.gc.ca

Harding, C., Hines, B., Ireland, R., & Rawlings, P. (1985). *Imprisonment in England and Wales: A concise history.* London: Croom Helm.

Harding, J. (1987). *Probation and the community: A practice and policy reader.* London: Tavistock.

Harding, R. (1997). *Private prisons and public accountability.* Buckingham, UK: Open University Press.

Hardyman, P., Austin, J., & Peyton, J. (2004). *Prisoner intake systems: Assessing needs and classifying prisoners.* Washington, DC: National Institute of Corrections.

Hardyman, P., & Van Voorhis, P. (2004). *Developing gender-specific classification systems for women offenders.* Washington, DC: National Institute of Corrections.

Hare, R. (2004). *Hare Psychopathy Checklist-Revisited* (2nd ed.). North Tonawanda, NY: MultiHealth Systems.

Harer, M. (1995). *Prison education program participation and recidivism: A test of the normalization hypothesis.* Washington, DC: Federal Bureau of Prisons.

Harlow, C. W. (1999). *Prior abuse reported by inmates and probationers* (NCJ 172879). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Harlow, C. W. (2003, January). *Education and correctional populations* (Bureau of Justice Statistics special report). Washington, DC: U.S. Department of Justice. Retrieved from http://www.ojp.usdoj.gov/bjs/abstract/ecp.htm

Harrington, J. C. (2000). The ADA and Section 1983: Walking hand in hand. *The Review of Litigation, 19*(3), 435–465.

Harris, J. (1990). *They always call us ladies*. New York: Zebra.

Harris, J. C., & Jesilow, P. (2000). It's not the old ball game: Three strikes and the courtroom workgroup. *Justice Quarterly, 17,* 185–203.

Harris, M. B. (1936). *I knew them in prison.* New York: Viking.

Harris, M. K. (1991). Moving into the new millennium: Toward a feminist vision of justice. In H. Pepinsky & R. Quinney (Eds.), *Criminology as peacemaking* (pp. 83–97). Bloomington: Indiana University Press.

Harrison, P. M., & Beck, A .J. (2002). *Prisoners in 2001*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Harrison, P. M., & Beck, A. J. (2003). *Prisoners in 2002* (NCJ 200248). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Hart, L. (1994). *Fatal women: Lesbian sexuality and the mark of aggression*. Princeton, NJ: Princeton University Press.

Hartjen, C., & Rhine, E. (1992). Ageing inmate offenders: Another perspective. In C. Hartjen & E. Rhine (Eds.), *Correctional theory and practice*. Chicago: Nelson Hall.

Hartman, D. J., Friday, P. C., & Minor, K. I. (1994). Residential probation: A seven-year follow-up study of halfway house discharges. *Journal of Criminal Justice, 22*(6), 503–515.

Hartman, D. M., & Golub, A. (1999). The social construction of the crack epidemic in the print media. *Journal of Psychoactive Drugs, 31*, 423–433.

Hartnagel, T. F., & Gillian, M. E. (1980). Female prisoners and the inmate code. *Pacific Sociological Review, 23,* 85–104.

Hasaballa, A. Y. (2001). *The social organization of the modern prison.* Lewiston, NY: E. Mellon.

Hass, K., & Alpert, G. (1995). *The dilemmas of corrections*. Prospect Heights, IL: Waveland.

Hass, K. C., & Alpert, G. P. (Eds.). (1991). American prisoners and the right of access to the courts: A vanishing concept of protection. In *The dilemmas of corrections* (4th ed., pp. 244–267). Prospect Heights, IL: Waveland.

Hassine, V. (1999). *Life without parole: Living in prison today.* Los Angeles: Roxbury.

Havel, V. (1985). *The power of the powerless* (P. Wilson, Trans.). Boston: Sharp.

Hawes Cooper Act, 49 U.S.C. 60 (1929).

Hawkes, M. G. (1991). Women's changing roles in corrections. In J. Morton (Ed.), *Change, challenge and choices.* Laurel, MD: American Correctional Association.

Hawkins, G. (1983). Prison labor and prison industries. *Crime and Justice: An Annual Review of Research* (Vol. 5, pp. 85–127). Chicago: University of Chicago Press.

Hay, G. (n.d.). *Biography of John Howard*. Retrieved from http://www.johnhoward.ca.bio.htm

Hayes, H. (2001). *U.S. immigration policy and the undocumented: Ambivalent laws, furtive lives.*Westport, CT: Praeger.

Hayes, L. M. (1995). Prison suicide: An overview and a guide to prevention. *The Prison Journal, 75*(4) 431–456.

Haymes, S. N. (1995). *Race, culture, and the city: A pedagogy for black urban struggle*. Albany: State University of New York Press.

Healy, M. (1994, January 8). Science of power and weakness. *Los Angeles Times,* pp. A1, A12.

Healy, W. (1915). *The individual delinquent*. Boston: Little, Brown.

Heany, G. W. (1991). Reality of guidelines sentencing: No end to disparity. *American Criminal Law Review, 28,* 161–233.

Heffernan, E. (1972). *Making it in prison: The square, the cool, and the life.* New York: John Wiley.

Heffernan, E. (1994). Banners, brothels, and a "ladies seminary": Women and federal corrections. In J. Roberts (Ed.), *Escaping prison myths: Selected topics in the history of federal corrections* (pp. 37–79). Washington, DC: American University Press.

Heilman, K., & Lawson, K. M. (2000, December). Facilitating communication with limited- and non-English-speaking offenders. *Corrections Today*.

Heilpern, D. (1998). *Fear or favour: Sexual assault of young prisoners.* Lismore, NSW, Australia: Southern Cross University Press.

Held, R. (1985). *Inquisition: A bilingual guide to the exhibition of torture instruments.* Florence, Italy: Qua D'Arno.

Helfgott, J. B., Lovell, M. L., Lawrence, C. F., & Parsonage, W. H. (2000). Results from the pilot study of the Citizens, Victims, and Offenders Restoring Justice Program at the Washington State Reformatory. *Journal of Contemporary Criminal Justice*, *16*, 5–31.

Hemmens, C., Belbot, B., & Bennett, K. (2004). *Criminal justice case briefs: Significant cases in corrections.* Los Angeles: Roxbury.

Hemmens, C., & Marquart, J. (1999). The impact of inmate characteristics on perceptions of race relations in prison. *International Journal of Offender Therapy and Comparative Criminology, 43,* 230–247.

Henderson, D., Schaeffer, J., & Brown, L. (1998). Gender-appropriate mental health services for incarcerated women. *Family and Community Health, 21*(3), 42–53.

Henderson, J. D., Rauch, W. H., & Phillips, R. L. (1997). *Guidelines for the development of a security program* (2nd ed.). Lanham, MD: American Correctional Association.

Henderson, M., Cullen, F., Carroll, L., & Feinberg, W. (2000). Race, rights, and order in prison. *The Prison Journal, 80,* 295–308.

Hendricks, J., & Byers, B. (Eds.). (2000). *Multicultural perspectives in criminal justice and criminology.* Springfield, IL: Charles C Thomas.

Heney, J. (1990). *Report on self-injurious behavior in the Kingston Prison for Women*. Submitted to the Correctional Service of Canada.

Heney, J., & Kristiansen, C. M. (1997). An analysis of the impact of prison on women survivors of childhood sexual abuse. *Women and Therapy*, *20*(4), 29–44.

Hengesh, D. J. (1991, October). Think of boot camps as a foundation for change, not an instant cure. *Corrections Today, 53*.

Henning, K. R., & Frueh, B. C. (1996). Cognitive-behavioral treatment of incarcerated offenders: An evaluation of the Vermont Department of Corrections' cognitive self-change program. *Criminal Justice and Behavior, 23*(4), 523–542.

Henry, S., & Milovanovic, D. (1991). Constitutive criminology: The maturation of critical theory. *Criminology, 29*, 293–315.

Henry, S., & Milovanovic, D. (1996). *Constitutive criminology: Beyond postmodernism.* London: Sage.

Henry, S., & Milovanovic, D. (Eds.). (1999). *Constitutive criminology at work: Applications to crime and justice.* Albany: State University of New York Press.

Hensley, C. (2000). Attitudes toward homosexuality in a male and female prison: An exploratory study. *The Prison Journal, 80*(4), 434–441.

Hensley, C. (2001). Consensual homosexual activity in male prisons. *Corrections Compendium, 26*(1)*,* 1–4.

Hensley, C. (Ed.). (2002). *Prison sex: Practice and policy.* Boulder, CO: Lynne Rienner.

Hensley, C., Struckman-Johnson, D., & Eigenberg, H. M. (2000). Introduction: The history of prison sex research. *The Prison Journal, 80*(4), 360–367.

Hensley, C., & Tewksbury, R. (2002). Inmate-to-inmate prison sexuality: A review of empirical studies. *Trauma, Violence and Abuse, 3*, 226–243.

Herb, B. (1995). *Black Panthers for beginners.* New York: Writers and Readers Publishing.

Herman, S. N. (1998). Article: Slashing and burning prisoners' rights: Congress and the Supreme Court in dialogue. *Oregon Law Review, 77,* 1229–1303.

Herrod, R., Lt. Col. (1960). The United States Disciplinary Barracks system. *Military Law Review,* pp. 35–72.

Hess, A. K., & Weiner, I. B. (1999). *The handbook of forensic psychology* (2nd ed.). New York: John Wiley.

Hibbert, C. (1963). *The roots of evil*. Harmondsworth, UK: Penguin.

Hickman, M. J., & Brian A. R. (2001). *Local police departments 1999.* Washington, DC: Bureau of Justice Statistics.

Higginbotham, A. L., Jr., and Jacobs, A. (1992). The "Law Only as Enemy" The legitimization of racial powerlessness through colonial and ante-bellum criminal laws of Virginia. *North Carolina Law Review 70,* 969, 1059.

Higginbotham, P. E. (1991). Juries and the death penalty. *Case Western Reserve Law Review, 41*(4), 1047–1067.

Hilbrand, R. J. (1969). The anatomy of escape. *Federal Probation, 33*(1), 58–66.

Hill, M. (2003, April 17). 32 years later, Attica victims say they wait for justice. *Boston Globe Online*. Retrieved from http://www.boston.com/dailynews

Hiller, E. T. (1914–1915, July). Development of the systems of control of convict labor in the United States. *Journal of the American Institute of Criminal Law and Criminology, 5*, 241–269.

Hilliard, D., & Cole, L. (1993). *This side of glory: The autobiography of David Hilliard and the story of the Black Panther Party*. Boston: Brown.

Hinde, R. (1977). Sir Walter Crofton and the reform of the Irish convict system, 1854–61. *The Irish Jurist,* 115–147, 295–337.

Hirsch, A. J. (1992). *The rise of the penitentiary: Prisons and punishment in early America*. New Haven, CT: Yale University Press.

Hobart, P. (1999). Comment: The Prison Litigation Reform Act: Striking the balance between law and order. *Villanova Law Review, 44,* 981–1014.

Hodgins, S., & Cote, G. (1991). The mental health of penitentiary inmates in isolation. *Canadian Journal of Criminology*, *33*, 177–182.

Hoffman, E., & McCoy, J. (1981). *Concrete mama.* Columbia: University of Missouri Press.

Hoffman, P. (1983). Screening for risk: A revised Salient Factor Score (SFS-81). *Journal of Criminal Justice, 11,* 539–547.

Hoffman, P. (1994). Twenty years of operational use of a risk prediction instrument: The United States Parole Commission's Salient Factor Score. *Journal of Criminal Justice, 22,* 477–494.

Hoge, R. (2001). Case management instrument for use in juvenile justice systems. *Juvenile and Family Court Journal, 7,* 25–31.

Hogeveen, B. (in press). "The evils with which we are called to grapple": Élite reformers, eugenicists, environmental psychologists, and the construction of Toronto's working-class boy problem, 1860–1930. *Labour/Le Travail*.

Hollandsworth, S. (2003). O sister, where art thou? *Texas Monthly, 31*(5), 136-147.

Hollin, C. (2002). Criminological psychology. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (3rd ed.). Oxford, UK: Oxford University Press.

Hollin, C. R. (1996). *Working with offenders: Psychological practice in offender rehabilitation.* Chichester, UK: Wiley.

Holloway, D. (Ed.). (2001). *Dallas and the Jack Ruby trial: Memoir of Judge Joe Brown, Sr.* Lincoln, NE: Writers Club Press, iUniverse.

Holt, N. (1974, May). *Escape from custody* (California Department of Corrections Research Report No 52). Sacramento: California Department of Corrections.

Holt, N., & Miller, D. (1972). *Explorations in inmate-family relationships.* Sacramento: California Department of Corrections, Research Division.

Home Office. (1966). *Committee of an Enquiry Into Prison Escapes and Security* (Mountbatten Report). London: HMSO, Cmnd. 3175.

Home Office. (1982). *Home Office 1782–1982.* London: The Queen's Printer.

Home Office. (2001). *Prison statistics England and Wales 2000.* London: HMSO, Cmnd. 5250.

Home Office. (2002). *Prison population brief, England and Wales: June 2002.* London: HMSO.

Hood, R. (1989). *The death penalty: A world-wide perspective.* Oxford, UK: Clarendon.

Hopwood, C. (Ed.). (1999). *Free with words: Writers in prison.* Manchester, UK: Free Press.

Hormachea, M., & Hormachea, C. (1977). Recreation and the youthful and adult offenders. In T. Stein (Ed.), *Recreation for special populations* (2nd ed.). Boston: Holbrook.

Hornblum, A. M. (1998). *Acres of skin: Human experiments at Holmesburg Prison.* New York: Routledge.

Horstman, D. (1975). *Sing your heart out, country boy.* New York: Dutton.

Houston, J. G. (1991). *Unit management in two NC prisons.* Unpublished report prepared for the North Carolina Division of Prisons.

Houston, J. G. (1999). *Correctional management: Functions, skills, and systems* (2nd ed.). Chicago: Nelson-Hall.

Howard League for Penal Reform. (1999). *Life in the shadows: Women lifers.* London, UK.

Howard, J. (1777). *The State of Prisons in England and Wales*. London.

Howe, A. (1994). *Punish and critique: Towards a feminist analysis of penality*. London: Routledge.

Howell, J. C. (1997). *Juvenile justice and youth violence.* Thousand Oaks, CA: Sage.

Hoyles, J. (1955). *Religion in prison*. Canterbury, UK: Epworth.

Hoytt, R., Schiraldi, V., Smith, B., & Ziedenberg, J. (2001). *Reducing racial disparity in juvenile detention*. Baltimore: Annie E. Casey Foundation.

Hudson, B. (1987). *Justice through punishment.* London: Macmillan.

Hudson, B. (1996). *Understanding justice: An introduction to ideas, perspectives and controversies in modern penal theory.* Buckingham, UK: Open University Press.

Huff, C. R. (1996). The criminal behavior of gang members and nongang at-risk youth. In C. R. Huff (Ed.), *Gangs in America* (2nd ed., pp. 39-74). Thousand Oaks, CA: Sage.

Huff, C. R. (Ed.). (2002). *Gangs in America* (3rd ed.). Thousand Oaks, CA: Sage.

Hulsman, L. (1991). The abolitionist case: Alternative crime policies. *Israel Law Review, 25*, 681–709.

Human Rights Watch. (1998a). *Locked away: Immigration detainees in jails in the U.S.* New York: Author.

Human Rights Watch. (1998b). *Nowhere to hide: Retaliation against women in Michigan state prisons.* Retrieved from http://www.hrw.org/reports98/women/

Human Rights Watch. (2000, February). Out of sight: Supermaximum security confinement in the United States. *Human Rights Watch*, *12*(1), 1–9.

Human Rights Watch. (2001). *No escape: Male rape in U.S. prisons.* Retrieved from http://www.hrw.org/reports/2001/prison/

Human Rights Watch. (2002a, December). *Ending the abusive treatment of prisoners.* Retrieved from http://www.hrw.org/prisons/

Human Rights Watch. (2002b). *Presumption of guilt: Human rights abuses of post-September 11 detainees.* New York. Author.

Human Rights Watch. (2004). Human Rights Watch home page. Retrieved from http://www.hrw.org

Human Rights Watch, Women's Rights Project. (1996). *All too familiar: Sexual abuse of women in U.S. state prisons.* New York: Ford Foundation. Retrieved from http://www.hrw.org/summaries/s.us96d.html

Humbert, W. H. (1941). *The pardoning power of the president.* Washington, DC: American Council on Public Affairs.

Hunt, G., Riegel, S., Morales, T., & Waldorf, D. (1993). Changes in prison culture: Prison gangs and the case of the "Pepsi generation." *Social Problems, 40,* 398–409.

Hutchinson, G. (2000, October). New initiatives from the NIC jails division. *Corrections Today, 62*(6), 30–31.

Hutchison, R. (1988). The Hispanic community in Chicago: A study of population growth and acculturation. *Research in Race and Ethnic Relations, 5,* 193–229.

Ignatieff, M. (1971). *A just measure of pain.* London: Pantheon.

Ignatieff, M. (1978). *A just measure of pain: The penitentiary in the Industrial Revolution 1750–1850*. London: Penguin.

Illinois Department of Corrections. *Fiscal year 2001 annual report* (FYAR). (2001). Springfield: Illinois Department of Corrections.

Immarigeon, R. (1992). Prison-based victim-offender reconciliation programs. In B. Galaway & J. Hudson (Eds.), *Restorative justice: International perspectives.* Monsey, NY: Criminal Justice Press.

Immigration and Customs Enforcement. (2004). ICE home page. Retrieved from http://www.ice.gov/graphics/about/organization/index.htm

Immigration and Naturalization Service. (1999). *Strengthening the nation's immigration system.* Fact sheet. Washington, DC: U.S. Government Printing Office.

Indefinite Detention Project. (2000, October-December). Indefinite Detention Project of the Catholic Legal Immigration Network Inc. *Quarterly Report for the Indefinite Detention Project*. Retrieved from www.cscd.org

Inmates fight "work or be shackled" policy. (1993, September 5). *New York Times*, p. 43.

Inmates to uplink to education. (2001, March). *Community College Week*, *13,* p. 18.

Inspectors of State Prisons. (1853). *Fifth annual report, made to the legislature.* Furnished by Roberta Arminio of the Ossining Historical Society.

International Criminal Court. (2002). International Criminal Court home page. Retrieved from http://www.iccnow.org/

International Justice Project. (2004). *International instruments—Juveniles.* Retrieved from http://www.internationaljusticeproject.org/juvInstruments.cfm

The Internet encyclopedia of philosophy. (2001). Jeremy Bentham. Retrieved from http://www.iep.utm.edu/b/bentham.htm

Iowa Legislative Fiscal Bureau. (1998). Prison farms. *Issue Review,* August 19.

Irene Taylor Trust brochure. Retrieved from mg.carltononline.com/citysurvival/programmes/Irene%20Taylor%20Trust.pdf

Irwin, J. (1970). *The felon*. Englewood Cliffs, NJ: Prentice Hall.

Irwin, J. (1977). *Scenes.* Beverly Hills, CA: Sage.

Irwin, J. (1980). *Prisons in turmoil*. Boston: Little, Brown.

Irwin, J. (1985). *The jail: Managing the underclass in America society.* Berkeley: University of California Press.

Irwin, J. (n.d.). *Rogue* (Autobiography of John Irwin). Unpublished manuscript.

Irwin, J., & Austin, J. (1997). *It's about time: America's imprisonment binge* (2nd ed.). Belmont, CA: Wadsworth

Irwin, J., & Cressey, D. R. (1962, Fall). Thieves, convicts and the inmate culture. *Social Problems, 10,* 142–155.

Irwin, J., Schiraldi, V., & Ziedenberg, J. (1999). *America's one million nonviolent prisoners*. Washington, DC: Justice Policy Institute.

Ives, G. (1970). *A history of penal methods.* Montclair, NJ: Patterson Smith. (Original work published 1914)

Jackson, B. (1972). *Wake up dead man: Afro-American worksongs from Texas prisons.* Cambridge, MA: Harvard University Press.

Jackson, B. (1995, September 18). Is the Alabama prison system's return to the chain gang unfair to blacks?" *Jet,* pp. 12–16.

Jackson, B., & Christian, D. (1980). *Death row.* Boston: Beacon.

Jackson, G. (1970). *Soledad brother: The prison letters of George Jackson.* New York: Coward-McCann.

Jackson, G. (1994). *Soledad brother: The prison letters of George Jackson.* Chicago: Lawrence Hill.

Jackson, G. L. (1972). *Blood in my eye.* New York: Random House.

Jackson, M. (2002). *Justice behind the walls.* Vancouver, BC: Douglas & MacIntyre.

Jackson, M. S., & Knepper, P. (2003). *Delinquency and justice.* Boston: Pearson Education.

Jacobs, J. B. (1977). *Stateville: The penitentiary in mass society.* Chicago: University of Chicago Press.

Jacobs, J. B. (1983). *New perspectives on prisons and imprisonment*. Ithaca, NY: Cornell University Press.

Jacoby, J. E. (Ed.). (1994). *Classics of criminology.* Prospect Heights, IL: Waveland.

Jailhouse Blues [Recording]. (1987). New York: Rosetta Records. Liner notes by Rosetta Reitz.

Jailhouse Rock—Part 1 [Recording]. (2003). BBC Radio 2. (January 1). Cambridge, UK: Smooth Operations.

Jailhouse Rock—Part 2 [Recording]. (2003). BBC Radio 2. (January 7). Cambridge, UK: Smooth Operations.

James, J. (1998a). *The Angela Y. Davis reader.* New York: Basic Books.

James, J. (1998b). *Resisting state violence: Radicalism, gender, and race in U.S. culture.* Minneapolis: University of Minnesota Press.

Jankowski, M. S. (1990). *Islands in the street: Gangs and American urban society.* Berkeley: University of California Press.

Janusz, L. (1990, Fall). Voter rights. *Odyssey: Creative Alternatives in Criminal Justice*, 56–57.

Jay, M. (1986). In the empire of the Gaze: Foucault and the denigration of vision in twentieth-century French thought. In D. Couzens Hoy (Ed.), *Foucault: A critical reader* (pp. 175–204). Oxford, UK: Basil Blackwell.

Jeffries, J., Menghraj, S., & Hairston, C. F. (2001). *Serving incarcerated and ex-offender fathers and their families: A review of the field*. New York: Vera Institute of Justice.

Jeffries, S. (2002). Just or unjust? Problematising the gendered nature of criminal justice. *Women's Studies Journal*, *18*(1), 24–41.

Jenkins, H. D., Pendry, J., & Steurer, S. J. (1993). *A post release follow-up of correctional education program completers released in 1990–1991.* Baltimore: Maryland State Department of Education.

Jenne, D., & Kersting, R. (1996). Aggression and women correctional officers in male prisons. *The Prison Journal, 76*, 442.

Jenne, D., & Kersting, R. (1998). Gender, power, and reciprocity in the correctional setting. *The Prison Journal, 78*, 166.

Jensen, C. (Ed.). (1987). *Contracting for community corrections services.* Sacramento: California State University, Center for California Studies.

Jesness, K. (1974). *Classifying juvenile offenders: The Sequential I-Level Classification Manual.* Palo Alto, CA: Consulting Psychologists Press.

Jesness, K. (1996). *The Jesness Inventory manual.* North Tonawanda, NY: MultiHealth Systems.

Jimenez, M. A. (1990). Permanency planning and the Child Abuse Prevention and Treatment Act: The paradox of child welfare policy. *Journal of Sociology and Social Welfare, 17*(3), 55–72.

John Howard Association. (1948). *John Howard: His life, character and service*. Chicago: John Howard Association.

John Howard Society of Alberta. (1991). *John Howard: Portrait of a hero*. Retrieved from http://www.johnhoward.nf.ca/org/jh_hstry.HTM

John Howard Society of Alberta. (1999). *Prison and jail suicide.* Alberta, CAN: John Howard Society.

Johns, D. (1971). Alternatives to conjugal visits. *Federal Probation, 35,* 48–50.

Johnsen, T. C. (1999, September–October). Howard Belding Gill: Brief life of a prison reformer: 1890–1989. *Harvard Magazine*. Retrieved September 2, 2004, from http://www.harvardmagazine.com/issues/so99/vita.html

Johnson, B., Larson, R., David, B., & Pitts, T. C. (1997). Religious programs, institutional adjustment, and recidivism among former inmates in prison fellowship program. *Justice Quarterly, 14,* 145–166.

Johnson, B. R. (1997). Religious programs, institutional adjustment, and recidivism among former inmates in Prison Fellowship programs. *Justice Quarterly, 14,* 145–166.

Johnson, E. L. (1968). *Crime, correction, and society.* Homewood, IL: Dorsey.

Johnson, E. I., & Waldfogel, J. (2002). Parental incarceration: Recent trends and implications for child welfare. *Social Service Review, 76* (3), 460–479.

Johnson, J. A. (2001, April). New York's new approach to juvenile rehabilitation services. *Corrections Today, 63,* 112–118.

Johnson, M. T., & Gilbert, S. A. (1997). *The U.S. Sentencing Guidelines: Results of the federal judicial center's 1996 survey*. Washington, DC: Federal Judicial Center.

Johnson, N. (with Finkel, K., & Cohen, J. A.). (1994). *Eastern State Penitentiary: Crucible of good intentions.* Philadelphia: Philadelphia Museum of Art.

Johnson, P. (1997). The last revolutionary. *Essence, 28*(7), 103–106.

Johnson, R. (1993, Spring). History of correctional training: A national perspective. *Journal of Correctional Training*, pp. 12–17.

Johnson, R. (1996). *Hard time: Understanding and reforming the prison* (2nd ed.). Belmont, CA: Wadsworth.

Johnson, R. (1998). *Death work: A study of the modern execution process* (2nd ed.). Belmont, CA: Wadsworth.

Johnson, R. (2002). *Hard time* (3rd ed.). Belmont, CA: Wadsworth.

Johnson, R. A. (1975). The prison birth of black power. *Journal of Black Studies, 5*(4), 395–414.

Johnson, T., Selber, K., et al. (1998, September/October). Developing quality services for offenders and families: An innovative partnership. *Child Welfare, 77*(5), 595–615.

Johnson, W. W., Bennet, K., & Flanagan, T. J. (1997). Getting tough on prisoners: Results from the National Corrections Survey, 1995. *Crime & Delinquency*, *43,* 24–41.

Johnston, D. (1995). Parent-child visitation in the jail or prison. In K. Gabel & D. Johnston (Eds.), *Children of incarcerated parents.* New York: Lexington Books.

Johnston, D., & Gable, K. (1995). *Children of incarcerated parents.* Lexington, MA: Lexington Books.

Johnston, E. (1991). *Royal commission into Aboriginal deaths in custody, national report, Volumes 1–5.* Canberra: Australian Government Publication Service.

Johnston, N. (1973). *The human cage: A brief history of prison architecture.* New York: Walker.

Johnston, N. (2000). *Forms of constraint: A history of prison architecture*. Chicago: University of Illinois Press.

Johnston, N. (with K. Finkel & J. A. Cohen). (1994). *Eastern State Penitentiary: Crucible of good intentions*. Philadelphia: Philadelphia Museum of Art.

Johnstone, G. (1996). *Medical concepts and penal policy.* London: Cavendish.

Jolly, R. W., Jr., & Sagarin, E. (1984). The first eight after *Furman*: Who was executed with the return of the death penalty? *Crime & Delinquency, 30,* 610–623.

Jones, E. C. (1998). *The Black Panther Party reconsidered.* Baltimore: Black Classic.

Jones, J. E. (1998). *Islamic prison ministry: Towards an effective chaplaincy at the Community Correctional Center in New Haven.* Unpublished thesis, Hartford Seminary, Hartford, Connecticut.

Jones, M. (1953). *The therapeutic community: A new treatment method in psychiatry.* New York: Basic Books.

Jones, M. A., & Poe-Yamagata, E. (2000). And justice for some: Differential treatment of minority youth in the justice system. *Building Blocks for Youth*. Retrieved from http://www.buildingblocksforyouth.org/justiceforsome/jfs.html

Jones, R. A., & Schmid, T. J. (2000). *Doing time: Prison experience and identity among first-time inmates*. Greenwich, CT: JAI.

Joselit, J. W. (1983). *Our gang: Jewish crime and the New York Jewish community, 1900–1940.* Bloomington: Indiana University Press.

Journey for Justice. (n.d.). Retrieved from http://www.journeyforjustice.org/

Jurado, R. (1998). The essence of her womanhood: Defining the privacy rights of women prisoners and the employment rights of women guards. *American University Journal of Gender, Social Policy & the Law, 7,* 1.

Jurik, N. C., & Musheno, M. C. (1986). The internal crisis of corrections: Professionalization and the work environment. *Justice Quarterly, 3*(4), 457–480.

Jurist Legal Intelligence. (2004a). Retrieved from http://jurist.law.pitt.edu/pardons5a.htm. Pittsburgh, PA: University of Pittsburgh School of Law.

Jurist Legal Intelligence. (2004b). Retrieved from http://jurist.law.pitt.edu/pardonsex9.htm. Pittsburgh, PA: University of Pittsburgh School of Law.

Justice Policy Institute. (2003). *Cellblocks or classrooms? The funding of higher education and corrections and its impact on African America men.* Retrieved September 3, 2003, from http://www.justicepolicy.org/article.php?list=type&type=20

Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601.

Kane, T. R. (1985). *Impact of the Youth Corrections Act.* Washington, DC: National Institute of Justice.

Kane, T. R. (1987). Youth Corrections Act: An overview of research. *Federal Probation, 51*(1), 30–34.

Kant, I. (1998). *Groundwork of the metaphysics of morals* (M. Gregor, Ed. & Trans.). Cambridge, UK: Cambridge University Press. (Original work published 1785)

Kantor, S. (1978). *Who was Jack Ruby?* New York: Everest.

Kares, L. (1995). The unlucky Thirteenth: A constitutional amendment in search of a doctrine. *Cornell Law Review, 80,* 372–412.

Karnow, S. (1983). *Vietnam: A history*. New York: Viking.

Katz, M. B. (1986). *In the shadow of the poorhouse: A social history of welfare in America*. New York: Basic Books.

Katz, P. C. (1998). Supporting families and children of mothers in jail: An integrated child welfare and criminal justice strategy. *Child Welfare, 77*(5), 495–512.

Kauffman, K. (1988). *Prison officers and their world.* Cambridge, MA: Harvard University Press.

Kauffman, K. (2001). Mothers in prison. *Corrections Today*, *63*(1), 62–65.

Kauffman, K. (2002). Prison nurseries: New beginnings and second chances. *Women, Girls and Criminal Justice, 3*(1), 1–20.

Kaufman, E. (1980). The violation of psychiatric standards of care in prisons. *American Journal of Psychiatry, 137*(5), 566–570.

Kavass, I. (1997). *Justice Department guide to the Freedom of Information Act 1996.* Buffalo, NY: Wm. S. Hein.

Kemerer, F. R. (1991). *William Wayne Justice: A judicial biography*. Austin: University of Texas Press.

Kempf-Leonard, K., & Peterson, E. S. L. (2000). Expanding realms of the new penology: The advent of actuarial justice for juveniles. *Punishment and Society, 2*(1), 66–97.

Kendall, K. (2002, November). *Correctional cognitive behavioralism: An historical and critical overview*. Presented at the annual meeting of the American Society of Criminology, Chicago.

Kennedy, R. (1998). *Race, crime, and the law.* New York: Random House.

Kerka, S. (1995). *Prison literacy programs*. Columbus, OH. (Eric Digest No. 159)

Kerle, K. E. (1998). *American jails: Looking to the future.* Boston: Butterworth-Heinemann.

Kesley, O. W (1986). Elderly inmates: Providing safe and humane care. *Corrections Today, 48*(3), 56, 58.

Keuther, F. C. (1951). Religion and the chaplain. In P. W. Tappan (Ed.), *Contemporary correction* (pp. 254–265). New York: McGraw Hill.

Keve, P. (1994). The sources of excellence. *Federal Prisons Journal, 3*(3), 11–14.

Keve, P. W. (1984). *The McNeil century: The life and times of an island prison.* Chicago: Nelson-Hall.

Keve, P. W. (1986). *The history of corrections in Virginia.* Charlottesville: University of Virginia Press.

Keve, P. W. (1991). *Prisons and the American conscience: A history of U.S. federal corrections.* Carbondale: Southern Illinois University Press.

Khan, E. (1993, Spring). Correctional workforce diversity and multiculturalism in the USA. *The Correctional Trainer*, 16–21.

Kilborn, P. (1997, March 11). Revival of chain gangs takes a twist: Stun belts emerge as the latest tool to keep inmates in line. *New York Times,* p. A18.

King, K., Steiner, B., & Ritchie, S. (2005). Violence in the supermax: A self-fulfilling prophecy. *The Prison Journal*, *85*(1).

King, R. D. (1991). Maximum-security custody in Britain and the USA: A study of Gartree and Oak Park Heights. *British Journal of Criminology, 31*(2), 126–152.

King, R. D. (1999). The rise and rise of supermax: An American solution in search of a problem? *Punishment and Society, 1*(2). 163–186.

King, R. S., & Mauer, M. (2001, August). *Aging behind bars: "Three strikes" seven years later.* Washington, DC: Sentencing Project. Retrieved September 12, 2004, from http://www.sentencingproject.org/pdfs/9087.pdf

Kittrie, N. (1971). *The right to be different: Deviance and enforced therapy.* Baltimore: Johns Hopkins University Press.

Kittrie, N., & Wedlock, E. (Eds.). (1998). *The tree of liberty: A documentary history of rebellion and political crime in America* (Vol. 2, rev. ed.). Baltimore: Johns Hopkins University Press.

Kitwana, B. (2003). *The hip hop generation: Young blacks and the crisis in African American culture.* New York: Basic Civitas.

Klein, A. R. (1997). *Alternative sentencing, intermediate sanctions, and probation* (2nd ed.). Cincinnati, OH: Anderson.

Klein, M. W. (1995). *The American street gang: Its nature, prevalence, and control.* New York: Oxford University Press.

Kleinknecht, W. (1996). *The new ethnic mobs.* New York: Free Press.

Knapper, K. (1996). Women and the Black Panther Party. *Socialist Review, 26*(1/2), 25–31.

Knepper, P. (1990). *Imprisonment and society in Arizona Territory.* PhD dissertation. Tempe: Arizona State University.

Knopp, F. H. (1982). *Remedial intervention in adolescent sex offences: Nine program descriptions.* Orwell, VT: Safer Society Press.

Knopp, F. H. (1984). *Retraining adult sex offenders: Methods and models.* Orwell, VT: Safer Society Press.

Knopp, F. H. (1985). *The youthful sex offender: The rationale and goals of early intervention and treatment.* Orwell, VT: Safer Society Press.

Knopp, F. H. (1991). Community solutions to sexual violence: Feminist/abolitionist perspectives. In H. E. Pepinsky & R. Quinney (Eds.), *Criminology as peacemaking* (pp. 181–193). Bloomington: Indiana University Press.

Knopp, F. H., et al. (Eds.). (1976). *Instead of prisons: A handbook for abolitionists.* Syracuse, NY: Prison Research Education Action Project.

Knopp, P., Hart, S., Webster, C., & Derek Eaves, M. (1997). *Spousal Assault Risk Assessment Guide (SARA).* North Tonawanda, NY: MultiHealth Systems.

Knox, G. W. (1999). *A national assessment of gangs and security threat groups (STGs) in adult correctional institutions: Results of the 1999 Adult Corrections Survey.* Chicago: National Gang Crime Research Center.

Kober, G. M. (1927). *Charitable and reformatory institutions in the District of Columbia.* Washington, DC: U.S. Government Printing Office.

Kobil, D. T. (1991). The quality of mercy strained: Wresting the pardoning power from the king. *Texas Law Review, 69*, 569–641.

Kohn, S. M. (1986). *Jailed for peace: The history of American draft law violators, 1658–1985*. Contributions in Military History, No. 49. Westport, CT: Greenwood.

Kollhoff, M. (2002, June). Reflections of a Kansas corrections educator. *Journal of Correctional Education, 53*(2), 44–45.

Korn, R. (1987). *The effects of confinement at the H.S.U.: A follow-up.* Washington, DC: American Civil Liberties Union, National Prison Project.

Korn, R. (1988). The effects of confinement in the High Security Unit at Lexington. *Social Justice*, *15*(1), 8–29.

Kornfeld, P. (1997). *Cellblock visions: Prison art in America.* Princeton, NJ: Princeton University Press.

Kownacki, R. J., & Shadish, W. R. (1999). Does Alcoholics Anonymous work? The results from a meta-analysis of controlled experiments. *Substance Use & Misuse, 34*, 1897–1916.

Krajick, K. (1978). Profile Texas. *Corrections Magazine, 4*(1), 5–25.

Krajick, K. (1979). Growing old in prison. *Corrections Magazine, 5*(1), 33–46.

Krajick, K., & Moriarty, F. (1979). Life in the lab: Safer than the cellblocks? *Corrections, 5*(4), 15-20.

Krasnow, P. (1997). *Correctional facility design and detailing.* New York: McGraw-Hill.

Kratcoski, P., & Babb, S. (1990). Adjustment of older inmates: An analysis by institutional structure and gender. *Journal of Contemporary Criminal Justice, 6*(4), 264–281.

Kratcoski, P., & Pownall, G. (1989). Federal Bureau of Prisons programming for older inmates, *Federal Probation, 53*(2), 28–35.

Kraus, L. E., & Stoddard, S. (1989). *Chartbook on disability in the United States.* Washington, DC: U.S. National Institute on Disability and Rehabilitation Research.

Krisberg, B. (1988). *The juvenile court: Reclaiming the vision.* San Francisco: National Council on Crime and Delinquency.

Krisberg, B., & Austin, J. F. (1993). *Reinventing juvenile justice.* Newbury Park, CA: Sage.

Kruttschnitt, C. (1983). Race relations and the female inmate. *Crime & Delinquency, 29,* 577–590.

Kunitz, S., & Levy, J. (Eds.). (2000). *Drinking, conduct disorder, and social change: Navajo experiences*. Oxford & New York: Oxford University Press.

Kunzel, R. (2002). Situating sex: Prison sexual culture in the mid-twentieth-century United States. *GLQ: A Journal of Lesbian and Gay Studies, 8*(3), 253–270.

Kupers, T. (1999). *Prison madness: The mental health crisis behind bars and what we must do about it*. San Francisco: Jossey-Bass.

Kurki, L., & Morris, N. (2001). The purposes, practices, and problems of supermax prisons. *Crime and Justice*, *28*, 385–424.

Kuzinski, E. J. (1998). Note: The end of the prison law firm? Frivolous inmate litigation, judicial oversight, and the Prison Litigation Reform Act of 1995. *Rutgers Law Journal, 29,* 361–399.

Labor by prisoners. (n.d.). 31 Ariz. Rev. Stat. §254. Retrieved November 20, 2002, from http://www.azleg.state.az.us/ars/31/00254.htm

Lamb, W. (Ed.). (2003). *Couldn't keep it to myself: Testimonies from our imprisoned sisters.* New York: Regan.

Langan, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Langan, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994* (Special Report, NCJ–193427). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Langley, P. S. (1999, November). *Corrections education: A Learning Profiles special report.*

Lanier, C. S., Jr. (1991). Dimensions of father-child interaction in a New York state prison population. *Journal of Offender Rehabilitation, 16*(3/4), 27–42.

Lanier, M. (1999). HIV-related issues for incarcerated women in the twenty-first century. In R. Muraskin & A. R. Roberts (Eds.), *Visions for change: Crime and justice in the twenty-first century* (2nd ed.). Upper Saddle River, NJ: Prentice Hall.

LaPrairie, C. (1987). Native women and crime: A theoretical model. *Canadian Journal of Native Studies, VI* (1), 121–137.

Larson, M. S. (1977). *The rise of professionalism: A sociological analysis.* Berkeley: University of California Press.

Latessa, E. J. (Ed.). (1999). *Strategic solutions: The International Community Corrections Association examines substance abuse.* Arlington, VA: Kirby Lithographic.

Latessa, E., & Travis, L. F., III. (1991). Halfway house or probation: A comparison of alternative dispositions. *Journal of Crime and Justice, 14*(1), 53–75.

Laub, J. H., & Vaillant, G. E. (2000). Delinquency and mortality: A 50-year follow-up study of 1,000 delinquent and non-delinquent boys. *American Journal of Psychiatry, 157*(1), 96–102.

LaVey, A. S. (1967). *The eleven Satanic rules of the Earth.* Retrieved from http://www.churchofsatan.com/Pages/Eleven.html

LaVey, A. S. (1969). *The Satanic Bible*. New York: Avon.

Lawes, L. (1932). *Twenty thousand years in Sing Sing.* New York: Long & Smith.

Laws, D. R., Hudson, S. M., & Ward T. (2000). *Relapse prevention with sex offenders: A sourcebook* . Thousand Oaks, CA: Sage.

Leadership Conference on Civil Rights and Leadership Conference Education Fund. (2000). *Justice on trial: Racial disparities in the American criminal justice system.* Retrieved from http://www.civilrights.org/publications/cj

Lear, G. E., Jr. (1997, Winter). A look at using technology to train. *Journal of Correctional Training*, pp. 27–29.

Lee, E. G., III. (2000). Federal rights, federal forum: Section 1983 challenges to state convictions in federal court. *Case Western Reserve Law Review, 51*, 353–398.

Leeson, B. A. (1997). The United States Disciplinary Barracks and military corrections. In R. G. Lande (Ed.), *Principles and practice of military forensic psychiatry* (pp. 239–268). Springfield, IL: Charles C Thomas.

Lefever, H. G. (1996). When the saints go riding in: Santería in Cuba and the United States. *Journal for the Scientific Study of Religion*, *35,* 318–331.

LeFevere, P. (1995). N.Y. prison ministry could face big cuts. *National Catholic Reporter, 31*(19), 5.

Lehrer, E. (2001, February 2). Hell behind bars: The crime that dare not speak its name. *National Review*.

Leighton, P. (2001). *Why is a photographer at an execution a criminal?* Retrieved from http://www.paulsjusticepage.com/cjethics/6-emergingissues/lappin-critique.htm

Lekkerkerker, E. C. (1931). *Reformatories for women in the United States.* Batavia, Netherlands: J. B. Wolters Uitgevers-Maatschappij.

Leone, P. E., & Meisel, S. (1997). Improving educational services for students in detention and confinement facilities. *Children's Legal Rights Journal, 17*(1), 2–12.

Leukefeld, C. G., & Tims, F. M. (Eds.). (1992). *Drug abuse treatment in prisons and jails.* Washington, DC: U.S. Government Printing Office.

Leukefeld, C. G., Tims, F., & Farabee, D. (2002). *Treatment of drug offenders: Policies and issues*. New York: Springer.

Levasseur, R. L. (1998a). Armed and dangerous. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), *The celling of America: An inside look at the U.S. prison industry.* Monroe, ME: Common Courage.

Levasseur, R. L. (1998b). From USP Marion to ADX Florence (and back again): The fire inside. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), The celling of America: An inside look at the U.S. prison industry (pp. 200-205). Monroe, ME: Common Courage.

Levasseur, R. L. (1998c). Trouble coming everyday: ADX, one year later. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), *The celling of America: An inside look at the U.S. prison industry* (pp. 206–211). Monroe, ME: Common Courage.

Leverson, L. G. (1983). Constitutional limits on the power to restrict access to prisons: An historical re-examination. *Harvard Civil Rights–Civil Liberties Law Review, 18*(2).

Levidow, B. (1972). Overdue process for juveniles: For the retroactive restoration of constitutional rights. *Howard Law Journal, 17*(2), 402–433.

Levine, E. (1995). *Fence away from freedom*. New York: Putnam.

Levinson, R. (1988). Developments in the classification process. *Criminal Justice and Behavior, 15,* 24–38.

Levinson, R. (1994). The development of classification and programming. In *Escaping prison myths: Selected topics in the history of federal corrections*. Landham, MD: University Publishing Associates.

Levinson, R. (1999). *Unit management in prisons and jails.* Laurel, MD: American Correctional Association.

Lewin, T. (2001, April 15). Little sympathy or remedy for inmates who are raped. *New York Times*, p. A1.

Lewis, B. R. (1998). *John Howard.* Retrieved from http://www.britannia.com/history/biographies/jhoward.html

Lewis, O. F. (1967a). *The development of American prisons and prison customs, 1776–1845*. Montclair, NJ: Patterson Smith. (Original work published 1922 by the Prison Association of New York)

Lewis, O. F. (1967b). Newgate of Connecticut. In Lewis, *The development of American prisons and prison customs 1776-1845* (pp. 64–67). Montclair, NJ: Patterson-Smith.

Lewis, W. D. (1965). *From Newgate to Dannemora: The rise of the penitentiary in New York, 1796–1848*. Ithaca, NY: Cornell University Press.

Lezin, K. (1996, Winter). Life at Lorton: An examination of prisoners' rights at the District of Columbia correctional facilities. *Boston Public Interest Law Journal,* p. 165.

Lichenstein, A. (1993). Good roads and chain gangs in the Progressive South: The Negro convict is a slave. *Journal of Southern History, 59*(1), 85–110.

Lichtenstein, A. (1996). *Twice the work of free labor: The political economy of convict labor in the new South*. New York: Verso.

Liebling, A. (1999). Prison suicide and prisoner coping. In M. Tonry & J. Petersilia (Eds.), *Crime and justice: A review of research: Vol. 26. Prisons* (pp. 283–359). Chicago: University of Chicago Press.

Liebling, A., & Ward, T. (Eds.). (1994). *Deaths in custody: International perspectives.* London: Whiting & Birch.

Liebman, J. S., Fagan, J., Gelman, A., West, V., Davies, G., & Kiss, A. (2002). *A broken system, Part II*. Retrieved from http://www.law.columbia.edu/brokensystem2/report.pdf

Liebman, J. S., Fagan, J., & West, V. (2000). *A broken system: Error rates in capital cases, 1973–1995* Washington, DC: Justice Project. Retrieved from http://justice.policy.net/jpreport/finrep.PDF

Liebmann, M., & Braithwaite, S. (1999). *Restorative justice in custodial settings.* Report for the Restorative Justice Working Group in Northern Ireland. Retrieved from http://www.extern.org/restorative/Rjreport.htm

Lifers Group. (1991). *The Lifers Group* [CD]. Burbank, CA: Hollywood Basic.

Light, S. C. (1995). The Attica litigation. *Crime, Law & Social Change, 23*, 215–234.

Likert, R. (1967). *The human organization: Its management and value.* New York: Harper & Row.

Lilly, J. R., & Deflem, M. (1996). Profit and penality: An analysis of the corrections-commercial complex. *Crime & Delinquency, 42,* 3–20.

Lilly, J. R., & Knepper, P. (1993). The correctional-commercial complex. *Crime & Delinquency, 39*, 150–166.

Lincoln, C. E., & Mamiya, L. H. (1990). *The black church in the African American experience.* Durham, NC: Duke University Press.

Lindquist, C. H., & Lindquist, C. A. (1999). Health behind bars: Utilization and evaluation of medical care among jail inmates. *Journal of Community Health, 24,* 285–303.

Lipsey, W. M. (1992). *The effects of treatment on juvenile delinquents: Results from meta-analysis*. Paper presented at the NIMH for Potential Applicants for Research to Prevent Youth Violence, Bethesda, Maryland.

Lipton, D. S. (1998). Treatment for drug abusing offenders during correctional supervision: A nationwide overview. *Journal of Offender Rehabilitation, 26*(3 & 4), 1–45.

Lipton, D., Martinson, R., & Wilks, J. (1975). *The effectiveness of correctional treatment: A survey of treatment evaluation studies.* New York: Praeger.

Lipton, J. (1995). *The effectiveness of treatment for drug abusers under criminal justice supervision.* Washington, DC: National Institute of Justice.

LIS Inc. (1997a, September). *Prison medical care: Special issues in corrections.* National Institute of Corrections. Retrieved from http://www.nicic.org/pubs/prisons.htm

LIS, Inc. (1997b). *Supermax housing: A survey of current practice.* Longmont, CO: U.S. Department of Justice.

Littlefield, J. F., & Wolford, B. I. (1982). A survey of higher education in U.S. correctional institutions. *Journal of Correctional Education, 33,* 14–18.

Livingston, M. (1997). A review of the literature on self-injurious behaviour amongst prisoners. *Suicide and self-injury in prisons* (No. 28). Leicester, UK: British Psychological Society.

Livingston, M., & Beck, G. A cognitive-behavioral model of self-injury and bullying among imprisoned young offenders. *Suicide and self-injury in prisons* (No. 28). Leicester, UK: British Psychological Society.

LoBuglio, S. (2001). Time to reframe politics and practices in correctional education. In J. Comings, B. Garner, & C. Smith (Eds.), *Annual review of adult learning and literacy* (Vol. 2). San Francisco: Jossey-Bass.

Lockwood, D. (1991). Target violence. In K. C. Haas & G. P. Alpert (Eds.), *The dilemmas of corrections: Contemporary readings* (pp. 94–98). Prospect Heights, IL: Waveland.

Loebell, L. (1987). *Let the doors be of iron* (A film by Hal Kirn & Associates).

Logan, C. (1990). *Private prisons: Cons and pros.* New York: Oxford University Press.Union of Canadian Correctional Officers. Retrieved from http://www.ucco-sacc.csn.qc.ca/

Louisiana Department of Public Safety and Corrections, Corrections Services. (2002). *Institutions: Louisiana State Penitentiary at Angola.* Retrieved from http://www.corrections.state.la.us/LSP/

Love, M. (2000). Of pardons, politics, and collar buttons: Reflections on the president's duty to be merciful. *Fordham Urban Law Journal, 27*, 1483–1513.

Loving, W., Stockwell, F. E., & Dobbins, D. A. (1959). Factors associated with escape behavior in prison inmates. *Federal Probation, 23*, 3DD, 49–51.

Lowell, J. S. (1971). *Public relief and private charity*. New York: Arno. (Original work published 1884)

Lucero, L., & Bernhardt, J. (2002). Thirty-first annual review of criminal procedure: VI. Prisoners' rights. *Georgetown Law Review, 90,* 2005.

Lucker, K. (1997). Privatizing discretion: Rehabilitation treatment in community corrections. *Crime & Delinquency, 43*(3), 243–260.

Lucko, P. (1999). *Prison farms, walls, and society: Punishment and politics in Texas, 1848–1910.* Unpublished doctoral dissertation, University of Texas, Austin.

Lust, M. (2002). *Living the spirit in the eye of the storm: Fay Honey Knopp—Rebel, heretic, housewife, saint.* Unpublished manuscript, Lincoln, VT.

Luxemburg, R. (1978). *The letters of Rosa Luxemburg* (S. E. Bronner, Ed.). Boulder, CO: Westview.

Lynch, J. P., & Sabol, W. J. (2001). *Prisoner reentry in perspective* (Crime and Policy Report, Vol. 3). Washington, DC: Urban Institute.

Lynch, M. J., Groves, W. B., & Lizotte, A. (1994). The rate of surplus value and crime: A theoretical and empirical examination of Marxian economic theory and criminology. *Crime, Law, and Social Change, 21,* 15–48.

Lyon, D. (1993). *The sailing navy list 1688–1860*. London: Conway Maritime.

Lyons, G. (1977). Stars and stripes. *Texas Monthly, 5*(2), 88–95, 143–148.

Lytton, Lady C. (1988). *Prison and prisoners.* London: Women's Press.

Maas, P. (1997). *Underboss: Sammy "The Bull" Gravano's story of life in the Mafia.* New York: HarperCollins.

Macallair, D., & Vargus, D. (2002). *Prison expansion in a time of austerity: An analysis of the governor's proposed new prison in Delano.* San Francisco: Justice Policy Institute.

MacCormick, A. (1977). Open letter to W. J. Estelle. *Texas Department of Corrections: 30 Years of Progress*. Austin: Texas Department of Corrections.

MacKenzie, D. (1989). Prison classification: The management and psychological implications. In L. Goodstein & D. MacKenzie (Eds.), *The American prison: Issues in research and policy* (pp. 163–189). New York: Plenum.

MacKenzie, D. L. (2000). *Sentencing and corrections in the 21st century: Setting the stage for the future.* Report submitted to National Institute of Justice. University of Maryland.

MacKenzie, D. L., Gover, A. R., Armstrong, G. S., & Mitchell, O. (2001, August). *A national study comparing the environments of boot camps with traditional facilities for juvenile offenders* (Research brief). Washington, DC: National Institute of Justice.

MacKenzie, D. L., & Piquero, P. (1994). The impact of shock incarceration programs on prison crowding. *Crime & Delinquency, 40*(2), 222–249.

MacKenzie, D. L., & Souryal, C. (1991). Boot camp survey: Rehabilitation, recidivism reduction outrank punishment as main goals. *Corrections Today, 53*, 90–96.

Maestro, M. (1973). *Cesare Beccaria and the origins of penal reform.* Philadelphia: Temple University Press.

Maeve, M. K. (1999). Adjudicated health: Incarcerated women and the social construction of health. *Crime, Law, and Social Change, 31,* 49–71.

Maguire, K., & Pastore, A. L. (Eds.). (1996). *Sourcebook of criminal justice statistics—1995*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Maguire, K., & Pastore, A. L. (Eds.). (2001). *Sourcebook of criminal justice statistics—2000.* Washington, DC: U.S. Department of Justice.

Maida, P. (2001). *Freedom of Information Act guide and Privacy Act overview* (May 2000 ed.). Collingwood, PA: Diane Publishing.

Mailer, N. (1979). *The executioner's song.* Boston: Little, Brown.

Mair, G. (Ed.). (2004). *What matters in probation.* Cullompton, UK: Willan.

Major federal firearm laws (still in effect), 1934–1999. *Future of Children, 12*(2), 174–175.

Malcolm X. (1992). *The autobiography of Malcolm X* (as told to Alex Haley). New York: Ballantine.

Malcolm X, with Haley, A. (1965). *The autobiography of Malcolm X.* New York: Grove.

Male inmate wins strip search charge against female CO. (2001, April 6). *Corrections Professional*, p. 14.

Maltz, M. (1984). *Recidivism*. Orlando, FL: Academic Press.

Mamiya, L. H. (1999). *Riker's Island study.* Unpublished preliminary survey.

Mamiya, L. H. (2002, Fall/Spring). Faith-based institutions and family support services among African American Muslim masjids and black churches. In J. Troutman (Ed.), *Journey inward, journey outward*. ITC/FaithFactor Project 2000 Study of Black Religious Life. Special book edition of *Journal of the Interdenominational Theological Center,29*(1-2), 25–61.

Mamiya, L. H., & Bagby, I. (2003). *Casey Study of African American Muslim mosques and programs for ex-offenders.* Ongoing research supported by the Annie E. Casey Foundation.

Mamiya, L. H., & Lincoln, C. E. (1998). *Islam in the African American experience*. National research project of African American mosques. Unpublished study.

Mancini, M. (1996). *One dies, get another: Convict leasing in the American South, 1866–1928.* Columbia: University of South Carolina Press.

Mandaraka-Sheppard, A. (1986). *The dynamics of aggression in women's prisons in England*. Aldershot, UK: Gower.

Mandelstam, N. (1970). *Hope against hope* (M. Hayward, Trans.). New York: Atheneum.

Mann, C. R. (1993). *Unequal justice: A question of color.* Bloomington: Indiana University Press.

Manos, A. M. (1992). *Inmate behavior and internal recidivism at the United States disciplinary barracks: Predictor variables, discipline and adjustment board procedures.* Doctoral dissertation, University of Kansas.

Manuel, L., & Retzlaff, P. D. (2002). Psychopathology and tattooing among prisoners. *International Journal of Offender Therapy and Comparative Criminology, 46,* 522–531.

Manza, J., & Uggen, C. (2002). Democratic contraction? The political consequences of felon disenfranchisement in the United States. *American Sociological Review, 67*, 777–803.

Mapanje, J. (Ed.). (2003). *Gathering seaweed: African prison writing.* Oxford, UK: Heinemann.

Marable, M. (2000). *How capitalism underdeveloped black America*. Boston: South End.

Marquart, J., & Crouch, B. (1985). Judicial reform and prisoner control. *Law and Society Review*, *19,* 557–586.

Marquart, J. W., Brewer, V. E., Mullings, J., & Crouch, B. N. (1999). The implications of crime control policy on HIV/AIDS-related risk among women prisoners. *Crime & Delinquency, 45,* 82–96.

Marquart, J. W., Ekland-Olson, S., & Sorensen, J. R. (1994). *The rope, the chair, and the needle: Capital punishment in Texas, 1923–1990.* Austin: University of Texas Press.

Marquart, J. W., & Roebuck, J. B. (1987, January). Institutional control and the Christmas Festival in a maximum security penitentiary. *Urban Life, 3/4,* 449–473.

Marquart, J. W., & Sorensen, J. R. (1997). *Correctional contexts: Contemporary and classic readings.* Los Angeles: Roxbury.

Marsh, C. E. (2000). *The lost-found Nation of Islam in America*. Lanham, MD, and London: Scarecrow.

Marsh, R., & Cox, V. (1996). The practice of Native American spirituality in prison: A survey. *The Justice Professional, 8*(2), 79–95.

Marshall, E. (1914, January 11). New York's first woman commissioner of correction. *New York Times*, p. SM6.

Marshall, W. L. (1996). Assessment, treatment and theorizing about sex offenders: Developments during the past twenty years and future directions. *Criminal Justice and Behavior, 23*(1), 162–199.

Marshall, W. L., Anderson, D., & Fernandez, Y. M. (1999). *Cognitive behavioural treatment of sexual offenders.* Toronto: Wiley.

Martel, J. (2001). Telling the story: A study in the segregation of women prisoners. *Social Justice, 28*(1), 196–215.

Martin, L. H., Gutman, H., & Hutton, P. H. (Eds.). (1988). *Technologies of the self: A seminar with Michel Foucault*. London: Tavistock.

Martin, S. E., & Jurik, N. C. (1996). *Doing justice, doing gender: Women in law and criminal justice occupations.* Thousand Oaks, CA: Sage.

Martin, S. J., & Ekland-Olson, S. (1987). *Texas prisons: The walls came tumbling down*. Austin: Texas Monthly Press.

Martinez, A. (1997, Spring). Corrections officer: The "other" prisoner. *The Keeper's Voice, 18*(1). Retrieved May 28, 2001, from http://www.acsp.uic.edu/iaco/kv1801/180108.shtml

Martinson, R. (1974, Spring). What works? Questions and answers about prison reform. *Public Interest, 35*, 22–54.

Martinson, R. (1979). New findings, new views: A note of caution regarding sentencing reform. *Hofstra Law Review, 7,* 243-258.

Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington DC: American Psychological Association.

Marushack, L. (2004). *HIV in prisons, 2001*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Maruschak, L. M. (2001). HIV in prisons and jails, 1999. *Bureau of Justice Statistics Bulletin.* Retrieved from www.ojp.usdoj.gov/bjs/

Maruschak, L. M. (2002). *HIV in prisons and jails, 2000.* Washington, DC: Bureau of Justice Statistics.

Maruschak, L. M., & Beck, A. J. (2001). *Medical problems of inmates, 1997* (NCJ 181644). Washington, DC: U.S. Department of Justice.

Marvell, T. B., & Moody, C. E. (2001). The lethal effects of three-strikes laws. *Journal of Legal Studies, 30,* 89–106.

Marx, K. (1990). *Capital*, Vol. I. (B. Fowkes, Trans.). New York: Penguin. (Original work published 1867)

Maryland Department of Public Safety and Correctional Services. (2002). *Patuxent Institution, annual report*. Retrieved September 10, 2004, from http://www.dpscs.state.md.us/pat/pat_publications.shtml

Maskovich, J. (2001). Case note: *Kansas v. Crane*—Its effects on *State v. Ehrlich* and Arizona's sexually violent persons statute. *Arizona Law Review, 43,* 1007–1013.

Massachusetts Commissioners of Prisons. (1878, 1882, 1883, 1886, 1887, 1890, 1899). *Annual reports.* Boston: Wright & Potter, State Printers; Rand, Avery & Co. and other "Printers to the Commonwealth."

Massachusetts Correction Department. (1975). *A study of a co-educational correctional facility.* Boston: Author.

Massachusetts Department of Correction. (2001, December 10). *Frequently asked questions*. Retrieved from http://www.state.ma.us/doc/faqs.htm

Massachusetts Department of Correction. (2003). *Quarterly report on the status of prison overcrowding, second quarter of 2002*. Retrieved from http://www.state.ma.us/doc

Massachusetts Department of Correction. (n.d.). Retrieved from http://www.state.ma.us/doc/default.htm

Mathiesen, T. (1974). *The politics of abolition.* Oslo: Scandinavian University Books.

Mathieson, T. (1990). *Prison on trial: A critical assessment.* London: Sage.

Matson, S., & Lieb, R. (1997). *Megan's Law: A review of state and federal legislation* (pp. 1–20, 27–29). Olympia: Washington State Institute for Public Policy.

Matson, S., & Lieb, R. (1997). *Sexual predator commitment laws* (Document No. 97–10–1102). Olympia: Washington State Institute for Public Policy.

Matthews, R. (1999*). Doing time: An introduction to the sociology of punishment.* London: Macmillan.

Matza, D. (1969). *Becoming deviant.* Englewood Cliffs, NJ: Prentice Hall.

Mauer, D. (1964). *Whiz mob.* New Haven, CT: College & University Press.

Mauer, M. (1999). *Race to incarcerate.* New York: New Press.

Mauer, M., & Chesney-Lind, M. (Eds.). (2002). *Invisible punishment: The collateral consequences of mass imprisonment*. Washington, DC: New Press.

Mauer, M., & Fellner, J. (1998). Losing the vote: The impact of felony disenfranchisement laws in the United States. Washington, DC: Sentencing Project.

Mauer, M., & Huling, T. (1995). *Young black Americans and the criminal justice system: Five years later.* Washington, DC: Sentencing Project.

Mauer, M., Potler, C., & Wolf, R. (1999). *Gender and justice: Women, drugs and sentencing policy.* Washington DC: Sentencing Project.

Maull, F. W. (1998). Issues in prison hospice: Toward a model for the delivery of hospice care in a correctional setting. *Hospice Journal, 12*(4), 57–82.

Maurer, M. (1997). *Intended and unintended consequences: State racial disparities in imprisonment.* Washington, DC: Sentencing Project.

Mawby, R. I. (1982). Women in prison: A British study. *Crime & Delinquency, 28*, 24–39.

Maxson, C., & Klein, M. (1994). *The scope of gang migration in the United States*. Washington, DC: National Institute of Justice.

Maxson, C., Klein, M., & Cunningham, L. (1992). *Street gangs and drug sales* (Report to the National Institute of Justice). Washington, DC: National Institute of Justice.

May, J. P. (Ed.). (2000). *Building violence.* Thousand Oaks, CA: Sage.

Mayne, J. (2000). *Framed: Lesbians, feminists, and media culture*. Minneapolis: University of Minnesota Press.

Mays, G. L., & Winfree, L. T., Jr. (1998). *Contemporary corrections.* Belmont, CA: Wadsworth.

Mays, G. L., & Winfree, L. T., Jr. (2000). *Juvenile justice.* Boston: McGraw-Hill.

Mays, G. L., & Winfree, L. T., Jr. (2002). *Contemporary corrections* (2nd ed.). Belmont, CA: Wadsworth/Thomson.

Mazza, C. (2002). And then the world fell apart: The children of incarcerated fathers. *Families in Society, 83*(6), 521–529.

McAnany, P. D., Thomson, D., & Fogel, D. (Eds.). (1984). *Probation and justice: Reconsideration of mission.* Cambridge, MA: Oelgeschlager, Gunn & Hain.

McCarthy, C. (1996). Truth about prisons could change things. *National Catholic Reporter, 32*(35), 18–19.

McCarthy, T. C. (1997). *Correction's Katharine Bement Davis: New York City's suffragist commissioner.* Retrieved from http://www.correctionhistory.org/html/chronicl/kbd/kdb11.html

McCleary, R. (1978/1992). *Dangerous men: The sociology of parole.* New York: Harrow and Heston.

McClellan, D. S. (1994). Disparity and discipline of male and female inmates in Texas prisons. *Women and Criminal Justice, 5*, 71–97.

McCorkle, J. (2003). Embodied surveillance and the gendering of punishment. *Journal of Contemporary Ethnography*, *32*(1), 41–76.

McCorkle, L. W., & Korn, R. (1962). Resocialization within walls. In N. Johnston, L. Savitz, & M. E. Wolfgang (Eds.), *The sociology of punishment and corrections.* New York: Wiley.

McDonald, A. (1996). *The Turner diaries: A novel* (2nd ed.). Fort Lee, NJ: Barricade Books.

McDonald, D., & Carlson, K. E. (1995). Why did racial/ethnic sentencing differences in federal district courts grow larger under the guidelines? *Federal Sentencing Reporter*, *6*, 223–226.

McDonald, D. C., Greene, J., & Worzella, C. (1992). *Day fines in American courts: The Staten Island and Milwaukee experiments.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

McDonough, J. (2001). *Indelible impressions: Tattoos and tattooing in the context of incarceration.* Master's thesis (unpublished), University of Ottawa.

McDougall, C. (1996). Working in secure institutions. In C. R. Hollin (Ed.), *Working with offenders: Psychological practice in offender rehabilitation* (pp. 94–115). Chichester, UK: Wiley.

McElroy, J. (1879). *Andersonville: A story of rebel military prisons.* Huntsville, AL: Elegant Solutions.

McGowen, R. (1995). The well-ordered prison: England, 1780–1865. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 71–99). New York: Oxford University Press.

McGuire, J., & Priestly, P. (1992). Some things do work: Psychological interventions with offenders and the effectiveness debate. In F. Losel, D. Bender, & T. Bleisner (Eds.), *Psychology and law: International perspectives.* Berlin: Walther de Gruyter.

McGurrin, M. (1993). Pregnant inmates' right to health care. *New England Journal on Criminal & Civil Confinement, 20*, 163.

McHoul, A., & Grace, W. (1995). *A Foucault primer: Discourse, power and the subject*. London: University College Press.

McKay, R. B. (Ed.). (1972). *Attica: The official report of the New York State Special Commission on Attica.* New York: Bantam.

McKelvey, B. (1936). *American prisons*. Chicago: University of Chicago Press. (Reprinted Montclair, NJ: Patterson Smith, 1968)

McKelvey, B. (1968). *The emergence of metropolitan America, 1915–1966.* New Brunswick, NJ: Rutgers University Press.

McKelvey, B. (1977). *American prisons: A history of good intentions.* Montclair, NJ: Patterson Smith.

McKenzie, D., & Uchida, C. (Eds.). (1994). *Drugs and crime.* Thousand Oaks, CA: Sage.

McKeown, L. (2001). *Out of time: Irish republican prisoners Long Kesh 1972–2000.* Belfast: Beyond the Pale.

McKorkle, L. W., & Korn, R. (1954). Resocialization within the walls. *The Annals of the American Academy of Political and Social Sciences, 293,* 88–98.

McMillian, T. (1999). Early modern juvenile justice in St. Louis. *Federal Probation, 63*(2), 4–7.

McNeely, R. L., & Pope, C. E. (1981). *Race, crime, and criminal justice.* Beverly Hills, CA: Sage.

McQuaide, S., & Ehrenreich, J. H. (1998). Women in prison: Approaches to understanding the lives of a forgotten population. *Affilia, 13*(2), 233–246.

McShane, M. (Ed.). (1996). *Encyclopedia of American prisons.* New York & London: Garland.

McShane, M. D., & Williams, F. P., III. (Eds.). (1996). *Encyclopedia of American prisons.* New York: Garland.

Meachum, L. (2000). Prisons: Breeding grounds for hate? *Corrections Today, 62,* 130–132.

Mears, D. P., Lawrence, S., Solomon, A. L., & Waul, M. (2002). Prison-based programming: What it can do and why it is needed. *Corrections Today, 64*(2), 66–71.

Media Awareness Project. (n.d.). Retrieved from http://www.mapinc.org/

Medway, G. J. (2001). *Lure of the sinister: The unnatural history of Satanism*. New York: New York University Press.

Meegwetch Wichiwakan Collective. (1994). *Spirit within our dreams.* Stony Mountain, Manitoba, Canada: Stony Mountain Correctional Institution.

Meese, E., et al. (1998). *The report of the ABA Task Force on the Federalization of Criminal Law*. Washington, DC: American Bar Association–Criminal Justice Section.

Megargee, E., & Bohn, M. (1979). *Classifying criminal offenders: A new system based on the MMPI.* Beverly Hills, CA: Sage.

Megargee, E., Carbonell, J., Bohn, M., & Sliger, G. (2001). *Classifying criminal offenders with the MMPI-2.* Minneapolis: University of Minnesota Press.

Meier, A., & Radwick, E. (1970). *From plantation to ghetto.* New York: Hill and Wang.

Memory, J. (1989). Juvenile suicides in secure detention facilities: Correction of published rates. *Death Studies, 13,* 455–463.

Memory, J. M., Guo, G., Parker, K., & Sutton, T. (1999). Comparing disciplinary infraction rates of North Carolina fair sentencing and structured sentencing inmates: A natural experiment. *The Prison Journal, 79,* 45–71.

Menees, T. (2002, November 4). Cellblock cues: On the inside, prison music, and theater programs have positive powers. *Pittsburgh Post-Gazette*.

Merritt, F. (1981). Corrections law developments: Attorney access to correctional institutions. *Criminal Law Bulletin, 17,* 607–613.

Michel, L., & Herbeck, D. (2001). *American terrorist.* New York: HarperCollins.

Michigan Battered Women's Clemency Project. (n.d.). *Clemency for battered women in Michigan: A manual for attorneys, law students and social workers.* Retrieved from http://www.umich.edu/~clemency/clemency_manual/manual_chapter02.html. Ann Arbor, MI.

Mill, J. S. (1957). *Utilitarianism*. New York: Bobbs-Merrill.

Miller, A. (1985). *Delinquent and community: Creating opportunities and controls.* Beverly Hills, CA: Sage.

Miller, G. (1985). *The Substance Abuse Subtle Screening Inventory manual.* Bloomington, IN: SASSI Institute.

Miller, G. (2002, July). A SMART solution to jail crowding: Offender reintegration without compromising community safety. *Corrections Today, 62*(4), 72–74.

Miller, J. G. (1991). *Last one over the wall: The Massachusetts Experiment in closing reform schools.* Columbus: Ohio State University Press.

Miller, J. G. (1997). *Search and destroy: African-American males in the criminal justice system.* New York: Cambridge University Press.

Miller, J. G. (1998). *Last one over the wall: The Massachusetts experiment in closing reform schools* (2nd ed.). Columbus: Ohio State University Press.

Miller, M. (1974). At hard labor: Rediscovering the nineteenth century prison. *Issues in Criminology, 9*, 91–114.

Miller, S. M. (1993). *From prairie to prison: The life of social activist Kate Richards O'Hare*. Missouri Biography Series, William E. Foley (Ed.). Columbia: University of Missouri Press.

Miller, W., & Hester, R. (1995). Treatment for alcohol problems: Toward an informed eclecticism. In R. Hester & W. Miller (Eds.), *Handbook of alcoholism treatment approaches* (2nd ed.). Boston: Allyn & Bacon.

Millon, T. (1998). *Millon Clinical Multiaxial Inventory III (MCMI-III) corrections report.* Minnetonka, MN: NCS.

Mills, M., & Morris, N. (1974). Prisoners as laboratory animals. *Society, 11*(5), 60–66.

Milovanovic, D. (1988). Jailhouse lawyers and jailhouse lawyering. *International Journal of the Sociology of Law, 16*, 455–475.

Milovanovic, D., & Henry, S. (1991). Constitutive penology. *Social Justice, 18*, 204–224.

Milovanovic, D., & Thomas, J. (1989). Overcoming the absurd: Legal struggle as primitive rebellion. *Social Problems, 36*(1), 48–60.

Minton, T. (July 2001). *Jails in Indian Country, 2000* (Vol. NCJ 188156). Washington, DC: U.S. Department of Justice.

Miskell, J. N. (1991). *Auburn? The relationship between Auburn and the prison.* Paper presented to the Members of the Cayuga County Historical Society at Cayuga. Retrieved from the New York Correction History Society Web site, http://www.correctionhistory.org/auburn&osborn/miskell/miskell_index.html

Misrahi, J. J. (1995). Factories with fences: An analysis of the Prison Industry Enhancement Certification Program in historical perspective. *American Criminal Law Review, 33*(2), 411–436.

Mitchell, G. (1999). Privatizing parole and probation in Wisconsin: The path to fewer prisons. *Wisconsin Policy Research Institute Report, 12*(3), 1–39.

Money, C. (1999). A taste for tolerance fuels prison culture. *Corrections Today, 61*(3), 99–100.

Montana Human Rights Network. (2002). Montana Human Rights Network home page. Retrieved from www.mhrn.org/news/898pris

Montgomery, R., & Crews, G. (1998). *A history of correctional violence: An examination of reported causes of riots and disturbances*. Lanham, MD: American Correctional Association.

Montgomery, R. H., Jr. (1994). American prison riots: 1774–1991. In M. C. Braswell, R. H. Montgomery, Jr., & L. X. Lombardo (Eds.), *Prison violence in America* (2nd ed., pp. 227–251). Cincinnati, OH: Anderson.

Moon, M. M., Sundt, J. L., Cullen, F. T., & Wright, J. P. (2000). Is child saving dead? Public support for juvenile rehabilitation. *Crime & Delinquency, 46,* 38–60.

Moore, J. W. (1978a). *Gangs, drugs and prison in the barrios of Los Angeles*. Philadelphia: Temple University Press.

Moore, J. W. (1978b). *Homeboys: Gangs, drugs, and prisons in the barrio of Los Angeles.* Philadelphia: Temple University Press.

Moore, K. D. (1989). *Pardons: Justice, mercy, and the public interest*. New York: Oxford University Press.

Moore, M. J. (1999). *Legacy: Murder and media, politics and prison* [Videotape]. Princeton, NJ: Films for the Humanities.

Morash, M., & Rucker, L. (1990). A critical look at the idea of boot camp as a correctional reform. *Crime & Delinquency, 36*(2), 204–222.

Morash, M., & Schram, P. J. (2002). *The prison experience: Special issues of women in prison.* Prospect Heights, IL: Waveland.

Morash, M., Bynum, T., & Koons, B. A. (1998). *Women offenders: Programming needs and promising approaches.* Washington, DC: U.S. Department of Justice.

Morgan, D. (1967, March-April). Individual and situational factors related to prison escape. *American Journal of Correction,* pp. 30–31.

Morgan, D. (1998). Restricted love. In J. Harden & M. Hill (Eds.), *Breaking the rules: Women in prison and feminist therapy.* New York: Haworth.

Morgan, R. (2002). Imprisonment: A brief history, the contemporary scene, and likely prospects. In M. Maguire, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (pp. 1113–1167). Oxford, UK: Oxford University Press.

Morris, L. J., Lt. Col. (1996). Our mission, no future: The case for closing the United States Army Disciplinary Barracks. *Kansas Journal of Law and Public Policy, 6*, 1–44.

Morris, N. (1951). *The habitual criminal.* New York: Longmans, Green.

Morris, N. (1974). *The future of imprisonment.* Chicago: University of Chicago Press.

Morris, N. (1983). *Madness and the criminal law.* Chicago: University of Chicago Press.

Morris, N. (1992). *The brothel boy and other parables of the law.* New York: Oxford University Press.

Morris, N. (2002). *Maconochie's gentlemen: The story of Norfolk Island and the roots of modern prison reform.* New York: Oxford University Press.

Morris, N., & Hawkins, G. (1970). *The honest politician's guide to crime control.* Chicago: University of Chicago Press.

Morris, N., & Rothman, D. J. (Eds.). (1995). *The Oxford history of the prison: The practice of punishment in Western society.* Oxford, UK, and New York: Oxford University Press.

Morris, N., & Rothman, D. J. (Eds.). (1997). *The Oxford History of the prison: The practice of punishment in Western society.* Oxford, UK, and New York: Oxford University Press. (Paperback)

Morris, N., & Tonry, M. (1990). *Between prison and probation: Intermediate punishments in a rational sentencing system.* New York: Oxford University Press.

Morris, R. (1994). *A practical path to transformative justice.* Toronto: Rittenhouse.

Morris, R. (1995). *Penal abolition, the practical choice: A practical manual on penal abolition.* Toronto: Canadian Scholars' Press.

Morris, R. (2000). *Stories of transformative justice.* Toronto: Canadian Scholars' Press.

Morton, J. (1992a). *An administrative overview of the older inmate.* National Institute of Corrections. Retrieved from http://www.nicic.org/pubs/prisons.htm

Morton, J. (1992b). Looking back on 200 years of valuable contributions. *Corrections Today, 54*(6), 76–78, 80, 82, 84–87.

Morton, J., & Anderson, J. (1982). Elderly offenders: The forgotten minority. *Corrections Today, 44*(6), 14–16, 20.

Morton, J. B. (Ed.). (1991). *Public policy for corrections* (2nd ed., pp. 76–78). Lanham, MD: American Correctional Association.

Moses, M. C. (1995). *Keeping incarcerated mothers and their daughters together: Girl Scouts Beyond Bars* (NCJ 156217). Washington, DC: National Institute of Justice.

Motiuk, L. L. (1994). Raising awareness of persons with disabilities in Canadian federal corrections. *Forum on Corrections Research, 6*(2), 6–9.

Moyer, I. L. (2001). *Criminological theory: Traditional and nontraditional voices and themes.* Thousand Oaks, CA: Sage.

Moynahan, J. M., & Bunke, T. R. (1991, May/June). London's famous Newgate Gaol: 1188–1902. *American Jails,* pp. 76–77.

Moynahan, J. M., & Stewart, E. K. (1980). *The American jail—Its growth and development.* Chicago: Nelson-Hall.

Mullen, J., Chabotar, K. J., & Carrow, D. M. (1985). *The privatization of corrections*. Washington, DC: U.S. Department of Justice, National Institute of Justice Issues and Practices.

Mumola, C. J. (2000). *Incarcerated parents and their children* (BJS special report, NCJ 182335). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Munley-Norris, T. (2001). Commission salutes corrections' finest (Commission on Accreditation for Corrections). *Corrections Today, 63,* 29.

Muraskin, R. (Ed.). (2000). *It's a crime: Women and justice.* Upper Saddle River, NJ: Prentice Hall.

Muraskin, R. (Ed.). (2003). *It's a crime: Women and justice* (3rd ed.). Upper Saddle River, NJ: Prentice Hall.

Murnane, R. J., Willett, J. B., & Boudett, K. P. (1999). Do male dropouts benefit from obtaining a GED, postsecondary education, and training? *Evaluation Review, 23,* 475–504.

Murphy, G. L. (1956). *The social role of the prison chaplain*. Doctoral dissertation, University of Pittsburgh.

Murphy, J. G., & Coleman, J. L. (1990). *Philosophy of law: An introduction to jurisprudence.* Boulder, CO: Westview.

Murton, T. (1976). *The dilemma of prison reform.* New York: Holt, Rinehart & Winston.

Murton, T., & Hyams, J. (1969). *Accomplices to the crime: The Arkansas prison scandal*. New York: Grove.

Mushlin, M. (2002). *The rights of prisoners* (3rd ed.). St. Paul, MN: West Group.

Myers, M. (1998). *Race, labor and punishment in the New South*. Columbus: Ohio State University Press.

NAACP Legal Defense and Educational Fund. (2003, Winter). *Death row U.S.A.* Retrieved March 25, 2003, from http://www.deathpenaltyinfo.org/DEATHROWUSArecent.pdf

Nadel, B. (1996). BOP accommodates special needs offenders. *Corrections Today, 58,* 76–79.

Nadelson, R. (1972). *Who is Angela Davis? The biography of a revolutionary.* New York: Peter H. Wyden.

Nagel, I. H., & Schulhofer, S. J. (1992). A tale of three cities: An empirical study of charging and bargaining practices under the federal sentencing guidelines. *Southern California Law Review, 66,* 501–566.

Nagel, W. G. (1973). *The new red barn: A critical look at the modern American prison.* New York: Walker.

Nagin, D. S. (1998). Criminal deterrence research at the outset of the twenty-first century. In M. Tonry (Ed.), *Crime and justice: A review of research* (pp. 1–42). Chicago: University of Chicago Press.

Naitove, C. E. (1988). Using the arts therapies in treatment of sexual offenders against children. In S. Sgroi (Ed.), *Vulnerable populations: Evaluation and treatment of sexually abused children and adult survivors* (Vol. 1, pp. 265–298). New York: Free Press.

Narcotics Anonymous World Services. (2003). Retrieved July 23, 2003, from http://www.na.org

Narcotics Anonymous. (1988). *Narcotics Anonymous.* Van Nuys, CA: Narcotics Anonymous World Service Office.

Nash, J. R. (1990). *Encyclopedia of world crime*. Wilmette, IL: Crime.

Natalini, R. S. (1985). Preventive detention and presuming dangerousness under the Bail Reform Act of 1984. *University of Pennsylvania Law Review*, *134*, 225–250.

Natambu, K. (2002). *Malcolm X.* Indianapolis, IN: Alpha.

National Adult Literacy and Learning Disabilities Center. (1996, Fall). Correctional education: A worthwhile investment. In *Linkages: Linking literacy and learning disabilities* (Vol. 3, No. 2). Washington, DC: National Institute for Literacy.

National Association for the Care and Resettlement of Offenders (NACRO). (2001/2002). Women offenders. *Safer Society, 11*, 27–28.

National Association of Drug Court Professionals. (1997). *Defining drug courts: The key components.* Alexandria, VA: Author.

National Center for Education Statistics. (1992). *National Adult Literacy Survey*. Washington, DC: U.S. Department of Education, National Center for Education Statistics.

National Center for Policy Analysis. (1995). Prisoner work. *Crime and Punishment in America.* Retrieved November 20, 2002, from http://www.public-policy.org/~ncpa/w/w83.html

National Commission on Certification of Physician Assistants. (n.d.). Retrieved from http://www.nccpa.net/

National Commission on Correctional Health Care. (2000). *Standards for health services in prisons.* Chicago: Author.

National Commission on Correctional Health Care. (2001, November 11). *Management of persons with HIV infection.* Chicago: Author.

National Commission on Correctional Health Care. (2003a). *Standards for health services in jails*. Chicago: Author.

National Commission on Correctional Health Care. (2003b). *Standards for health services in prisons*. Chicago: Author.

National Commission on Correctional Health Care. (n.d.). Retrieved from www.ncchc.org

National Correctional Industries Association. (2004). PIE Certification Program. Retrieved September 10, 2004, from http://www.nationalcia.org/pieprog2.html

National Council of Judges and Family Court Judges. (1995). *Resource guidelines: Improving court practice in child abuse and neglect cases* (Grant Document No. 92-CT-CX-0001 and 95-CT-FX-0001 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, and U.S. Department of Justice). Washington, DC: National Council of Judges and Family Court Judges.

National Crime Prevention Council. (2001, October). Communities receive Justice Department funds for drug courts. *Catalyst Newsletter, 21.* Retrieved November 25, 2002, from http://www.ncpc.org/catalyst/2001/009x country.htm

National Crime Victimization Survey. (n.d.). Retrieved September 14, 2004, from http://www.ojp.usdoj.gov/bjs/cvict.htm

National Drug Court Institute. (n.d.). *Drug court facts: Drug courts today.* Retrieved February 12, 2003, from http://www.ndci.org/courtfacts.htm

National Drug Strategy Network. (n.d.). Retrieved from http://www.ndsn.org/

National Institute for Literacy. (1999). *Equipped for the future standards.* Retrieved from http://www.nifl.gov/lincs/collections/eff/eff.html

National Institute for Literacy. (2003). *Correctional education facts.* Retrieved September 3, 2003, from http://www.nifl.gov/nifl/facts/correctional.html

National Institute of Corrections Information Center. (1989). *Overview of substance abuse treatment programs in correctional settings*. Washington, DC: National Institute of Corrections.

National Institute of Corrections. (1982). *Classification, principles, models, and guidelines.* Washington, DC: Author.

National Institute of Corrections. (1985). Designs for contemporary correctional facilities. Washington, DC: National Institute of Corrections.

National Institute of Corrections. (1997). *Supermax housing: A survey of current practice*. Longmont, CO: U.S. Department of Justice.

National Institute of Corrections. (1998). *Hospice and palliative care in prisons: Special issue in corrections.* Longmont, CO: Author.

National Institute of Corrections. (2002). *Services for families of prison inmates*. Longmont, CO: U.S. Department of Justice, National Institute of Corrections. Retrieved August 25, 2002, from http://www.nicic.org

National Institute of Corrections. (2004). NIC home page. Retrieved from http://nicic.org/

National Institute on Drug Abuse. (2002). *Therapeutic community* (NIDA Research Report Series, NIH Publication No. 02–04877). Washington, DC: National Institutes of Health.

National Mental Health Association. (n.d.). *Checking up on juvenile justice facilities: A best practices guide*. Alexandria, VA: Author.

National Prison Project of the ACLU Foundation. (1988). Report on the High Security Unit for Women, Federal Correctional Institution, Lexington, Kentucky. *Social Justice, 15*(1), 1–7.

Nebraska Department of Corrections. (1995). *Annual report*. Lincoln: Author.

Neier, A. (1995). Confining dissent: The political prison. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 390–425). New York: Oxford University Press.

Neihardt, J. G. (1979). *Black Elk speaks.* Lincoln: University of Nebraska Press.

Nelli, H. S. (1976). *The business of crime: Italians and syndicate crime in the United States.* Chicago: University of Chicago Press.

Nelson, C. (1974). *A study of homosexuality among women inmates at two state prisons*. Ph.D. dissertation, Temple University, Philadelphia.

Nelson, E. K., Breed, A., O'Leary, V., Stubblefield, K., & Velde, R. P. (1997). Post-symposium comments on the corrections report of the president's crime commission. In L. Robinson (Ed.), *The challenge of crime in a free society: Looking back looking forward* (Appendix). Washington, DC: U.S. Department of Justice.

Nelson, M., & Trone, J. (2000). *Why planning for release matters*. New York: Vera Institute of Justice.

Neufeld, R., Campbell, A., & Coyle, A. (Eds.). (2003). *Capitalist punishment: Prison privatization and human rights.* Atlanta, GA: Clarity.

New York City Department of Corrections. (2004). Retrieved September 14, 2004, from http://www.nyc.gov/html/doc/

New York Correction Society. (2004). Retrieved September 14, 2004, from http://www.correctionhistory.org

New York State Department of Correction. (1949). These are your N.Y. State correctional institutions. *Correction. Newsletter of the New York State Department of Correction, 16,* 2–4. Furnished by the Ossining, NY, Historical Society.

New York State Department of Correctional Services. (1998a). Albion Correctional Facility. *DOCS Today, 7*(9), 22–25.

New York State Department of Correctional Service. (1998b, April). Auburn Correctional Facility. *Docs Today.*

New York State Department of Correctional Services. (1999). Bedford Hills Correctional Facility. *DOCS Today, 2*(5), 12–15.

New York State Special Commission on Attica. (1972). *Attica: The official report of the New York State Special Commission on Attica.* New York: Praeger.

Newbold, G. (1982/1985). *The big Huey.* Auckland, NZ: Collins.

Newbold, G. (1989a). Criminal subcultures in New Zealand. In D. Novitz & B. Willmott (Eds.), *Culture and identity in New Zealand.* Wellington, NZ: GP.

Newbold, G. (1989b). *Punishment and politics: The maximum security prison in New Zealand*. Auckland, NZ: Oxford University Press.

Newbold, G., & Eskridge, C. (2003). History and development of modern correctional practices in New Zealand. In C. B. Fields & R. H. Moore (Eds.), *Comparative criminal justice: Traditional and non-traditional systems of law and control*. Prospect Heights, IL: Waveland.

Newburn, T. (2002). Atlantic crossings: "Policy transfer" and crime control in the USA and Britain. *Punishment and Society, 4*(2), 165–194.

Newman, A. P., Lewis, W., & Beverstock, C. (1993). *Prison literacy.* Philadelphia: National Center on Adult Literacy.

Newman, G. (1978). *The punishment response.* Philadelphia: J. B. Lippincott.

Newman, G. (1985). *The punishment response.* Albany, NY: Harrow and Heston.

Newman, G. (1995). *Just and painful: A case for the corporal punishment of criminals.* Albany, NY: Harrow and Heston.

Newton, H. P. (1973). *Revolutionary suicide.* New York: Harcourt Brace Jovanovich.

Nicholas, S. (Ed.). (1989). *Convict workers: Reinterpreting Australia's past.* Cambridge, UK: Cambridge University Press.

Nielsen, A. L., Scarpitti, F. R., & Inciardi, J. A. (1996). Integrating the therapeutic community and work release for drug-involved offenders. *Journal of Substance Abuse Treatment, 13,* 349–358.

Nielsen, M. (2000). Canadian correctional policy and Native inmates: The control of social dynamite. In R. Neugebauer, *Criminal injustice: Racism in the criminal justice system* (pp. 341–354). Toronto: Canadian Scholars' Press.

Nizer, L. (1973). *The implosion conspiracy.* New York: Doubleday.

Nolan, J. (1998). *The therapeutic state.* New York: New York University Press.

Nossiter, A. (1997, January 31). Judge rules against Alabama's prison "hitching posts." *New York Times,* p. A14.

Novak, D. A. (1978). *The wheel of servitude: Black forced labor after slavery.* Lexington: University Press of Kentucky.

November Coalition. (n.d.). Retrieved from http://www.november.org

Nurse, A. M. (2002). *Fatherhood arrested: Parenting from within the juvenile justice system.* Nashville, TN: Vanderbilt University Press.

Oakey, M. H. (1988). *Journey from the gallows: Historical evolution of the penal philosophies and practices in the nation's capital.* Lanham, MD: University Press of America.

O'Brian, P. (1995). The prison on the continent: Europe, 1865–1965. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 178–201). New York: Oxford University Press.

O'Brien, P. (1982). *The promise of punishment: Prisons in nineteenth-century France.* Princeton, NJ: Princeton University Press.

O'Connor, M. (2000, November 29). 2 guards at Stateville are charged in inmate beating. *Chicago Tribune*, Metro Section, p. 7.

O'Connor, M. (2003, August 22). 3 guards charged in aiding inmates. *Chicago Tribune*, Metro Section, p. 8.

O'Connor, T. P., Ryan, P., & Parikh, C. (1997). *The impact of religious programs on inmate infractions at Lieber Prison in South Carolina*. Report prepared for the South Carolina Department of Corrections.

Odem, M., & Schlossman, S. (1991). Guardians of virtue: The juvenile court and female delinquency in early 20th century Los Angeles. *Crime & Delinquency, 37*, 186–203.

Odem, M. E. (1995). *Delinquent daughters: Protecting and policing adolescent female sexuality in the United States, 1885–1920.* Chapel Hill: University of North Carolina Press.

O'Donnell, I., & Edgar, K. (1996). *Victimisation in prisons.* Croydon, UK: Home Office.

O'Donoghue, E. G. (1923). *Bridewell Hospital; palace, prison, schools, from the earliest times to the end of the reign of Elizabeth*. London: Lane.

O'Donoghue, E. G. (1929). *Bridewell Hospital; palace, prison, schools, from the death of Elizabeth to modern times.* London: Lane.

Office of the High Commissioner for Human Rights. (1949). *Geneva Convention relative to the Treatment of Prisoners of War.* Retrieved September 10, 2004, from http://www.unhchr.ch/html/menu3/b/91.htm

Office of Juvenile Justice and Delinquency Prevention. (1999). *Minorities in the juvenile justice system.* Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Office of Juvenile Justice and Delinquency Prevention. (2000). *Juvenile offenders and victims: 1999 national report. Chapter 7: Juveniles in correctional facilities.* Washington, DC: U.S. Government Printing Office.

Office of National Drug Control Policy. (1999). *Therapeutic communities in correctional settings: The prison based TC standards development project final report of phase II* (NCJ Publication No. 179365). Washington, DC: Criminal Justice Committee of Therapeutic Communities of America.

Office of Science and Technology of the National Institute of Justice. (2000, December). Do you speak English? *Corrections Today*.

Ogletree, C. J., Jr. (2002, March). Symposium: The bicentennial celebration of the courts of the District of Columbia Circuit: judicial activism or judicial necessity: the D.C. District Court's criminal justice legacy. *Georgetown Law Journal Georgetown Law Journal,* p. 685.

O'Hare, K. R. (1977). *In prison*. Seattle: University of Washington Press. (Original work published 1923)

Ohio Department of Rehabilitation and Corrections. (1991). *Executive summary: A report prepared pursuant to Amended Substitute House Bill 298.* Columbus: Ohio Department of Rehabilitation and Corrections.

Olasky, M. (1992). *The tragedy of American compassion*. Washington, DC: Regnery.

O'Malley, P. (1992). Risk, power and crime prevention. *Economy and Society, 21*(3), 252–275.

O'Malley, P. (1999). Volatile and contradictory punishment. *Theoretical Criminology, 3*(2), 175–196.

Onorato, M. (2001). HIV infection among incarcerated women." *HEPP News, 4*(5). Retrieved from http://www.thebody.com/hepp/may01/incarcerated.html

Ort, R. S., & Faiver, K. L. (1998). Mental illness as a chronic condition: Coping with chronic mental patients in a correctional setting. *Corrections Compendium*, *23*(5), 1–6.

O'Shea, K. (1999). *Women and the death penalty in the United States, 1900–1998.* London: Praeger.

Oshinsky, D. M. (1996). "*Worse than slavery": Parchman Farm and the ordeal of Jim Crow justice*. New York: Free Press.

Ossining Historical Society. (1878). Sing Sing Prison: The life of state prison convict-How they are treated and cared for. *Frank Leslie's Illustrated Newspaper,* New York City, February 16. Furnished by Ossining, NY, Historical Society.

Oswald, R. G. (1972). *Attica: My story.* Garden City, NY: Doubleday.

Otis, M. (1913). A perversion not commonly noted. *Journal of Abnormal Psychology*, *8*, 113–116.

Ouimet, M. (1999). Remarkable rarity of violence towards staff in prisons. *Forum on Corrections Research, 11*(1), 25–29.

Owen, B. (1998). *"In the mix": Struggle and survival in a women's prison*. Albany: State University of New York Press.

Owen, B. A. (1988). *The reproduction of social control: A study of prison workers at San Quentin.* New York: Praeger.

Pabst, R. M. (1974). *Plodding toward terror: A personal look at the Jack Ruby case*. New York: Vantage.

Palm, G. (in press). Parent education for incarcerated parents: What works. In V. Gadsden (Ed.), *Heading home: Offender reintegration in the family—What works.* Lanham, MD: American Correctional Association.

Palmer, J. W., & Palmer, S. E. (1999). *Constitutional rights of prisoners* (6th ed.). Cincinnati, OH: Anderson.

Palmer, T. (1975). Martinson revisited. *Journal of Research in Crime and Delinquency, 12,* 133–152.

Palmer, T. (1978). *Correctional intervention and research.* Lexington, MA: D. C. Heath.

Palmer, T. (1994). *A profile of correctional effectiveness & new directions for research.* Albany: State University of New York Press.

Palmer, T. (2002). *Individualized intervention with young multiple offenders: The California Community Treatment Project*. Hampton, CT: Garland.

Parent, D., Dunworth, T., McDonald, D., & Rhodes, W. (1997). *Key legislative issues in criminal justice: Intermediate sanctions.* Washington, DC: U.S. Department of Justice, National Institute of Justice, Office of Justice Programs.

Parent, D. G. (1993a). Boot camps failing to achieve goals. *Overcrowded Times: Solving the Prison Problem, 4*(4).

Parent, D. G. (1993b). Conditions of confinement. *Juvenile Justice, 1*(1), 2–7.

Parenti, C. (1999). *Lockdown America: Police and prisons in the age of crisis.* New York: Verso.

Parisi, N., & Zillo, J. A. (1983). Good time: The forgotten issue. *Crime & Delinquency, 29*, 228–237.

Parker, K. (2002). Note and comment: Female inmates living in fear—Sexual abuse by correctional officers in the District of Columbia. *American University Journal of Gender, Social Policy & the Law, 10,* 443.

Parker, K. C. (2002). Note and comment: Female inmates living in fear—Sexual abuse by correctional officers in the District of Columbia. *American University Journal of Gender, Social Policy & the Law American University Journal of Gender, Social Policy & the Law,* p. 443.

Parrish, J. R. (1991). *Prison pictures from Hollywood*. Jefferson, NC: McFarland & Company.

Parry, A. (1933). *Tattoo: Secrets of a strange art as practised among the Natives of the United States.* New York: Simon & Schuster.

Parsons, C. (1996). Politicians, media crowd speck hearing. *Chicago Tribune*, May 16, p. 5.

Parsons, F. (1989). *Choosing a vocation.* Garrett Park, MD: Garrett Park Press.

Patrick-Stamp, L. (1989). *Ideology and punishment: The crime of being black (Pennsylvania, 1639–1804).* Doctoral dissertation, University of California, Santa Cruz.

Patrick-Stamp, L. (1995). Numbers that are not new: African Americans in the country's first prison, 1790–1835. *The Pennsylvania Magazine of History and Biography, CXIS,* (1–2), 95–128.

Patterson, C. H. (1986). *Theories of counseling and psychotherapy* (4th ed.). New York: Harper & Row.

Patterson, O. (1982). *Slavery and social death*. Cambridge, MA: Harvard University Press.

Patterson, O. (1998). *Rituals of blood: Consequences of slavery in two American centuries*. Washington, DC: Civitas.

Paul, M. (1991). *When words are behind bars.* Kitchener, ON: Core Literacy.

Payne, B. K., & Gainey, R. R. (2000). Electronic monitoring: Philosophical, systemic, and political issues. *Journal of Offender Rehabilitation, 31*(3/4), 93–111.

Pearson, F. S., & Lipton, D. S. (1999). A meta-analytic review of the effectiveness of corrections-based treatments for drug abuse. *The Prison Journal, 79*, 384–410.

Pedersen, P., Draguns, J., Lonner, W., & Trimble, J. (Eds.). (1989). *Counseling across cultures*. Honolulu: University of Hawaii Press.

Peiperl, L., & Volberding, P. (Eds.). (2003). *HIV InSite Knowledge Base*. San Francisco: University of California San Francisco and San Francisco General Hospital. Retrieved from http://hivinsite.ucsf.edu/InSite?page=KB

Pelissier, B., Rhodes, W., Saylor, W., Gaes, G., Camp, S. D., Vanyur, S. D., & Wallace, S. (2000). *TRIAD Drug Treatment Evaluation Project: Final year report of three year outcome, executive summary.* Washington, DC: Bureau of Prisons.

Pelligrew, F. G. (1895). *A manual for prison officials; Commonwealth of Massachusetts rules and regulations for the government of the Massachusetts Reformatory (approved March 11, 1891).* Boston: Wright & Potter Publishers, State Printers.

Peltier, L. (1999). *Prison writings: My life is my sun dance.* New York: St. Martin's.

Pelz, M. E. (1988). *The Aryan Brotherhood of Texas: An analysis of right-wing extremism in the Texas prisons.* Unpublished doctoral dissertation, Dissertation Abstracts International.

Pelz, M. E., Marquart, J. W., & Pelz, C. T. (1991). Right–wing extremism in Texas prisons: The rise and fall of the Aryan Brotherhood of Texas. *The Prison Journal, 71*(2), 23–37.

PEN American Center Archives, Princeton University. (2004). Retrieved from http://libweb.princeton.edu/libraries/firestone/rbsc/aids/pen.html

Pennsylvania Prison Society. (May, 2002). *Executive director's annual report 2001.* Philadelphia: Author.

Pens, D. (1998). The California prison guards' union: A potent political interest group. In D. Burton-Rose (Ed.), *The celling of America.* Monroe, ME: Common Courage.

Pens, D. (2001). Food strike puts Washington DOC on spin control. *Prison Legal News, 12*(2), 9.

Pens, D., & Wright, P. (1998). The resurgence of chain gangs. In D. Burton-Rose (Ed.), *The celling of America: An inside look at the U.S. prison industry* (pp. 70–77). Monroe, ME: Common Courage.

Pepinsky, H. E., & Quinney, R. (Eds.). (1991). *Criminology as peacemaking.* Bloomington: Indiana University Press.

Perkins, R. (1991). Transsexuals in prison. *Journal for Social Justice Studies, 4,* 97–100.

Perkinson, R. R. (2001). *The birth of the Texas prison empire*. Doctoral dissertation, Yale University.

Perry, B. (1991). *Malcolm: The life of a man who changed black America.* Barrytown, NY: Station Hill.

Peters, M., Thomas, D., & Zamberlan, C. (1997). *Boot camps for juvenile offenders.* Washington, DC: U.S. Office of Juvenile Justice and Delinquency Prevention.

Petersen, M., Stephens, J., Dickey, R., & Lewis, W. (1996). Transsexuals within the prison system: An international survey of correctional services policies. *Behavioural Sciences and the Law, 14,* 219–229.

Petersilia, J. (1997). Probation in the United States. In M. Tonry (Ed.), *Crime and justice: A review of research* (pp. 149–200). Chicago: University of Chicago Press.

Petersilia, J. (Ed.). (1999a). *Community corrections: Probation, parole and intermediate sanctions.* New York: Oxford University Press.

Petersilia, J. (1999b). Parole and prisoner reentry in the United States. In M. Tonry & J. Petersilia (Eds.), *Prisons* (Vol. 26, pp. 479–530). Chicago: University of Chicago Press.

Petersilia, J. (2001). Prisoner reentry: Public safety and reintegration challenges. *The Prison Journal, 81*(3), 360–376.

Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry*. New York: Oxford University Press.

Petrunik, M. (2002). Managing unacceptable risk: Sex offenders, community response and social policy in the United States and Canada. *International Journal of Offender Therapy and Comparative Criminology, 46*(4), 483–511.

Petrunik, M. (2003). The hare and the tortoise: Dangerousness and sex offender policy in the United States and Canada. *Canadian Journal of Criminology and Criminal Justice*, *45*(1), 46–72.

Phelan, M. P., & Hunt, S. A. (1998). Prison gang members' tattoos as identity work: The visual communication of moral careers. *Symbolic Interaction, 21,* 277–298.

Phelps, R. H. (1969). *A history of Newgate of Connecticut.* New York: Arno Press and the *New York Times.*

Philips, B. (1996). *Eastern State Penitentiary: 140 years of reform*. Retrieved March 15, 2003, from http://www.budgettechnologies.com/MollyMaguires/eastern.html

Phillip, R. L., & Roberts, J. W. (2000). *Quick reference to correctional administration.* Gaithersburg, MD: Aspen.

Phillips, M., & Inui, T. (1986). The interaction of mental illness, criminal behavior and culture: Native Alaskan mentally ill criminal offenders. *Culture, Medicine and Psychiatry, 10*, 123–149.

Phillips, R., Dobash, R. P., & Bruce, A. (1994). *Physically disabled prisoners in Scotland.* Edinburgh: Scottish Prison Service.

Phillips, S., & Bloom, B. (1998). In whose best interest? The impact of changing public policy on relatives caring for children of incarcerated parents. *Child Welfare, 77,* 531–541.

Phillips, T. S., & Griebel, M. A. (2003). *Justice facilities.* Hoboken, NJ: John Wiley.

Phipps, P., Korinek, K., Aos, S., & Lieb, R. (1999*). Research findings on adult corrections programs: A review.* Olympia: Washington State Institute for Public Policy.

Pierson, T. A. (1991, April). One state's success with unit management. *Corrections Today,* 24, 26, 28, 30.

Pilat, O. (1952). *The atom spies.* New York: Putnam's.

Pisciotta, A. W. (1982). Saving the CHILDREN: The promise and practice of parens patriae, 1838–1898. *Crime & Delinquency, 28*, 410–425.

Pisciotta, A. W. (1994). *Benevolent repression: Social control and the American reformatory-prison movement*. New York: New York University Press.

Pitman, E. R. (1969). *Elizabeth Fry.* New York: Greenwood.

Platt, A. (1969). *Politics of riot commissions, 1917–1970: A collection of official reports and critical essays*. London: Macmillan.

Platt, A. (1991). *E. Franklin Frazier reconsidered.* New Brunswick, NJ: Rutgers University Press.

Platt, A. M. (1974). *The child savers: The invention of delinquency.* Chicago: University of Chicago Press.

Platt, A. M. (1977). *The child savers: The invention of delinquency* (2nd ed., enlarged). Chicago: University of Chicago Press.

Pogrebin, M., & Poole, E. (1997). The sexualized work environment: A look at women jail officers. *The Prison Journal, 77*, 41.

Pollack, S. (2000). *Outsiders inside: The social context of women's lawbreaking and imprisonment*. Unpublished doctoral thesis, Faculty of Social Work, University of Toronto.

Pollitt, C. (1993). *Managerialism and the public services: Cuts or cultural change in the 1990s?* Oxford, UK: Basil Blackwell.

Pollock, J. (2002). *Women, prison and crime.* Pacific Grove, CA: Brooks/Cole.

Pollock, J. M. (1997). *Prisons: Today and tomorrow*. Gaithersburg, MD: Aspen.

Pollock, J. M. (2002). *Women, prison, and crime* (2nd ed.). Belmont, CA: Wadsworth/Thomson.

Pollock-Byrne, J. M. (1990). *Women, prison, and crime.* Belmont, CA: Wadsworth.

Poole, E. D., & Regoli, R. M. (1983). Professionalism, role conflict, work alienation and anomia: A look at prison management. *Social Science Journal, 20*(1), 63–70.

Porporino, F. J., & Robinson, D. (1992). The correctional benefits of education: A follow-up of Canadian federal offenders participating in ABE. *Journal of Correctional Education, 43*, 92–98.

Power, K. G., Dyson, G. P., & Wozniak, E. (1997). Bullying among young offenders: Inmates' self-reported attitudes and behaviours. *Journal of Community Psychology, 7,* 209–218.

Prejean, H. (1993). *Dead man walking. An eyewitness account of the death penalty in the United States.* New York: Random House.

[President Bush's June 9, 2002, order declaring Jose Padilla, a U.S. citizen, to be an enemy combatant.] (2002). Retrieved from http://news.findlaw.com/hdocs/docs/terrorism/padillabush60902det.pdf

President's Commission on Law Enforcement and Administration of Justice. (1967). *Task force report on corrections*. Washington, DC: U.S. Government Printing Office.

President's Commission on Law Enforcement and Administration of Justice. (1967a). *The challenge of crime in a free society*. Washington, DC: U.S. Government Printing Office.

President's Commission on Law Enforcement and Administration of Justice. (1967b). *Task force report: Corrections*. Washington, DC: U.S. Government Printing Office.

Presser, L., & Gaarder, E. (2000). Can restorative justice reduce battering? Some preliminary considerations. *Social Justice, 27*(1), 175–195.

Price, M. (2001). The other safety valve: Sentence reduction motions under 18 U.S.C. § 3582(c)(1)(A). *Federal Sentencing Reporter, 13,* 188–191.

Prison Reform Trust. (Ed.). (1985). *Prison medicine: Ideas on health care in penal establishments*. London: Prison Reform Trust.

Prison Service. (2001). *Prison service: Annual report and accounts, April 2000 to March 2001,* HC 29. London: Author.

Prison Songs. Historical Recordings from Parchman Farm 1947–48. Volume 1: Murderous Home [Recording]. (1997). Rounder CD 1714. Comp., ed., & res. Matthew Barton, Anna L. Chairetakis.

Prison Songs. Historical Recordings from Parchman Farm. 1947–48. Volume Two: Don'tcha Hear Poor Mother Calling? [Recording]. (1997). Rounder CD1715. Comp., ed., & res. Matthew Barton, Anna L. Chairetakis.

Prison Worksongs [Recording]. (1959, 1997). Arhoolie CD 448. Recorded by Dr. Harry Oster at the Louisiana State Penitentiary at Angola, Louisiana, and other locations, mostly in 1959. Ed. Harry Oster.

Productivity Commission. (2002). *Report on government services.* Canberra: Australian Government Printer.

Project READ. (1978). To make a difference. In M. S. Brunner (Ed.), *Reduce recidivism and increased employment opportunity through research-based reading instruction* (pp. 20–27). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

ProLiteracy Worldwide. (2004). ProLiteracy Worldwide home page. Retrieved from http://www.proliteracy.org/about/index.asp

Prout, C., & Ross, R. (Eds.). (1988). *Care and punishment: The dilemmas of prison medicine.* Pittsburgh, PA: University of Pittsburgh Press.

Prout, C., & Ross, R. N. (1988). *Care and punishment: The dilemmas of prison medicine.* Pittsburgh, PA: University of Pittsburgh Press.

Pugh, R. (1968). *Imprisonment in medieval England.* Cambridge, UK: Cambridge University Press.

Puisis, M. (Ed.). (1998). *Correctional medicine*. St. Louis: C. V. Mosby.

Puzzachera, C. (2002). *Juvenile court placement of adjudicated youth, 1989–1998.* Office of Juvenile Justice and Delinquency Prevention. Washington, DC: U. S. Government Printing Office.

Puzzanchera, C. M. (2001). *Delinquency cases waived to criminal court, 1988–1997.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Quay, H. (1984). *Managing adult inmates: Classification for housing and program assignments.* College Park, MD: American Correctional Association.

Quay, H., & Parsons, R. (1972). *The differential behavioral classification of the juvenile offender*. Washington, DC: U.S. Department of Justice.

Querry, R. B. (1973). Prison movies: An annotated filmography, 1921–present. *Journal of Popular Film, 2*(2), 181–197.

Quinn, M. M., Rutherford, R. B., & Leone, P. E. (2001). *Students with disabilities in correctional facilities.* (ERIC Digest No. E621).

Quinn, T. (Ed.). (1999). *Maximum Security University: A documentary history of death and cover-up at America's most violent prison.* San Francisco: California Prison Focus.

Quinney, R. (1980). *Class, state, and crime* (2nd ed.). New York: Longman.

Quinsey, V. L., Harris, G. T., Rice, M. E., & Cormier, C. A. (1998). *Violent offenders: Appraising and managing risk.* Washington, DC: American Psychological Association.

Rabinow, P. (Ed.). (1986). *The Foucault reader*. Harmondsworth, UK: Penguin.

Radelet, M., Bedau, H. A., & Putnam, C. (1992). *In spite of innocence.* Boston: Northeastern University Press.

Radin, M. J. (1980). Cruel punishment and respect for persons: Super due process for death. *Southern California Law Review, 53*, 1143–1185.

Radosh, P. (2002). Reflections on women's crime and mothers in prison: A peacemaking approach. *Crime & Delinquency, 48,* 300–315.

Rafter, N. H. (1978). *The defective delinquency movement: A history of the born criminal in New York State, 1850–1966.* Doctoral dissertation, State University of New York at Albany.

Rafter, N. H. (1983). Prisons for women, 1790–1980. In M. Tonry & N. Morris (Eds.), *Crime and justice: An annual review* (Vol. 5, pp. 129–181). Chicago: University of Chicago Press.

Rafter, N. H. (1985). *Partial justice: Women in state prisons, 1800–1935.* Boston: Northeastern University Press

Rafter, N. H. (1990). *Partial justice: Women, prisons, and social control* (2nd ed., rev.). New Brunswick, NJ: Transaction.

Rafter, N. H. (1992, Spring). Equality or difference? *Federal Prisons Journal, 3*.

Rafter, N. H. (2000a). *Shots in the mirror: Crime films and society*. New York: Oxford University Press.

Rafter, N. H. (2000b). Women's prison reform: Past, present, and future. *Women, Girls and Criminal Justice, 1*(5), 67–68, 78.

Rafter, N. H., & Stanley, D. (1999). *Prisons in America: A reference handbook.* Santa Barbara, CA: ABC-CLIO.

Ragen, J. E. (1962). *Inside the world's toughest prison*. Springfield, IL: Charles C Thomas.

Ragen, J. E., & Finston, C. (1962). *Inside the world's toughest prison*. Springfield, IL: Charles C Thomas.

Raine, J. W., & Wilson, M. J. (1997). Beyond managerialism in criminal justice. *The Howard Journal, 36*(1), 80–95.

Rainville, G., & Reaves, B. A. (2000). *Felony defendants in large urban counties* (No. NCJ 202021). Washington, DC: Bureau of Justice Statistics.

RAND Drug Policy Research Center. (1997). *Are mandatory minimum drug sentences cost-effective?* Retrieved from http://www.rand.org/publications/RB/RB6003/

Rasche, C. E. (2003). Cross-sex supervision of incarcerated women and the dynamics of staff sexual misconduct. *Gendered justice: Addressing female offenders* (pp. 141–172). Durham, NC: Carolina Academic.

Rasmussen, C. (2001). "Prohibition Portia": The pioneering career of Mabel Willebrandt. *Women Lawyers Journal, 86,* 9–10.

Rasmussen, D. W., & Benson, B. L (1990). The crack attack: Politics and media in America's latest drug scare. In J. Best (Ed.), *Images of issues.* New York: Aldine de Gruyter.

Rasmussen, D. W., & Benson, B. L. (1994). *The economic anatomy of a drug war.* Lanham, MD: Rowman & Littlefield.

Ratcliff, M. (2000). Dying inside the walls. *Journal of Palliative Medicine, 3,* 509–511.

Rawlings, B. (2001). *Therapeutic communities for the treatment of drug users.* London: Jessica Kingsley.

Ray, G. (2001). The emotions hidden behind a badge. *Corrections Today, 63*(6).

Raynor, P. (2002). Community penalties: Probation, punishment and "What Works.'" In M. Magure, R. Morgan, & R. Reiner (Eds.), *The Oxford handbook of criminology* (3rd ed., pp. 1168–1205). Oxford, UK: Oxford University Press.

Razack, S. (1998). *Looking white people in the eye: Gender, race, and culture in courtrooms and classrooms*. Toronto, Buffalo, and London: University of Toronto Press.

Reaves, B. A., & Goldberg, A. L. (1998). *Census of state and local law enforcement agencies, 1996* (NCJ-164618). Washington, DC: U.S. Bureau of Justice Statistics. Retrieved November 25, 2002, from http://www.ojp.usdoj.gov/bjs/pub/pdf/cslea96.pdf

Reaves, B. A., & Goldberg, A. L. (2000). *Local police departments 1997.* Washington, DC: Bureau of Justice Statistics.

Recktenwald, W. (1987, February 23). Convict casts himself as escapee inmate; Rides movie truck from Stateville to freedom. *Chicago Tribune*, p. 3.

Reed, D. F., & Reed, E. L. (1997). Children of incarcerated parents. *Social Justice, 24*(3), 152–169.

Reed, J. (2003). Mental health care in prisons. *British Journal of Psychiatry*, *182,* 287–288.

Reed, Little Rock. (Ed.). (1993). *The American Indian in the white man's prisons: A story of genocide.* Taos, NM: Uncompromising.

Regoli, R. H., & Hewitt, J. D. (2003). *Delinquency in society.* Boston: McGraw-Hill.

Rehabilitation Act of 1973 as Amended through 1978, Sections 502, 506, and 507.

The Rehabilitation Act of 1973 briefing guide, Section 504 Regulation briefing guide. (1979). Washington, DC: Department of HEW, Office for Civil Rights.

Rehnquist, W. H. (1998). All the laws but one: Civil liberties in wartime. New York: Knopf.

Reich, I. (1994). *A citizen crusade for prison reform.* New York: Correctional Association of New York.

Reichman, N. (1986). Managing crime risks: Toward an insurance based model of social control. *Research in Law, Deviance and Social Control, 8,* 151–172.

Reid, S. (1981). *The correctional system: An introduction*. Austin, TX: Holt, Rinehart & Winston.

Reid, S. (1988). *Jack-rabbit parole.* Toronto: Seal.

Reid, S. T. (2001). *Criminal justice* (6th ed.). Cincinnati, OH: Atomic Dog.

Reiman, J. (2004). *The rich get rich and the poor get prison* (7th ed.). Boston: Allyn & Bacon.

Reinarman, C., & Levine, H. G. (1997a). Crack in context: America's latest demon drug. In C. Reinarman & H. G. Levine (Eds.), *Crack in America: Demon drugs and social justice* (pp. 1–17). Berkeley: University of California Press.

Reinarman, C., & Levine, H. G. (1997b). *Crack in America: Demon drugs and social justice.* Berkeley: University of California Press.

Reinventing Probation Council. (1999). *"Broken windows" probation: The next step in fighting crime.* New York: Center for Civic Innovation.

Reisig, M. D. (2001). The champion, contender, and challenger: Top-ranked books in prison studies. *The Prison Journal, 81*(3), 389–407.

Reitsma-Street, M. (1998). Justice for Canadian girls: A 1990s update. *Canadian Journal of Criminology, 41,* 335–363.

Rendon, L. I., & Hope, R. I. (1996). *Educating a new majority.* San Francisco: Jossey-Bass.

Rennie, Y. (1978). *The search for criminal man: A conceptual history of the dangerous offender.* Lexington, MA: Lexington Books.

Rennison, C. (2001). *Violent victimization and race, 1993–98* (Bureau of Justice Statistics special report, NCJ 176354). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Renzetti, C., & Goodstein, L. (Eds.). (2001). *Women, crime, and criminal justice: Original feminist readings.* Los Angeles: Roxbury.

Reuben, W., & Norman, C. (1987). The women of Lexington Prison. *The Nation, 244*, 25.

Reyes, B., Johnson, H., & Swearingen, R. V. (2002). *Holding the line? The effect of the recent border build-up on unauthorized immigration.* San Francisco: Public Policy Institute of California. Retrieved from www.ppic.org/publications/PPIC162/index.html

Rhine, E. E., Smith, W. R., & Jackson, R. W. (1991). *Paroling authorities: Recent history and current practice*. Laurel, MD: American Correctional Association.

Rhodes, W. (1992). Sentence disparity, use of incarceration, and plea bargaining: The post-guideline view from the commission. *Federal Sentencing Reporter, 5*, 153–155.

Rich, W. (2002). Editor's letter: Prison conditions and criminal sentencing in Kansas—A public policy dialogue. *Kansas Journal of Law and Public Policy, 11,* 693.

Richards, S. C. (1990}. The sociological penetration of the American gulag. *Wisconsin Sociologist, 27*(4), 18–28.

Richards, S. C., & Jones, R. S. (1997). Perpetual incarceration machine: Structural impediments to post-prison success. *Journal of Contemporary Criminal Justice, 13*(1), 4–22.

Richards, S. C., & Ross, J. I. (2001). The new school of convict criminology. *Social Justice, 28*(1), 177–190.

Richards, S. C., & Ross, J. I. (2003). Convict perspective on the classification of prisoners. *Criminology and Public Policy*, *2*(2), 243–252.

Richardson, J. T., Best, J., & Bromley, D. G. (Eds.). (1991). *The Satanism scare*. Hawthorne, NY: Aldine de Gruyter.

Richardson, R. (1987). *Death dissection and the destitute.* New York: Routledge & Kegan Paul.

Richey, C. (1997). *Prisoner litigation in the U. S. courts*. Eagan, MN: West.

Richiusa, G. (1997, November/December). Language barriers: Teaching ESL in the corrections system. *American Language Review, 1*(5).

Rideau, W., & Wikberg, R. (Eds.). (1992). *Life sentences: Rage and survival behind bars*. New York: Times Books.

Ridgeway, J. (1990). *Blood in the face: The Ku Klux Klan, Aryan Nations, Nazi skinheads, and the rise of a new white culture*. New York: Thunder's Mouth.

Rieger, H. M. (1969). *Redeveloping Chicago's Lincoln Park area.* Unpublished doctoral dissertation, Southern Illinois University.

Rierden, A. (1997). *The farm: Life inside a women's prison.* Amherst: University of Massachusetts Press.

Riots, disturbances, violence, assaults and escapes. (2002). *Corrections Compendium, 27*(5), 6–19.

Riveland, C. (1999). *Supermax prisons: Overview and general considerations.* Washington, DC: National Institute of Corrections.

Rives, J. (1992). Room at the inn. In *Shackles and silence: Poems from prison* (pp. 7–8). Hamilton, Ontario, Canada: Mini Mocho.

Roberson, C. (1997). *Introduction to corrections.* Incline Village, NV: Copperhouse.

Robert Pete Williams. Vol. 1—I'm Blue as a Man Can Be [Recording]. (1959, 1994). Arhoolie CD 394. Recorded by Dr. Harry Oster at Angola State Penitentiary, Louisiana, in 1959 and 1960. Edited and annotated by Henry Kaiser.

Robert, M. (1962). *Political parties: A sociological study of the oligarchical tendencies of modern democracy.* New York: Free Press.

Roberts, A. R. (Ed.). (1971). *Sourcebook on prison education: Past, present, and future.* Springfield, IL: Charles C Thomas.

Roberts, A. R. (Ed.). (1973). *Readings in prison education.* Springfield, IL: Charles C Thomas.

Roberts, A. R., & Coffey, D. O. (1976). *ACA state of the art survey for a correctional education network.* Lanham, MD: American Correctional Association.

Roberts, A. R., & O'Brien, C. (2004). National survey of evidence-based juvenile offender treatment programs. In A. R. Roberts (Ed.), *Juvenile justice sourcebook: Past, present and future.* New York: Oxford University Press.

Roberts, J. V., & Gebotys, R. J. (2001). Prisoners of isolation: Research on the effects of administrative segregation. *Canadian Journal of Criminology, 43*(1), 85–97.

Roberts, J. W. (1980). View from the top: The Bureau of Prisons' five directors discuss problems and ethics in corrections. *Federal Prison Journal, 1*(4), 27–46.

Roberts, J. W. (Ed.). (1994}. *Escaping prison myths: Selected topics in the history of federal corrections.* Washington, DC: American University Press.

Roberts, J. W. (1996). Work, education and public safety: A brief history of federal prison industries. In J. W. Roberts, *Factories with fences: The history of federal prison industries* (pp. 10–35). Sandstone, MN: Federal Prisons Industries.

Roberts, S. (2001). *The brother: The untold story of the atomic spy David Greenglass and how he sent his sister, Ethel Rosenberg, to the electric chair.* New York: Random House.

Robertson, J. E. (2001). Prison reform, a Faustian bargain: Commentary on prospective Relief before and after *Miller v. French*. *Criminal Law Bulletin, 37*(2), 195–209.

Robinson, D. L. (1971). *Slavery and the structure of American politics, 1765–1820*. New York: Harcourt Brace Jovanovich.

Robinson, G. (2001). *By order of the president: FDR and the internment of the Japanese Americans.* Cambridge, MA: Harvard University Press.

Robinson, P. H. (1997). *Structure and function in criminal law.* Oxford, UK: Oxford University Press.

Roche, D. (1999). Mandatory sentencing. In *Trends and issues in crime and criminal justice No. 138.* Canberra: Australian Institute of Criminology.

Rodgers, P. (2003, January). *A message from our president*. Retrieved from http://www.correctionalchaplains.org

Roebuck, J., & Weeber, S. (1978). *Political crime in the United States: Analyzing crime by and against government*. New York: Praeger.

Roffman, P., & Purdy, J. (1995). *The Hollywood social problem film: Madness, despair, and politics from the*

Depression to the fifties. Bloomington: Indiana University Press.

Rogers, C. R. (1942). *Counseling and psychotherapy.* Boston: Houghton Mifflin.

Rogers, D. (2002, June). Juvenile boot camps. *Law Enforcement Technology, 29*(6), 88, 90, 93–95.

Rogers, R. (1993). Solitary confinement. *International Journal of Offender Therapy and Comparative Criminology, 37*(4), 339–349.

Rolland, M. (1997). *Descent into madness: An inmate's experience of the New Mexico State Prison riot*. Cincinnati, OH: Anderson.

Ronel, N. (1998). Narcotics Anonymous: Understanding the "bridge of recovery." *Journal of Offender Rehabilitation, 27*(1/2), 179–197.

Roots, R. (2002). Of prisoners and plaintiffs' lawyers: A tale of two litigation reform efforts. *Willamette Law Review, 38,* 210–232.

Rose, N. (1999). *Governing the soul: The shaping of the private self* (2nd ed.). London: Free Association.

Rose, N. (2000). The biology of culpability. *Theoretical Criminology, 4*(1), 5–34.

Rosenbaum, D. P., Lurigio, A. J., & Davis, R. C. (1998). *The prevention of crime: Social and situational strategies.* Belmont, CA: West/Wadsworth.

Rosenbaum, J. L. (1989). Family dysfunction and female delinquency. *Crime & Delinquency, 35,* 31–44.

The Rosenberg file: Case closed [Video]. (1997). The Discovery Channel. (Featuring interviews with Rosenberg's Soviet control, Alexsander Feklisov)

Rosenberg, E., & Rosenberg, J. (1953). *The death house letters of Ethel and Julius Rosenberg.* New York: Jero.

Rosenberg, G. (1991). *The hollow hope.* Chicago: University of Chicago Press.

Ross, J. I., & Richards, S. C. (Eds.). (2002). *Behind bars: Surviving prison.* New York: Alpha.

Ross, J. I., & Richards, S. C. (Eds.). (2003). *Convict criminology.* Belmont, CA: Wadsworth.

Ross, J. I., & Stephens, S. C. (2002). *Behind bars: Surviving prison.* Indianapolis, IN: Alpha.

Ross, L. (1998). *Inventing the savage: The social construction of Native American criminality*. Austin: University of Texas Press.

Ross, L., & Hawkins, D. (1995). Legal and historical views on racial biases in prison. *Corrections Today, 57,* 192–196.

Ross, R., & Fabiano, E. (1985). *Time to think: A cognitive model of delinquency prevention and offender rehabilitation.* Ottawa, ON: Air Training and Publications.

Ross, R., & Fabiano, E. (1986). *Female offenders: Correctional afterthoughts*. New York: McFarland.

Ross, R., McKay, H., Palmer, W., & Kenny, C. (1978). Self-mutilation in adolescent female offenders. *Canadian Journal of Criminology, 20,* 375–392.

Rothman, D. (1973). Decarcerating prisoners and patients. *Civil Liberties Review, 1,* 8–30.

Rothman, D. J. (1971). *The discovery of the asylum: Social order and disorder in the new republic*. Boston: Little, Brown.

Rothman D. J. (1980). *Conscience and convenience: The asylum and its alternatives in progressive America*. Boston: Little, Brown.

Rotman, E. (1990). *Beyond punishment: A new view on the rehabilitation of criminal offenders.* New York: Greenwood.

Rotman, E. (1995). The failure of reform: United States, 1865–1965. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 169–197). New York: Oxford University Press.

Rowe, R., et al. (1977). *The impact of functional unit management on indices of inmate incidents.* Unpublished research report by the U.S. Bureau of Prisons.

Royal Commission Into Aboriginal Deaths in Custody. (J. H. Muirhead, chair). (1991). *Interim report.* Canberra: Australian Government Publication Service.

Rubin, P., & McCampbell, S. W. (1995). *The Americans with Disabilities Act and criminal justice: Mental disabilities and corrections* (NCJ 155061). Washington, DC: National Institute of Justice.

Rudé, G. (1964). *The crowd in history.* New York: John Wiley.

Rudin, J. (1996, Fall). Megan's Law: Can it stop sexual predators, and at what cost to constitutionality? *Criminal Justice,* pp. 3–6, 60–63.

Rudovsky, D., Bronstein, A. J., Koren, E. I., & Cade, J. (1988). *The rights of prisoners* (4th ed.). Carbondale: Southern Illinois University Press.

Rudovsky, D., et al. (1983). *The rights of prisoners: The basic ACLU guide to a prisoner's rights*. New York: Bantam.

Rudovsky, D., Koren, E., & Cade, J. (1990). *The rights of prisoners: The basic ACLU guide to prisoners' rights*. Carbondale: Southern Illinois University Press.

Runda, J. C., Rhine, E. E., & Wetter, R. E. (1994). *The practice of parole boards*. Lexington, KY: Council of State Governments.

Rusche, G., & Kirchheimer, O. (1968). *Punishment and social structure.* New York: Russell & Russell. (Original work published 1939, New York: Columbia University Press)

Rusche, G., & Kirchheimer, O. (2003). *Punishment and social structure.* New Brunswick, NJ: Transaction.

Rush, G. E. (1997). *Inside American prisons and jails.* Incline Village, NV: Copperhouse.

Russell, K. (1998). *The color of crime: Racial hoaxes, white fear, black protectionism, police harassment and other macroaggressions.* New York: New York University Press.

Russell, M. P. (1994). Too little, too late, too slow: Compassionate release of terminally ill prisoners—Is the cure worse than the disease? *Widener Journal of Public Law, 3,* 799.

Rust, B. (1999). Juvenile jailhouse rocked. *AdvoCasey.* Anne E. Casey Foundation. Retrieved from www.aecf.org

Rutherford, R. B., Nelson, C. M., & Wolford, B. I. (1985). Special education in the most restrictive environment: Correctional special education. *Journal of Special Education, 19*, 59–71.

Ryan, M. (1992). Solitude as counterinsurgency: The U.S. isolation model of political incarceration. In W. Churchil & J. Vander Wall (Eds.), *Cages of steel: The politics of imprisonment in the United States*. Washington, DC: Maisonneuve.

Ryan, T. A. (1996, Winter). Correctional staff training: A vision for the future. *Journal of Correctional Training*, pp. 6–11.

Sabbag, R. (1992). *Too tough to die.* New York: Simon & Schuster.

Sabo, D., Kupers, T., & London, W. (Eds.). (2001). *Prison masculinities*. Philadelphia: Temple University Press.

Sabol, W. J., et al. (2000), *Offenders returning to federal prison, 1986–97* (Bureau of Justice Statistics special report). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Salgado, G. (1972). *Cony-catchers and bawdy baskets*. Harmondsworth, UK: Penguin.

Sanderford-O'Connor, V. (1998). Prerelease program for inmates with HIV: Cost-effective case management. In E. E. Rhine (Ed.), *Best practices: Excellence in corrections* (pp. 249–251). Lanham, MD: American Correctional Association.

Sanders, C. R. (1988). Marks of mischief: Becoming and being tattooed. *Journal of Contemporary Ethnography, 16,* 395–432.

Sanders, W. B. (1994). *Gangbangs and drive-bys: Grounded culture and juvenile gang violence.* New York: Aldine de Gruyter.

Santería. (n.d.). Retrieved September 16, 2002, from http:www.orishanet.com

Santos, M. G. (2004). *About prison.* Belmont, CA: Wadsworth.

Sarre, R. (2001). Beyond "what works?" A 25 year jubilee retrospective of Robert Martinson's famous article. *Australian and New Zealand Journal of Criminology, 34,* 38–46.

Sassoon, D. (1998). *One hundred years of socialism: The west European left in the twentieth century.* New York: New Press.

Saum, C. A., Surratt, H. L., Inciardi, J. A., & Bennett, R. E. (1995). Sex in prison: Exploring the myths and realities. *The Prison Journal, 75,* 413–430.

Saylor, W. G., & Gaes, G. G. (1992). The Post-Release Employment Project: Prison work has measurable effects on post-release success. *Federal Prisons Journal, 2*(4), 33–36.

Scalia, J. (2001). *Federal drug offenders, 1999 with trends 1984–99* (NCJ 187285). Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Scalia, J., & Litras, M. F. (1996). *Noncitizens in the federal criminal justice system, 1984–1994.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Scalia, J., & Litras, M. F. (2002). *Immigration offenders in the federal criminal justice system, 2000.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Schaeffer, R. T. (2000). *Racial and ethnic groups* (8th ed.). Upper Saddle River, NJ: Prentice Hall.

Schaller, J (1982). Work and imprisonment: An overview of the changing role of prison labor in American prisons. *The Prison Journal*, *62*(2), 3–12.

Scheck, B., Neufeld, P., & Dwyer, J. (2000). *Actual innocence: Five days to execution, and other dispatches from the wrongly convicted.* New York: Doubleday.

Schehr, R., & Milovanovic, D. (1999). Conflict mediation and the postmodern: Chaos, catastrophe, and psychoanalytic semiotics. *Social Justice, 26*, 208–232.

Schiller, L., & Farrel, B. (1977). Playboy interview: Gary Gilmore. *Playboy, 24*(4), 69–92, 130, 174–186.

Schlissel, L. C. (1968). *Conscience in America: A documentary history of conscientious objection in America, 1757–1967.* New York: E. P. Dutton.

Schlosser, E. (1998, December). The prison-industrial complex. *Atlantic Monthly*, 51–77.

Schmidt, A. K. (1994). Electronic monitoring in the United States. In U. Zvekic (Ed.), *Alternatives to imprisonment in comparative perspective.* Turin, Italy: United Nations Interregional Crime and Justice Research Institute.

Schmidt, A. K. (1998). Electronic monitoring: What does the literature tell us? *Federal Probation, 62*(2), 10–19.

Schneir, W., & Schneir, M. (1983). *Invitation to an inquest.* New York: Pantheon.

Schrag, C. (1954). Leadership among prison inmates. *American Sociological Review, 19,* 37–42.

Schwartz, I., & Willis, D. (1994). National trends in juvenile detention. In I. Schwartz & W. Barton (Eds.), *Reforming juvenile detention: No more hidden closets.* Columbus: Ohio State University Press.

Schwartzer, W. W. (1991). Judicial discretion in sentencing. *Federal Sentencing Reporter, 4,* 339–341.

SchWeber, C. (1982). The government's unique experiment in salvaging women criminals: Cooperation and conflict in the administration of a women's orison—The case of the Federal Industrial Institution for Women at Alderson. In N. H. Rafter & E. A. Stanko (Eds.), *Judge, lawyer, victim, thief: Women, gender roles and criminal justice*. Boston: Northeastern University Press.

SchWeber, C. (1984). Beauty marks and blemishes: The coed prison as a microcosm of integrated society. *The Prison Journal, 64*(1), 3–14.

Seaton, E. (1987). Profaned bodies and purloined looks: The prisoner's tattoo and the researcher's gaze. *Journal of Communication Inquiry, 11,* 17–25.

Seeking justice: Crime and punishment in America. (1997). New York: Edna McConnell-Lark Foundation.

Seiter, R. P. (2002). *Correctional administration: Integrating theory and practice*. Upper Saddle River, NJ: Prentice Hall.

Seiter, R. P., & Kadela, K. R. (2003). Prisoner reentry: What works, what does not, and what is promising. *Crime & Delinquency, 49,* 360–388.

Sellin, T. (1965, October). Penal servitude: Origin and survival. *Proceedings of the American Philosophical Society, 109*(5), 277–281.

Sellin, T. (1976). *Slavery and the penal system*. New York: Elsevier.

The Sentencing Project. (2002). *Prison privatization and the use of incarceration*. Retrieved from http://www.sentencingproject.org/news/pub1053.pdf

Serge, V. (1977). *Men in prison* (R. Greenman, Trans.). London: Writers & Readers.

Sexton, G. E. (1995). *Work in American prisons: Joint ventures with the private sector.* Washington, DC: National Institute of Justice. Retrieved August 5, 2003, from http://www.ncjrs.org/pdffiles/workampr.pdf

Seymour, C. (1998, September/October). Children with parents in prison: Child welfare policy, program, and practice issues. *Child Welfare, 77*(5), 469–493.

Shafer, C. (1998). It's like living in a black hole: Women of color and solitary confinement in the prison-industrial complex. *New England Journal on Criminal and Civil Confinement, 24*(2), 385–416.

Shaffer, C. E., Bluoin, D., & Pettigrew, C. G. (1985). Assessment of prison escape risk. *Journal of Police and Criminal Psychology. 1*(1), 42–48.

Shainin, J. (2001, July 23). Death on the installment plan: In Terre Haute, The effects of one execution are only the beginning. *The Nation, 273,* 30–32.

Shakur, A. (1987). *Assata: An autobiography.* Chicago: Lawrence Hill.

Shakur, S. (1993). *Monster: The autobiography of an L.A. gang member.* New York: Atlantic Monthly and Penguin.

Shane-DuBow, S., Brown, A., & Olsen, E. (1985). *Sentencing reform in the United States: History, content, and effect.* Washington, DC: U.S. Government Printing Office.

Sharp, S. F. (2003). Mothers in prison: Issues in parent-child contact. In S. F. Sharp (Ed.), *The incarcerated woman: Rehabilitative programming in women's prisons* (pp. 151–165). Upper Saddle River, NJ: Prentice Hall.

Sharp, S. F., & Marcus-Mendoza, S. T. (2001). It's a family affair: Incarcerated women and their families. *Women and Criminal Justice, 12*(4), 21–49.

Shaw, C. R. (1930). *The jack roller: A delinquent boy's own story.* Philadelphia: Albert Saifer.

Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas.* Chicago: University of Chicago Press.

Shaw, C. R., with Moore, M. E. (1931). *The natural history of a delinquent career*. Chicago: University of Chicago Press.

Shaw, R. (Ed.). (1992). *Prisoners' children: What are the issues?* London: Routledge.

Shaw, R. D. (1995). *Chaplains to the imprisoned: Sharing life with the incarcerated*. New York: Haworth.

Shawcross, T. (1994). *The war against the Mafia.* New York: Harper.

Shaylor, C. (1998). "It's like living in a black hole" Women of color and solitary confinement in the prison industrial complex. *New England Journal of Criminal & Civil Confinement, 24,* 385–416.

Shelden, R. (1980, Winter). From slave to caste society: Penal changes in Tennessee, 1840–1914. *Tennessee Historical Quarterly, 39*.

Shelden, R. (1981). Convict leasing: An application of the Rusche-Kirchheimer thesis to penal changes in Tennessee, 1830–1915. In D. Greenberg (Ed.), *Crime and capitalism.* Palo Alto, CA: Mayfield.

Shelden, R. G. (2001). *Controlling the dangerous classes: A critical introduction to the history of criminal justice*. Boston: Allyn & Bacon.

Shelden, R. G., & Brown, W. B. (2000). The crime control industry and the management of the surplus population. *Critical Criminology, 9*, 39–62.

Shelden, R. G., & Brown, W. B. (2003). *Criminal justice in America: A critical view.* Boston: Allyn & Bacon.

Shelden, R. G., Tracy, S. T., & Brown, W. B. (2001). *Youth gangs in American society* (2nd ed.). Belmont, CA: Wadsworth.

Sherman, L. W., Gottfredson, D. C., MacKenzie, D. L., Eck, J., Reuter, P., & Bushway, S. D. (1998). *Preventing crime: What works, what doesn't, what's promising.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

Sherman, L. W., Gottfredson, D. C., MacKenzie, D. L., Eck, J., Reuter, P., & Bushway, S. D. (1998). *Preventing crime: What works, what doesn't, what's promising.* Washington, DC: U.S. Department of Justice, National Institute of Justice.

Shichor, D. (1995). *Punishment for profit: Private prisons/public concerns*. Thousand Oaks, CA: Sage.

Shichor, D., & Gilbert, M. J. (Eds.). (2000). *Privatization in criminal justice: Past, present, and future.* Cincinnati, OH: Anderson.

Shichor, D., & Sechrest, D. K. (Eds.). (1996). *Three strikes and you're out: Vengeance as public policy.* Thousand Oaks, CA: Sage.

Shilder, D. (1999). *Inside the fence: A handbook for those in prison ministry.* Staten Island, NY: Alba House.

Shipman, M. (2002). *The penalty is death: U.S. newspaper coverage of women's executions.* Columbia: University of Missouri Press.

Short, R. (1979). *The care of long-term prisoners.* London: Macmillan.

Shuster, B. (2001, November 30). Sheriff approves handout of condoms to gay inmates. *Los Angeles Times* online. Retrieved from http://www.latimes.com

Sickmund, M. (2000). *State custody rates, 1997.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Sickmund, M. (2002). *Juvenile residential facility census, 2000: Selected findings* (NCJ 196595). Washington, DC: U.S. Department of Justice.

Sickmund, M., Sladky, T. J., & Kang, W. (2004). *Census of juveniles in residential placement databook*. Retrieved September 2, 2004, from http://www.ojjdp.ncjrs.org/ojstatbb/cjrp

Sickmund, M., & Snyder, H. (2000). *Juvenile offenders and victims: 1999 national report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Sickmund, M., Snyder, H. N., & Poe-Yamagata, E. (1997). *Juvenile offenders and victims: 1997 update on violence.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Siegel, L. (2000). The judicatory process. In L. Siegel, *Criminology: Theories, patterns, and typologies* (7th ed.). Belmont, CA: Wadsworth/Thomson.

Siegel, L. J., & Senna, J. J. (1981). *Juvenile delinquency: Theory, practice, and law.* St. Paul, MN: West.

Siegel, L. J., Welsh, B. C., & Senna, J. J. (2003). *Juvenile delinquency: Theory, practice, and law* (8th ed.). St. Paul, MN: West.

Silberman, M. (1995). *A world of violence: Corrections in America*. Belmont, CA: Wadsworth.

Silverman, I. (2001). *Corrections: A comprehensive view*. Belmont, CA: Wadsworth.

Silverstein, K. (1998). America's private gulag. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), *The celling of America: An inside look at the U.S. prison industry* (pp. 156–163). Monroe, ME: Common Courage.

Sim, J. (1990). *Medical power in prisons: The prison medical service in England 1774–1989*. Milton Keynes, UK: Open University Press.

Simmons, L. (1957). *Assignment Huntsville: Memoirs of a Texas prison official.* Austin: University of Texas Press.

Simon, J. (1987). The emergence of a risk society: Insurance, law and the state. *Socialist Review, 95*, 61–89.

Simon, J. (1988). The ideological effect of actuarial practices. *Law and Society Review, 22*, 771–800.

Simon, J. (1993). *Poor discipline: Parole and the social control of the underclass, 1890-1990.* Chicago: University of Chicago Press.

Simon, J. (2001). "Entitlement to cruelty": Neo-liberalism and the punitive mentality in the United States. In K. Stenson & R. Sullivan (Eds.), *Crime risk and justice: The politics of crime control in liberal democracies* (pp. 125–143). Portland, OR: Willan.

Simonsen, E. S., & Spindlove, J. R. (2000). *Terrorism today: The past, the players, the future.* Upper Saddle River, NJ: Prentice Hall.

Simpson, D. D., Joe, G. W., & Brown, B. (1997). Treatment retention and follow-up outcomes in the Drug Abuse Treatment Outcome Study (DATOS). *Psychology of Addictive Behaviors, 11,* 294–307.

Sims, R. (2000–2001). Note: Can my daddy hug me? Deciding whether visiting dad in a prison facility is in the best interest of the child. *Brooklyn Law Review, 66,* 933–970.

Sinclair, B. W., & Sinclair, J. (2000). *A life in the balance: The Billy Wayne Sinclair story*. New York: Arcade.

Skinner, C. (1990). Overcrowded prisons: A nation of crisis. *Crisis, 98*(4), 18–21, 45–46.

Skolnick, A. A. (1998). Prison deaths spotlight how boards handle impaired, disciplined physicians. *Journal of the American Medical Association, 280*, 1387–1390.

Skorackyj, O. (2000). Work release programs help inmates succeed. *Sheriff, 52*(4), 22–24.

Skotnicki, A. (2000). *Religion and the development of the American penal system.* Lanham, MD: University Press of America.

Smith, A. (1962). *Women in prison.* London: Stevens.

Smith, B. V. (2003). Fifty-state survey of criminal laws prohibiting sexual abuse of individuals in custody. American University, Washington College of Law. (Available from the author at Brenvsmith@aol.com)

Smith, C. E. (2000). *Law and contemporary corrections.* Belmont, CA: Wadsworth.

Smith, L. B. (1994). *Terrorism in America: Pipe bombs and pipe dreams.* Albany: State University of New York Press.

Smykla, J. O. (1980). *Co-ed prison.* New York: Human Services Press.

Smykla, J. O., & Williams, J. J. (1996). Co-corrections in the United States of America, 1970–1990: Two decades of disadvantages for women prisoners. *Women and Criminal Justice, 8*(1), 61–76.

Snell, T. L. (2001). *Capital punishment 2000.* Washington, DC: U.S. Department of Justice/Office of Justice Programs.

Snyder, H. N. (1999). *Juvenile arrests 1998.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Snyder, H. N., Sickmund, M., & Poe-Yamagata, E. (2000). *Juvenile transfers to criminal court in the 1990s: Lessons learned from four studies.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Sobell, M. (1974). *On doing time.* New York: Scribner's.

Sochen, J. (1973). *Movers and shakers: American women thinkers and activists, 1900–1097*. London: Times Books.

Soler, M. (2001). *Public opinion on youth, crime and race: A guide for advocates.* Washington, DC: Building Blocks for Youths.

Solomon, A. (1994). *Eating bitterness: A vision beyond the prison walls.* Toronto: NC.

Solzhenitsyn, A. (1962). *One day in the life of Ivan Denisovich.* Moscow: Novy Mir.

Solzhenitsyn, A. I. (1974). *The Gulag archipelago: 1918–1956.* New York: Harper & Row.

Sonnett, N. R., et al. (2002). *ABA Task Force on Treatment of Enemy Combatants, preliminary report* 10–11. Retrieved

from http://abanet.org/poladv/letters/exec/enemycombatantareport.pdf

Sorensen, J., & Stemen, D. (2002). Effects of state sentencing policies on incarceration rates. *Crime & Delinquency, 48,* 456–475.

Southern Regional Council. (1968). *The Delta prisons: Punishment for profit*. Special Report. Atlanta, GA: n.p.

Sparks, R. (2001). Prisons, punishment and penality. In E. McLaughlin & J. Muncie (Eds.), *Controlling crime* (pp. 201–256). London: Sage.

Sparks, R., & Bottoms, A. E. (1995). Legitimacy and order in prisons. *British Journal of Sociology, 46*(1), 45–62.

Sparks, R., Bottoms, A., & Hay, W. (1996). *Prisons and the problem of order.* Oxford, UK: Clarendon.

Speedy Trial Act of 1974, 18 U.S.C.A. 3161–3174.

Spens, I. (Ed.). (1994). *Architecture of incarceration.* London: Academy Editions.

Spicer, E., Hansen, A., Luomala, K., & Opler, M. (1969). *Impounded people: Japanese-Americans in the relocation centers.* Tucson: University of Arizona Press.

Spierenburg, P. (1984). *The spectacle of suffering: Executions and the evolution of repression.* Cambridge, UK: Cambridge University Press.

Spierenburg, P. (1991). *The prison experience: Disciplinary institutions and their inmates in early modern Europe*. New Brunswick, NJ: Rutgers University Press.

Spierling, S. E. (2001). Notes and comments: Lock them up and throw away the key—How Washington's violent sexual predator law will shape the future balance between punishment and prevention. *Journal of Law and Policy, 9,* 879–928.

Spinellis, C. D., & Themeli, O. (1997). Suicide in Greek prisons. *Crisis, 18,* 151–156.

Spitzer, N. 2000. Prison songs. *American routes.* National Public Radio, December 13.

Spivak, J. (1932). *Georgia nigger.* New York: Harcourt, Brace.

Squires, A. (1935). *Sing Sing doctor*. Garden City, NY: Doubleday.

Stafford, N. (1975). *Dear somebody: The prison poetry of Norma Stafford.* Santa Cruz, CA. (Privately published)

Staples, W. (1997). *The culture of surveillance: Discipline and social control in the United States*. New York: St. Martin's.

State of Washington Sentencing Guidelines Commission. (2002, August). *Two strikes and three strikes: Persistent offender sentencing in Washington State through June, 2002.* Retrieved March 16, 2003, from http://www.sgc.wa.gov/081502%20-%20Persistent%20Offender%20Sentencing%20Report.pdf

State prison inmates pick cotton. (1985, January). *Newsletter*. Jackson: Mississippi Department of Corrections.

Stateville. (n.d.). Illinois Department of Corrections. Retrieved from http://www.idoc.state.il.us/subsections/facilities/information.asp?instchoice=sta

Stateville Correctional Center. (2002). *Visitor pamphlet: Stateville Correctional Center*. Lockport, IL: Stateville Correctional Center.

Stationery Office. (1997). *Psychiatric morbidity among prisoners in England and Wales.* Norwich, UK: Author.

Stationery Office. (1999). *Non-fatal suicidal behaviour among prisoners.* Norwich, UK: HMSO.

Statistics Canada. (2000). *Youth in custody and community services in Canada, 1998/9.* Ottawa, ON: Canadian Centre for Justice Statistics.

Staton, M., Leukefled, C., & Webster, J. M. (2003). Substance use, health and mental health: Problems and service utilization among incarcerated women. *International Journal of Offender Therapy and Comparative Criminology, 47*(2)*,* 224–239.

Steadman, H. J., & Cocozza, J. (Eds.). (1993). *Mental illness in America's prisons.* Seattle, WA: National Coalition for the Mentally Ill in the Criminal Justice System.

Steiner, J. F., & Brown, R. M. (1927). *The North Carolina chain gang.* Chapel Hill: University of North Carolina Press.

Steinert, H. (1991). Is there justice? No—Just us. *Israel Law Review, 25*, 710–728.

Stephan, J. (1997). *Census of state and federal correctional facilities, 1995* (NCJ 166582). Washington, DC: U.S. Department of Justice. Retrieved September 10, 2004, from http://www.ojp.usdoj.gov/bjs/abstract/csfcf95.htm

Stephan, J. J. (1997). *Census of state and federal correctional facilities, 1995* (NCJ 164266). Washington, DC: U.S. Bureau of Justice Statistics.

Stephan, J. J. (2001). *Census of jails, 1999* (NCJ 186633). Washington, DC: U.S. Department of Justice.

Stephan, J. J., & Karberg, J. C. (2003). *Census of state and federal correctional facilities, 2000.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Stephens, C. (2002). Preliminary proceedings: Bail. *Georgetown Law Journal*, *90,* 1395–1415.

Stern, V. (1993). *Bricks of shame.* London: Penguin.

Steurer, S. J., Smith, L. G., & Tracy, A. (2001, September). *Three state recidivism study.* Washington, DC: U.S. Department of Education, Office of Correctional Education. Retrieved September 3, 2003, from http://www.ceanational.org/

Steurer, S., Smith, L., & Tracy, A. (2001). *Three State Recidivism Study*. Prepared for the Office of Correctional Education, U.S. Department of Education. Lanham, MD: Correctional Education Association.

Stevens, D., & Ward, C. (1997). College education and recidivism: Educating criminals meritorious. *Journal of Correctional Education, 48*(3).

Stinebrickner-Kauffman, T. (2004). Counting matters: Prison inmates, population bases, and "one person, one vote." *Virginia Journal of Social Policy and the Law, 11,* 229–240.

Stith, K., & Cabranes, J. A. (1998). *Fear of judging: Sentencing guidelines in the federal courts*. Chicago: University of Chicago Press.

Stolzenberg, L., & Alessio, S. J. D. (1999). *Criminal courts for the 21st century.* Upper Saddle River, NJ: Prentice Hall.

Stop Prisoner Rape. (2001a). *Documents*. Retrieved from http://www.spr.org/sections/about.html

Stop Prisoner Rape. (2001b). *What is "Stop Prisoner Rape"?* Retrieved from http://www.spr.org/docs/whatis.html

Stop Prisoner Rape. (2004). Stop Prisoner Rape home page. Retrieved from www.spr.org

Stop Sex Offenders. (n.d.). Retrieved from http://www.stop sexoffenders.com

Stout, B., & Clear, T. (1992, Winter). Federal prison chaplains: Satisfied in ministry but often undervalued. *Federal Prisons Journal,* pp. 8–10.

Stout, K., & DelloBuono, R. (1987), Political prisoners in the U.S.: A call to action for humanists. *Humanity and Society, 11*(4), 533–539.

Strang, H., & Braithwaite, J. (Eds.). (2001). *Restorative justice and civil society.* Melbourne: Cambridge University Press.

Strang, H., & Braithwaite, J. (Eds.). (2002). *Restorative justice and family violence.* Melbourne: Cambridge University Press.

Streib, V. L. (1987). *Death penalty for juveniles.* Bloomington: Indiana University Press.

Streib, V. L. (2002). *The juvenile death penalty today: Death sentences and executions for juvenile crimes, January 1, 1973—June 30, 2003*. . Retrieved from http://www.law .onu.edu/faculty/streib/juvdeath.htm

Strickland, K. G. (1968). *Correctional institutions for women in the United States*. Ph.D. dissertation, Syracuse University, New York.

Strom, K. J., Smith, S. K., & Snyder, H. N. (1998). *Juvenile felony defendants in criminal courts.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Struckhoff, D. R. (1978). Deprofessionalizing corrections is bad business. *Offender Rehabilitation, 2* (4), 333–338.

Struckman-Johnson, C., Struckman-Johnson, D. (2000). Sexual coercion rates in seven mid-western prisons. *The Prison Journal, 80,* 379–392.

Struckman-Johnson, C., Struckman-Johnson, D., & Rucker, L. (1996). Sexual coercion reported by men and women in prison. *Journal of Sex Research*, *33*(1), 67–76.

Struckman-Johnson, C., Struckman-Johnson, D., Rucker, L., Bumby, K., & Donaldson, S. (1996). Sexual coercion reported by men and women in prison. *Journal of Sex Research, 33,* 67–76.

Students for Sensible Drug Policy. (n.d.). Retrieved from http://www.ssdp.org/

Stumbo, N., & Little, S. (1991). Campground offers relaxed setting for children's visitation program. *Corrections Today, 53*, 136–144.

Substance Abuse and Mental Health Services Administration. (2000). *Substance abuse treatment in adult and juvenile correctional facilities.* Retrieved from www.samhsa .gov/oas/ufds/correctionalfacilities97/ index.htm

Sudbury, J. (2000). Transatlantic visions: Resisting the globalization of mass incarceration. *Social Justice, 27*(3), 133–149.

Suedfeld, P., et al. (1982). Reactions and attributes of prisoner in solitary confinement. *Criminal Justice and Behavior, 9*(3), 303–340.

Sullivan, D., & Tifft, L. (2001). *Restorative justice: Healing the foundations of our everyday lives.* Monsey, NY: Willow Tree.

Sullivan, L. (1990). *The prison reform movement: Forlorn hope.* Boston: Twayne.

Sumter, M. T. (1999). *Religiousness and post-release community adjustment.* Doctoral dissertation, Florida State University, Tallahassee, School of Criminology and Criminal Justice.

Sundt, J. L. (1997). *Bringing light to dark places: An occupational study of prison chaplains*. Doctoral dissertation, University of Cincinnati.

Sundt, J. L., & Cullen, F. T. (1998). The role of the contemporary prison chaplain. *The Prison Journal, 78*(3), 271–298.

Sutherland, E. (1939). *Principles of criminology.* Philadelphia: Lippincott.

Sutherland, E. H. (1937). *The professional thief.* Chicago: University of Chicago Press.

Sutton J. R. (1988). *Stubborn children: Controlling delinquency in the United States, 1640–1981*. Berkeley: University of California Press.

Swan, L. A. (1981). *Families of black prisoners: Survival and progress.* Boston: G. K. Hall.

Swanson, K. A. (2002). Criminal law: Mens rea alive and well. *William Mitchell Law Review, 28*(3), 1265–1282.

Sweeting, R. D. R. (1884). The experiences and opinions of John Howard on preservation and improvement of the health of inmates of schools, prisons, workhouses, hospitals, and other public institutions, as far as health is affected by structural arrangements relating to supplies to air and water, drainage, &c. *Journal of the Statistical Society of London, 47,* 25–141.

Sykes, G. (1956). The corruption of authority and rehabilitation. *Social Forces, 34*(3), 257–262.

Sykes, G. M. (1958). *The society of captives: A study of a maximum security prison*. Princeton, NJ: Princeton University Press.

Sykes, G. M. (1995). The structural-functional perspective on imprisonment. In T. G. Blomberg & S. Cohen (Eds.), *Punishment and social control: Essays in honor of Sheldon L. Messinger* (pp. 77–86). New York: Aldine de Gruyter.

Sykes, G. M., & Messinger, S. L. (1960). The inmate social system. In R. A. Cloward, D. R. Cressey, G. H. Grosser,

R. McCleery, L. E. Ohlin, G. M. Sykes, & S. L. Messenger (Eds.), *Theoretical studies in the social organization of the prison* (pp. 5–19). New York: Social Science Research Council.

Sykes, G. M., & Messinger, S. L. (1975). The inmate social system. In R. A. Cloward, D. R. Cressey, G. H. Grosser, R. McCleery, L. E. Ohlin, G. M. Sykes, & S. L. Messinger (Eds.), *Theoretical studies in social organization of the prison*. Millwood, NY: Kraus.

Szekely, G. (1983). Art education in correctional settings. *Journal of Offender Counseling, 6,* 5–28.

Tachiki, S. (1995). Indeterminate sentences in supermax prisons based upon alleged gang affiliations: A reexamination of procedural protection and a proposal for greater procedural requirements. *California Law Review, 83,* 1117–1149.

Taft, P. B. (1979). The alchemy of prison art. *Corrections Magazine, 3,* 13–19.

Talvi, S. (1999, August). *Criminal procedure.* Retrieved from http://www.mojones.com/info/fnpfaq.html#fnp

Tannenbaum, J. (2000). *Disguised as a poem: My years teaching poetry at San Quentin.* Boston: Northeastern University Press.

Tappan, P. W. (1960). *Crime, justice and correction.* New York: McGraw-Hill.

Tarver, M., Walker, S., & Wallace, H. (2002). *Multicultural issues in the criminal justice system.* Boston: Allyn & Bacon.

Taslitz, A. E., & Paris, M. L. (1997). *Constitutional criminal procedure.* New York: Foundation Press.

Tatarelli, R., Mancinelli, I., Taggi, F., & Polidori, G. (1999). Suicide in Italian prisons in 1996 and 1997: A descriptive epidemiological study. *International Journal of Offender Therapy and Comparative Criminology, 43*(4), 438–447.

Tattersal, P. (n.d.). *Conviction: A true story*. Montclair, NJ: Pegasus Rex.

Taub, D. E., & Nelson, L. D. (1993). Satanism in America: Establishment or underground. *Sociological Quarterly 34,* 523–541.

Taylor, F. (1960). Time study, piecework and the first class man. In H. F. Merrill (Ed.), *Classics in management.* New York: American Management Association. (Original work published 1947)

Taylor, I. (1999). *Crime in context: A critical criminology of market societies.* Boulder, CO: Westview.

Taylor, J. M. (1992). Post secondary correctional education: An evaluation of effectiveness and efficiency. *Journal of Correctional Education, 43*(3), 132–141.

Taylor, J. M. (1993, January 25). Pell grants for prisoners. *The Nation*.

Taylor, J. M. (1995). The resurrection of the "dangerous classes." *Journal of Prisoners on Prisons, 6*(2), 7–16.

Taylor, W. B. (1993). *Brokered justice: Race, politics, and Mississippi prisons.* Columbus: Ohio State University Press.

Taylor, W. B. (1999). *Down on Parchman Farm: The great prison in the Mississippi Delta*. Columbus: Ohio State University Press.

Taylor, W. J. (1992, July). Tailoring boot camps to juveniles. *Corrections Today, 54*.

Tayoun, J. (1997). *Going to prison?* Brunswick, ME: Biddle.

Teeters, N. K. (1937). *They were in prison: A history of the Pennsylvania Prison Society, 1787–1937.* Chicago: John C. Winston.

Teeters, N. K. (1955). *The cradle of the penitentiary: The Walnut Street Jail at Philadelphia, 1773–1835.* Philadelphia: Temple University Press.

Teeters, N. K. (1962). Citizen concern and action over 175 years. *The Prison Journal, 42*(Spring), 5–36.

Teeters, N. K., & Shearer, J. D. (1957). *The prison at Philadelphia Cherry Hill: The separate system of penal discipline, 1829–1913*. New York: For Temple University Publications by Columbia University Press.

Terry K. (1999). *Prison madness: The mental health crisis behind bars and what we must do about it*. San Francisco: Jossey-Bass.

Terry, C. M. (1997). The function of humor for prison inmates. *Journal of Contemporary Criminal Justice, 13*(1), 23–40.

Terry, C. M. (2003). *The fellas: Overcoming prison and addiction*. Belmont, CA: Wadsworth.

Tewksbury, R. (1994). Literacy programming for jail inmates: Reflections and recommendation from one program. *The Prison Journal, 74*, 398–414.

Tewksbury, R., & Clement, M. H. (1999). Should female correctional officers be used in male institutions? In C. B. Fields (Ed.), *Controversial issues in corrections* (pp. 187–202). Needham Heights, MA: Allyn & Bacon.

Tewksbury, R., Erickson, D. J., & Taylor, J. M. (2000). Opportunities lost: The consequences of eliminating Pell grant eligibility for correctional education students. *Journal of Offender Rehabilitation, 31,* 43–56.

Tewksbury, R., & Vannostrand, L.-M. (1996). Environmental and interactional barriers to job satisfaction for postsecondary correctional educators. *The Prison Journal, 76,* 275–293.

Tewksbury, R., & West, A. (2000). Research on sex in prison during the late 1980s and early 1990s. *The Prison Journal, 80,* 368–378.

Tewksbury, R. A. (1997). *Introduction to corrections* (3rd ed.). New York: Glencoe/McGraw-Hill.

Texas Board of Pardons and Paroles. (2002). Retrieved from http://link.tsl.state.tx.us/tx/BPP/eclem.html#WHAT%20IS%20EXECUTIVE. Austin, TX.

Therapeutic Communities of America. (n.d.). *Welcome to the TCA website.* Retrieved September 12, 2004, from http://www.therapeuticcommunitiesofamerica.org

Third Branch. (1999). Changing trends in prisoner petition filings. *Newsletter of the Federal Courts, 31*(12).

Thomas, C. W. (1975). Theoretical perspectives on alienation in the prison society: An empirical test. *Pacific Sociological Review, 18,* 483–499.

Thomas, C. W., & Petersen, D. M. (1977). *Prison organization and inmate subcultures.* Indianapolis, IN: Bobbs-Merrill.

Thomas, D. S., & Nishimoto, R. S. (1946). *The spoilage*. Berkeley & Los Angeles: University of California Press.

Thomas, J. (1988a, July). Inmate litigation: Using the courts or abusing them?" *Corrections Today, 50*, 124–127.

Thomas, J. (1988b). *Prisoner litigation: The paradox of the jailhouse lawyer*. Totowa, NY: Rowman and Littlefield.

Thomas, J. (2004): *Communicating prison culture*. Manuscript in progress, Northern Illinois University.

Thomas, J., McArthur, D., & McGee, T. (1999). Update: Reversing the pendulum of prisoners' rights. In D. Stephens (Ed.), *Perspectives: Corrections* (pp. 112–115). Madison, WI: Coursewise.

Thomas, J., & Milovanovic, D. (1999). Revisiting jailhouse lawyers: An excursion into constitutive criminology. In S. Henry & D. Milovanovic (Eds.), *Constitutive criminology at work: Applications to crime and justice* (pp. 227–246). Albany: State University of New York Press.

Thomas, J. E. (1972). *The English prison officer since 1850.* London: Routledge and Kegan Paul.

Thomas, M., Hurley, H., & Grimes, C. (2002). *Pilot analysis of recidivism among convicted youth and young adults—1999/00*. Juristat, Canadian Centre for Justice Statistics, 22, 9. Retrieved from http://www.statcan.ca/english/studies/85-002/juhome.htm

Thompson, J. (Ed.). (1998). *Prison theatre: Perspectives and practices.* London: Jessica Kingsley.

Thomson, D. (1987). Probation in the USA. In J. Harding (Ed.), *Probation and the community.* London: Tavistock.

Tiffany, F. (1971). *The life of Dorothea Lynde Dix.* Michigan: Plutarch.

Timmerman, J. (2002). *Prisoner without a name, cell without a number*. Madison: University of Wisconsin Press.

Timothy, M. (1975). *Jury woman: The story of the trial of Angela Y. Davis.* San Francisco: Glide.

Tittle, C. R. (1969). Crime rates and legal sanctions. *Social Problems, 16,* 409–423.

Toch, H. (1977). *Living in prison*. New York: Free Press.

Toch, H. (1992). Functional unit management: An unsung achievement. *Federal Prisons Journal, 2*(4), 15–19.

Tolbert, M. (2002). *State correctional education programs.* Washington, DC: National Institute for Literacy. Retrieved from http://www.nifl.gov/nifl/policy/st_correction_02.pdf

Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America.* New York: Oxford University Press.

Tonry, M. ([1988]1996). *Sentencing matters.* New York: Oxford University Press.

Tonry, M. (Ed.). (1997a). *Ethnicity, crime, and immigration: Comparative and cross-national perspectives.* Chicago: University of Chicago Press.

Tonry, M. (1997b). *Intermediate sanctions in sentencing guidelines.* Washington, DC: U.S. Department of Justice, National Institute of Justice, Office of Justice Programs.

Tonry, M. (1999). Reconsidering indeterminate and structured sentencing. In *Sentencing & corrections issues for the 21st century* (Papers from the Executive Sessions on Sentencing and Corrections, No. 2). Washington, DC: U.S. Department of Justice.

Tonry, M., & Hatlestad, K. (Eds.). (1997). *Sentencing reform in overcrowded times: A comparative perspective.* New York: Oxford University Press.

Torbet, P. M., & Szymanski, L. (1998). *State legislative responses to violent juvenile crime: 1996–1997 update.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Torrey, W. (1928, September 16). Women at Alderson prepare for useful careers. *Washington Star, 7*, 1.

Travis, J. (2000). But they all come back: Rethinking prisoner reentry. *Corrections Forum, 9*(6), 11–15.

Travis, J., Robinson, L. O., & Solomon, A. (2002). Prisoner reentry: Issues for practice and policy. *Criminal Justice, 17*(4), 12–18.

Travis, J., Solomon, A. L., & Waul M. (2001). *From prison to home: The dimensions and consequences of prisoner reentry*. Washington, DC: Urban Institute.

Trounstine, J. (1999). *Changing lives through literature.* Notre Dame, IN: University of Notre Dame Press.

Trounstine, J. (2001). *Shakespeare behind bars: The power of drama in a women's prison.* New York: St. Martin's.

Tucker, B. P. (1988). Deaf prison inmates: Time to be heard. *Loyola of Los Angeles Law Review, 22*(1), 1–71.

Tucker, D. (1981). *A punk's song: View from the inside*. Retrieved from http://www.spr.org/

Turley, J. (2002, August 14). Camps for citizens: Ashcroft's hellish vision. *Los Angeles Times*.

Turner, S., & Petersilia, J. (1996a). *Day fines in four jurisdictions.* Santa Monica, CA: RAND.

Turner, S., & Petersilia, J. (1996b). *Work release: Recidivism and corrections costs in Washington State.* Washington, DC: National Institute of Justice.

Turner, S., Fain, T., Greenwood, P. W., Chen, E. Y., & Chiesa, J. R. (2001). *National evaluation of the Violent Offender Incarceration/Truth-in-Sentencing Incentive Grant Program.* Washington, DC: RAND.

Tyler, J., Darville, R., & Stalnaker, K. (2001). Juvenile boot camps: A descriptive analysis of program diversity and effectiveness. *Social Science Journal. 38,* 445–460.

Tyler, T. R., & Huo, Y. J. (2002). *Trust in the law: Encouraging public cooperation with the police and courts.* New York: Russell Sage Foundation.

Ubah, C. B. A. (2002). Critical examination of empirical studies of offender rehabilitation–correctional education: Lessons for the 21st century. *Journal of Correctional Education, 53,* 13–19.

Umbreit, M. (1994). *Victim meets offender: The impact of restorative justice and mediation.* Monsey, NY: Criminal Justice Press.

Unger, R. (1987). *False necessity*. New York: Cambridge University Press.

UNICOR. (2000). *1999 annual report: Paying dividends to America.* Washington, DC: Federal Prison Industries.

United Nations. (1957, 1977). *Standard minimum rules for the treatment of prisoners.* Adopted with Res. 663 C (XXIV) on July 31, 1957, and Res. 2076 (LXII) on May 13, 1977.

United Nations. (1984). Convention against torture and other cruel, inhuman or degrading treatment or punishment. In *Yearbook of the United Nations 1984.* New York: Author.

United Nations. (1988). *Body of principles for the protection of all persons under any form of detention or imprisonment.* Adopted without a vote with GA. Res. 43/137 on Dec. 9, 1988.

United Nations. (1990). *Basic principles for the treatment of prisoners.* Adopted and proclaimed by General Assembly resolution 45/111 of December 14, 1990.

United Press. (1994, December 23). Oklahoma rapist gets 30,000 years. International wire services, southwest edition.

U.S. Bureau of Justice. (2004). U.S. Bureau of Justice statistics. Retrieved from www.ojp.usdoj.gov/bjs/

U.S. Bureau of Prisons. (1949). *Handbook of correctional institution design and construction.* Washington, DC: Author.

U.S. Census Bureau. (2000). *Census 2000 redistricting*. Washington, DC: Author. Retrieved from http://www.census.gov/

U.S. Census Bureau. (2002). *Intercensal estimates of the United States population by sex, 1990–2000: Selected months*. Washington, DC: Author.

U.S. Census Bureau. (2003). *The Hispanic population in the United States: March 2002*. Washington, DC: U.S. Department of Commerce.

U.S. Code, 18 U.S.C. 4001(a).

U.S. Code, 18 USCS 3626.

U.S. Code, 42 USCS 1983.

U.S. Commissioner of Labor. (1887). *Second annual report, 1886: Convict labor.* Washington, DC: U.S. Government Printing Office.

U.S. Department of Education, Office of Correctional Education. (1994). *The impact of correctional education on recidivism 1988–1994.* Washington, DC: U.S. Department of Education.

U.S. Department of Education, Office of Correctional Education. (1995). *Pell grants and the incarcerated*. Washington, DC: U.S. Department of Education.

U.S. Department of Education, Office of Correctional Education. (1994). *The impact of correctional education on recidivism 1988–1994*. Washington, DC: U.S. Department of Education.

U.S. Department of Homeland Security. (n.d.). Retrieved from http://www.dhs.gov/dhspublic

U.S. Department of Justice. (1982). *Capital punishment, 1981* (NCJ-78600). Washington, DC: U.S. Department of Justice, National Prisoner Statistics.

U.S. Department of Justice. (1995, March 31). *Senate unanimously restores funding for drug courts* [Press release]. Washington, DC: Author. Retrieved November 29, 2002, from http://www.usdoj.gov/opa/pr/Pre_96/ March95/180.txt.html

U.S. Department of Justice. (1998). New directions from the field: Victims' rights and services for the 21st century. Washington, DC: Author.

U.S. Department of Justice. (1999a). *Fact sheet, No. 96.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

U.S. Department of Justice. (1999b). *Federal pretrial release and detention, 1996* (NCJ168635). Washington, DC: U.S. Government Printing Office.

U.S. Department of Justice. (1999c). *Survey of inmates in state and federal correctional facilities, 1997.* Washington, DC: Bureau of Justice Statistics.

U.S. Department of Justice. (2000). *Fact sheet, No. 18*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

U.S. Department of Justice. (2001a). *Bureau of Justice Statistics special report: Mental health treatment in state prisons*, *2000* (NCJ 188215). Washington, DC: U.S. Department of Justice, Office of Justice Programs.

U.S. Department of Justice. (2001b). *Delinquency cases waived to criminal court, 1989–1998.* Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

U.S. Department of Justice. (2002). *Correctional populations in the United States, 1998* (NCJ 192929). Washington, DC: Author.

U.S. Department of Justice. (2003a). Office of the Pardon Attorney. Retrieved from http://www.usdoj.gov/pardon/

U.S. Department of Justice. (2003b). *Prison and jail inmates at midyear 2002* (NCJ198877). Washington, DC: U.S. Government Printing Office.

U.S. Department of Justice. (2004a). *Bureau of Justice Statistics: Prison statistics.* Retrieved from http://www.ojp.usdoj.gov/bjs/prisons.htm

U.S. Department of Justice. (2004b). DOJ home page. Retrieved from http://www.usdoj.gov

U.S. Department of Justice. (2004c). Federal Bureau of Prisons home page. Retrieved from http://www.bop.gov/

U.S. Department of Justice. (n.d.). *The USA PATRIOT Act: Preserving life and liberty.* Retrieved September 13, 2004, from http://www.lifeandliberty.gov

U.S. Department of Justice, Bureau of Justice Statistics. (1998). *State court organization.* Retrieved November 21, 2002, from http://www.ojp.usdoj.gov/bjs/pub/pdf/ sc09807.pdf

U.S. Department of Justice, Bureau of Justice Statistics. (2000a). *Prisoners in 2000.* Retrieved from www.ojp.usdoj.gov/bjs

U.S. Department of Justice, Bureau of Justice Statistics. (2000b). *Sourcebook of Criminal Justice Statistics.* Albany, NY: Hindelang Criminal Justice Research Center.

U.S. Department of Justice, Federal Bureau of Prisons. (2001). *Chaplains' employment, responsibilities, and endorsements* (PS3939.07). Washington, DC: Author.

U.S. Department of Justice, Immigration and Naturalization Service. (2002). *Statistical yearbook of the Immigration and Naturalization Service, 2001*. Washington, DC: Author.

U.S. Department of Justice, Law Enforcement Assistance Administration. (1977). *Study of the economic and rehabilitative aspects of prison industry*. Princeton, NJ: ECON.

U.S. Department of Justice, National Institute of Corrections. (1994). *Profiles of correctional substance abuse treatment programs: Women and youthful violent offenders.* Retrieved from www.nicic.org/pubs/1994/011369.pdf

U.S. Department of Justice, Office of Community Oriented Policing Services. (2001, November 9). *Attorney general's report to Congress: Office of Community Oriented Policing Services through FY 2000: Legislative update.* Washington, DC: U.S. Department of Justice. Retrieved November 21, 2002, from www.usdoj.gov/cops/news_info/legislate/leg_history.htm

U.S. Department of Justice, Office of Justice Programs. (1996–1997). *Update: HIV/AIDs, STDs and TB in correctional facilities*. Washington, DC: Author.

U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (1999). *Juvenile offenders and victims: 1999 national report.* Washington, DC: U.S. Department of Justice.

U.S. Department of Justice, Office of the Inspector General. (2004, January 27). *Report to Congress on implementation of Section 1001 of the USA PATRIOT Act.* Retrieved September 13, 2004, from http://www.usdoj.gov/oig/special/0401a/index.htm

U.S. General Accounting Office. (1992). *Sentencing guidelines: Central questions remain unanswered.* Washington, DC: Author.

U.S. General Accounting Office. (1993). *Prison boot camps: Short-term prison costs reduced, but long-term impact uncertain.* Washington, DC: Author.

U.S. General Accounting Office. (1996). *Private and public prisons: Studies comparing operational costs and/or quality of service*. Washington, DC: Author.

U.S. General Accounting Office. (1999, December). *Report to Honorable Eleanor Holmes Norton, women in prison, issues and challenges confronting U.S. correctional systems* (Publication GAO/GGD-00–22). Washington, DC: Author.

U.S. General Accounting Office. (2002). *Drug courts: Better DOJ data collection and evaluation efforts needed to measure impact of drug court programs* (GAO-02-434). Washington, DC: U.S. Government Printing Office.

U.S. House of Representatives. (1929, January 7–15). Hearings before the Special Committee on Federal Penal and Reformatory Institutions. 70th Congress, 2nd Session.

U.S. Industrial Commission. (1900). *Report . . . on prison labor.* Washington, DC: U.S. Government Printing Office.

U.S. Industrial Commission. (1923). *Report . . . on prison labor.* Washington, DC: U.S. Government Printing Office.

U.S. Marshals Service. (n.d.) Retrieved from http://www.usdoj.gov/marshals

U.S. Sentencing Commission. (1987). *Supplementary report on the initial sentencing guidelines and policy statements*. Washington, DC: U.S. Sentencing Commission.

U.S. Sentencing Commission. (1991a). *The federal sentencing guidelines: A report on the operation of the guidelines system and short-term impacts on disparity in sentencing, use of incarceration, and prosecutorial discretion and plea bargaining.* Washington, DC: Author.

U.S. Sentencing Commission. (1991b). *Special report to the Congress: Mandatory minimum penalties in the federal criminal justice system.* Retrieved from http://www.ussc.gov/r_congress/MANMIN.pdf

U.S. Sentencing Commission. (1995). *Special report to the Congress: Cocaine and federal sentencing policy.* Washington, DC: U.S. Government Printing Office.

U.S. Sentencing Commission. (1997). *Special report to the Congress: Cocaine and federal sentencing policy.* Washington, DC: U.S. Government Printing Office.

Urbina, M. G. (2003). *Capital punishment and Latino offenders: Racial and ethnic differences in death sentences.* New York: LFB Scholarly Publishing.

Urbina, M. G. (2004). Language barriers in the Wisconsin court system: The Latino/a experience. *Journal of Ethnicity in Criminal Justice, 2*(1/2), 91–118.

Useem, B., & Kimball, P. (1989). *States of siege: U.S. prison riots, 1971–1986.* New York: Oxford University Press.

Van den Haag, E. (1975). *Punishing criminals: Concerning a very old and painful question.* New York: Basic Books.

van Drenthe, A., & de Haan, F. (1999). *The rise of caring power: Elizabeth Fry and Josephine Butler in Britain and the Netherlands.* Amsterdam: Amsterdam University Press.

Van Ness, D. W., & Strong, K. H. (2002). *Restoring justice* (2nd ed.). Cincinnati, OH: Anderson.

Van Voorhis, P. (1994). *Psychological classification of the adult, male prison inmate.* Albany: State University of New York Press.

Van Voorhis, P. (2000). An overview of offender classification systems. In P. Van Voorhis, M. Braswell, & D. Lester (Eds.), *Correctional counseling & rehabilitation* (2nd ed.). Cincinnati, OH: Anderson.

Van Voorhis, P., & Brown, K. (1996). *Risk classification in the 1990s*. Washington, DC: National Institute of Corrections.

Van Voorhis, P., & Presser, L. (2001). *Classification of women offenders: A national assessment of current practices*. Washington, DC: National Institute of Corrections.

Van Voorhis, P., Braswell, M., & Lester, D. (Eds.). (2000). *Correctional counseling and rehabilitation.* Cincinnati, OH: Anderson.

Van Voorhis, P., Spruance, L., Listwan, S., Ritchey, P., Pealer, J., & Seabrook, R. (2001). *The Georgia Cognitive Skills Experiment outcome evaluation: Phase I*. Cincinnati, OH: University of Cincinnati.

Van Zyl Smit, D., & Dunkel, F. (Eds.). (1999). *Prison labour: Salvation or slavery?* Aldershot, UK: Ashgate.

Various Native authors. (1985). *The sacred tree*. Lethbridge, UK: Four Worlds Development Press.

Vaughn, M. S., & Carroll, L. (1998). Separate and unequal: Prison versus free-world medical care. *Justice Quarterly*, *15*, 3–40.

Veneziano, L., Veneziano, C., & Tribolet, C. (1987). The special needs of prisons inmates with handicaps: An assessment. *Journal of Offender Counseling, Services and Rehabilitation, 12*(1), 61–73.

Verma, S. B. (1989). Optometric services in the prison system. *Optometry and Vision Science*, *66*, 6–8.

Vernick, J. S., & Hepburn, L. M. (2000). Examining state and federal gun laws: Trends for 1970–1999. In P. J. Cook & J. Ludwig (Eds.), *Evaluating gun policy.* Washington, DC: Brookings Institution.

Victor, J. S. (1993). *Satanic panic: The creation of a contemporary legend.* Chicago: Open Court.

Vidal, G. (2001, September). The meaning of Timothy McVeigh. *Vanity Fair,* pp. 347–415.

Vienna Convention on Consular Relations and Optional Protocols. 1963, April 24). *U.N.T.S.* Nos. 8638–8640, *596*, 262–512.

Vila, B., & Morris, C. (Eds.). (1997). *Capital punishment in the United States: A documentary history.* Westport, CT: Greenwood.

Villon, F. (1978). *Selected poems* (P. Dale, Trans.). Harmondsworth, UK: Penguin.

Vitiello, M. (1997). Three strikes: Can we return to rationality? *Journal of Criminal Law and Criminology, 87,* 395–481.

Vitucci, N. (2000). Patient or inmate—Do these terms affect how we treat the incarcerated? *CorrectCare*, *14*(4), 1, 9.

Voices for Florida's Children. (2004). Voices for Florida's Children home page. Retrieved from http://floridakids .org/site/news.php

Vold, G. B., Bernard, T. J., & Snipes, J. B. (2002). *Theoretical criminology* (5th ed.). Oxford, UK: Oxford University Press.

Vollmer, H. M., & Mills, D. L. (Eds.). (1966). *Professionalization*. Englewood Cliffs, NJ: Prentice Hall.

Volunteers of America. (2001). The GRACE Project. *Incarceration of the terminally ill, Current practices in the United States*. Alexandria, VA: Author.

Von Drehle, D. (1995). *Among the lowest of the dead: The culture of death row.* New York: Times Books.

von Hirsch, A. (1976). *Doing justice: The choice of punishments.* New York: Hill and Wang.

von Hirsch, A. (1986). *Past or future crimes: Deservedness and dangerousness in the sentencing of criminals.* Manchester, UK: Manchester University Press.

von Hirsch, A. (1996). *Censure and sanctions.* Oxford, UK: Oxford University Press.

Von Tangen Page, M. (1998). *Prisons, peace and terrorism*. London: Macmillan.

Vorenberg, J. (1972, May). The war on crime: The first five years. *Atlantic Monthly*. Retrieved December 9, 2003, from http://www.theatlantic.com/politics/crime/crimewar.htm

Vorenberg, M. (2001). *Final freedom: The Civil War, the abolition of slavery, and the Thirteenth Amendment.* Cambridge, UK: Cambridge University Press.

Wachtler, S. (1997). *After the madness: A judge's own prison memoir*. New York: Random House.

Wacquant, L. (1999). Suitable enemies: Foreigners and immigrants in the prisons of Europe. *Punishment and Society, 1*(2), 215–222.

Wacquant, L. (2000). The new "peculiar institution": On the prison as surrogate ghetto. *Theoretical Criminology*, *4*(3), 377–387.

Wagman, M. (2000). Innocence lost: In the wake of green: The trend is clear—If you are old enough to do the crime, then you are old enough to do the time. *Catholic University Law Review, 49*, 643.

Wagner, M., McBride, R. E., & Crouse, S. F. (1999). The effects of weight-training exercise on aggression variables in adult male inmates. *The Prison Journal, 79*, 72–89.

Waid, C. A., & Clements, C. B. (2001, November). Correctional facility design: Past, present, and future. *Corrections Compendium, 26*(11).

Wald, P. (1976). Pretrial detention for juveniles. In M. Rosenheim (Ed.), *Pursuing justice for the child.* Chicago: University of Chicago Press.

Walker, D. R. (1988). *Penology for profit: A history of the Texas prison system, 1867–1912.* College Station: Texas A&M University Press.

Walker, J. L. (1990, June). Sharing the credit, sharing the blame: Managing political risks in electronically monitored house arrest. *Federal Probation, 54*(2), 16–20.

Walker, S. (1980). *Popular justice: A history of American criminal justice.* New York: Oxford University Press.

Walker, S. (1998). *Popular justice.* New York: Oxford University Press.

Walker, S. (1999). *In defense of American liberties: A history of the ACLU.* Edwardsville: Southern Illinois University Press.

Walker, S. (2001). *Sense and nonsense about crime and drugs* (5th ed.). Belmont, CA: Wadsworth.

Walker, S., Spohn, C., & DeLone, M. (2000). *The color of justice: Race, ethnicity, and crime in America* (2nd ed.). Belmont, CA: Wadsworth/Thomson.

Walker, S., Spohn, C., & DeLone, M. (2004). *The color of justice: Race, ethnicity, and crime in America* (3rd ed.). Belmont, CA: Wadsworth/Thomson.

Wallace, D. H. (1992). *Ruffin v. Virginia* and slaves of the state: A nonexistent baseline of prisoners' rights jurisprudence. *Journal of Criminal Justice, 20,* 333–342.

Walmsley, R. (2003). *World prison population list* (4th ed.). London: HMSO.

Walsh, A. (1985). An evaluation of the effects of adult basic education on rearrest rates among probationers. *Journal of Offender Counseling, Services & Rehabilitation, 9*, 69–76.

Walsh, M. (2003). *Black hoods and iron gags: The Quaker experiment at Eastern State Penitentiary in Philadelphia.* Retrieved March 15, 2003, from http://www.mission-creep.com/mw/estate.html

Walton, B. B. (1997, Spring). The Eighth Amendment and psychological implications of solitary confinement. *Law and Psychology Review, 21*, 271–288.

Wanberg, K., & Milkman, H. (1998). *Criminal conduct and substance abuse treatment.* Thousand Oaks, CA: Sage.

Ward, D., Scott, J., & Lacey, M. (2002). *Probation: Working for justice* (2nd ed.). Oxford, UK: Oxford University Press.

Ward, D. A. (1987). Control strategies for problem prisoners in American penal systems. In A. E. Bottoms & R. Light (Eds.), *Problems of long term imprisonment* (pp. 74–96). Aldershot, UK: Gower.

Ward, D. A. (1994). Alcatraz and Marion: Confinement in super maximum custody. In J. W. Roberts (Ed.), *Escaping prison myths: Selected topics in the history of federal corrections*. Washington, DC: American University Press.

Ward, D. A. (1995). A corrections' dilemma: How to evaluate supermax regimes. *Corrections Today, 57*(4), 104–108.

Ward, D. A., & Kassebaum, G. G. (1964). Homosexuality: A mode of adaptation in a prison for women. *Social Problems, 12,* 159–177.

Ward, D. A., & Kassebaum, G. G. (1965). *Women's prison: Sex and social structure.* Chicago: Aldine.

Ward, D. A., & Schoen, K. F. (1981). *Confinement in maximum custody: New last resort prisons in the United States and Western Europe*. Lexington, MA: Lexington Books.

Ward, D. A., & Werlich, T. G. (2003). Alcatraz and Marion: Evaluating super-maximum custody. *Punishment and Society, 5*(1), 53–75.

Warren Commission Report (ordered by Chief Justice Earl Warren as the official investigation into the assassination of John F. Kennedy). U.S. National Archives & Records Administration. Washington, DC: U.S. Government Printing Office.

Washington State Department of Corrections. (n.d.). Retrieved from http://www.wa.gov/doc/wspdescription2.htm

Washington State Department of Ecology. (2002, October 29). *Walla Walla Prison fined for hazardous-waste violations* [Press release]. Retrieved September 16, 2004, from http://www.ecy.wa.gov/news/2002news/2002-201.html

Washington's new violent sexual predator commitment system: An unconstitutional law and an unwise policy choice [Comments]. (1990). *University of Puget Sound Law Review, 14,* 105–141.

Watterson, K. (1996). *Women in prison: Inside the concrete womb* (rev. ed.). Boston: Northeastern University Press.

Watts, R. (1996). John Braithwaite and "Crime, Shame and Reintegration": Some reflections on theory and criminology. *Australian and New Zealand Journal of Criminology, 29*(2), 121–141.

Watts, T. (1990). *Health and mental care in prisons and jails: A bibliography.* Monticello, IL: Vance Bibliographies.

Waugh, J. (1998). *Unsentimental reformer: The life of Josephine Shaw Lowell*. Cambridge, MA: Harvard University Press.

Weber, M. (1968). *Economy and society.* Berkeley: University of California Press.

Webster, J. J. (1991, April). Designing facilities for effective unit management. *Corrections Today,* 38, 40, 42.

Weglyn, M. (1976). *Years of infamy*. New York: Morrow Quill Paperbacks.

Weinman, B. A., & Lockwood, D. (1993). Inmate drug treatment programming in the Federal Bureau of Prisons. In J. Inciardi (Ed.), *Drug treatment and criminal justice.* Thousand Oaks, CA, and London: Sage.

Weinstein C., & Cummins, E. (1996). The crime of punishment: Pelican Bay maximum security prison. In E. Rosenblatt (Ed.), *Criminal injustice: Confronting the prison crisis* (pp. 308–321). Boston: South End.

Weinstein, J. (2003) *The long detour: The history and future of the American left.* Boulder, CO: Westview.

Weis, J. G., Crutchfield, R. D., & Bridges, G. S. (2001). *Juvenile delinquency: Readings* (2nd ed.). Boston: Pine Forge.

Weisburd, D. (1992). Sentencing disparity and the guidelines: Taking a closer look. *Federal Sentencing Reporter, 5*, 149–152.

Weiss, R. P. (1987). The reappearance of the ideal factory: The entrepreneur and social control in the contemporary prison. In J. Lowman, R. Menzies, & T. S. Palys (Eds.), *Transcarceration*. Aldershot, UK: Gower.

Weiss, R. P. (Ed.). (1991). Attica: 1971–1991, a commemorative issue. *Social Justice, 18*(3).

Weiss, R. P. (2001). "Repatriating" low-wage work: The political economy of prison labor reprivatization in the postindustrial United States. *Criminology, 39*(2), 253–291.

Weitzer, R., & Tuch, S. (2002). Perceptions of racial profiling: race, class and personal experience. *Criminology. 40*, 435–456.

Welch, M. (1996). *Corrections: A critical approach.* New York: McGraw-Hill.

Welch, M. (1999). *Punishment in America: Social control and the ironies of imprisonment.* Thousand Oaks, CA: Sage.

Welch, M. (2000). The role of the Immigration and Naturalization Service in the prison industrial complex. *Social Justice: A Journal of Crime, Conflict & World Order, 27*(3), 73–88.

Welch, M. (2002). *Detained: Immigration laws and the expanding I.N.S. jail complex.* Philadelphia: Temple University Press.

Welch, M. (2003a). *Corrections: A critical approach.* New York: McGraw-Hill.

Welch, M. (2003b). Ironies of social control and the criminalization of immigrants. *Crime, Law & Social Change: An International Journal, 39,* 319–337.

Welch, M. (2004). *Corrections: A critical approach* (2nd ed.). New York: McGraw-Hill.

Welch, M., Weber, L., & Edwards, W. (2000). "All the news that's fit to print": A content analysis of the correctional debate in the *New York Times. The Prison Journal, 80*(3), 245–264.

West, D., & Green, R. (Eds.). (1997). *Sociolegal control of homosexuality: A multinational comparison.* New York: Plenum.

West, G. W., & Morris, R. (Eds.). (2000). *The case for penal abolition.* Toronto: Canadian Scholars' Press.

Western, B., Schiraldi, V., & Ziedenberg, J. (2003, August). Education and incarceration. *Justice Policy Institution.* Retrieved September 3, 2003, from http://www.justicepolicy.org/article.php?list=type&type=52

Wexler, H. K. (1995). The success of therapeutic communities for substance abusers in American prisons. *Journal of Psychoactive Drugs, 27*, 57–66.

Wexler, H. K., Melnick, G., Lowe, L., & Peters, J. (1999). Three-year reincarceration outcomes for Amity in-prison therapeutic community and aftercare in California. *The Prison Journal, 79*, 321–336.

Wheeler, S. (1961). Socialization in correctional communities. *American Sociological Review, 26,* 679–712.

White, J. R. (2003). *Defending the homeland: Domestic intelligence, law enforcement, and security.* Belmont, CA: Wadsworth.

White, L. D. (1936). The meaning of principles in public administration. In J. M. Gaus, L. D. White, & M. E. Demock (Eds.), *The frontiers of public administration.* Chicago: University of Chicago Press.

White, P. (1994). Courting disaster: Permanency planning for children. *Juvenile Justice Bulletin, 2*(1), 15–20.

White, R., Ackerman, R., & Careveo, L. E. (2001). Self-identified alcohol abusers in a low-security federal prison: Characteristics and treatment implications. *International Journal of Offender Therapy and Comparative Criminology. 45*, 214–227.

White, R. J. (1991). *Terrorism: An introduction*. Belmont, CA: Wadsworth.

Whiteside, J. (2001). Maximum security is no match. Retrieved from http://www.suburbanchicagonews. com/heraldnews/history/chapters/chapter_34.htm

Whitfield, D. (Ed.). (1991). *The state of the prisons—200 years on*. New York: Routledge.

Whitfield, D. (1997). *Tackling the tag: The electronic monitoring of offenders.* Winchester, UK: Waterside.

Whitley, B. E., Jr. (2001, December). Gender-role variables and attitudes toward homosexuality. *Sex Roles.*

Whitman, J. Q. (2003). *Harsh punishment: Criminal punishment and the widening divide between America and Europe.* New York: Oxford University Press.

Whitney, J. (1972). *Elizabeth Fry: Quaker heroine.* New York: Benjamin Blom.

Wicker, T. (1975). *A time to die*. New York: Quadrangle.

Wicker, T. (1994). *A time to die: The Attica Prison revolt.* London: University of Nebraska Press.

Wilber, H. B. (2000, October). The importance of jails. *Corrections Today, 62*(6), 8.

Wilde, O. (1973). *The complete works.* London: Collins.

Wilkinson, R. A., & Unwin, T. (1999). *Visiting in prison: Prison and jail administration's practices and theory*. Columbus: Ohio Department of Rehabilitation and Correction.

Williams, F. P., & McShane, M. D. (1999). *Criminological theory.* Upper Saddle River, NJ: Prentice Hall.

Williams, R. (Ed.). (2003). *Teaching the arts behind bars.* Boston: Northeastern University Press.

Williams, R. M. (2002). Entering the circle: The praxis of arts in corrections. *Journal of Arts Management, Law, and Society, 31,* 293–303.

Williford, M. (Ed.). (1994). *Higher education in prison: A contradiction in terms?* Phoenix, AZ: Oryx.

Willis, G., & Demaris, O. (1994). *Jack Ruby*. Cambridge, MA: DaCapo.

Wilson, D. B., Gallagher, C. A., & MacKenzie, D. L. (2000). A meta-analysis of corrections-based education, vocation, and work programs for adult offenders. *Journal of Research in Crime and Delinquency, 37,* 347–368.

Wilson, D. C. (1975). *Stranger and traveler: The story of Dorothea Dix, American reformer*. Boston: Little, Brown.

Wilson, D. J. (2000). *Drug use, testing, and treatment in jails.* Bureau of Justice Statistics Special Report. Washington, DC: U.S. Department of Justice. Retrieved July 23, 2003, from http://www.ojp.usdoj.gov/bjs/abstract/duttj.htm

Wilson, J. Q., & Herrnstein, R. J. (1985). *Crime and human nature.* New York: Simon & Schuster.

Wilson, R. J., & Picheca, J. E. (in press). Circles of support and accountability: Engaging the community in sexual offender risk management. In B. Schwartz (Ed.), *The sex offender* (Vol. 5). New York: Civic Research Institute.

Wilson, R. J., Stewart, L., Stirpe, T., Barrett, M., & Cripps, J. E. (2000). Community-based sex offender management: Combining parole supervision and treatment to reduce recidivism. *Canadian Journal of Criminology*, *42*, 177–188.

Wilson, W. (1933). *Forced labor in the United States.* New York: International Publishers.

Wimshurst, K., & Harrison, A. (2000). The Australian criminal justice system: Issues and prospects. In D. Chappell & P. Wilson (Eds.), *Crime and the criminal justice system in Australia: 2000 and beyond.* Sydney: Butterworths.

Wines, E. C. (Ed.). (1871). Declaration of principles adopted and promulgated by the congress. In *Transactions of the National Congress on Penitentiary and Reformatory Discipline*. Albany, NY: Weed Parsons & Company.

Wines, E. C. (Ed.). (1970). *Transactions of the National Congress on Penitentiary and Reformatory Discipline.* Reprint. Washington, DC: American Correctional Association. (Original work published 1871)

Winterdyk, J. (2001). *Corrections in Canada: Social reactions to crime.* Toronto: Prentice Hall.

Winthrop, Military Law. (2nd ed.). Instructions for the Government of Armies of the United States in the Field Approved by the President, General order No. 100, 4/1863, Sections 4 & 5.

Wisely, W. (1998, October). Corcoran Prison: Sex, lies, and videotape. *Prison Legal News*, pp. 8–11.

Witke, L. (Ed.). (1999). *Planning and design guide for secure adult and juvenile facilities.* Lanham, MD: American Correctional Association.

Witmer, H. L. (1925). The development of parole in the United States. *Social Fo*rces, *4*(2), 318–325.

Witmer, L. (1907). Clinical psychology. *Psychological Clinic, 1,* 1–9.

Wittenberg, P. (1996). Language and communication in prison. *Federal Probation, 60*, 45–50.

Wolfe, B. H. (1974). *The devil's avenger: A biography of Anton Szandor LaVey*. New York: Pyramid.

Wolfe, C., & Lornell, K. (1992). *Leadbelly.* New York: HarperCollins.

Women's Commission for Refugee Women and Children. (2000). *Behind locked doors—Abuse of refugee women at the Krome Detention Center*. New York:Author.

Wood, R., Grossman, L., & Fichtner, C. (2000). Psychological assessment and treatment and outcome with sex offenders. *Behavioral Sciences and the Law*, *18,* 23–41.

Wooden, K. (2000). *Weeping in the playtime of others: America's incarcerated children* (2nd ed.). Columbus: Ohio State University Press.

Wooden, W., & Parker, J. (1982). *Men behind bars: Sexual exploitation in prison.* New York: Plenum.

Woodward, C. V. (1971). *Origins of the new South.* Baton Rouge: Louisiana State University Press.

Woolf, H., & Tumim, S. (1991). *Prison disturbances April 1990,* Cm 1456. London: HMSO.

Wordes, M., Bynum, T., & Corley, C. (1994). Locking up youth: The impact of race on detention decisions. *Journal of Research in Crime and Delinquency, 31*, 149–165.

Worth, R. (1995, November). A model prison. *Atlantic Monthly*.

Worth, R. F. (2002, February 11). Jailhouse author helped by Mailer is found dead. *New York Times,* pp. B1, B2.

Wortley, R. (2001). *Situational prison control: Crime prevention in correctional institutions.* New York: Cambridge University Press.

Wray, L. R. (2001). A new economic reality: Penal Keynesianism. *Challenge, 43,* 5.

Wright, E. O. (1973). *The politics of punishment*. New York: Harper & Row.

Wright, E. O. (1997). *Class counts: Comparative studies in class analysis.* Cambridge, UK: Cambridge University Press.

Wright, L. E., & Seymour, C. B. (2000). *Working with children and families separated by incarceration: A handbook for child welfare agencies.* Washington, DC: CWLA Press.

Wright, L. N., & Northrup, M. K. (2001). Examining the health risks for corrections professionals. *Corrections Today, 63*(6).

Wright, M. C. (2001). Pell grants, politics and the penitentiary: Connections between the development of U.S. higher education and prisoner post-secondary programs. *Journal of Correctional Education, 1,* 11–16.

Wright, P. (1998). Prison weight-lifting is a nonsense issue. In D. Burton-Rose, D. Pens, & P. Wright (Eds.), *The celling of America: An inside look at the U.S. prison industry*. Monroe, ME: Common Courage.

Wright, R. (2002). Counting the cost of sentencing in North Carolina, 1980–2000. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 29). Chicago: University of Chicago.

Wrightsman, L. S. (2001). *Forensic psychology*. Belmont, CA: Wadsworth.

Wunder, A. (1995). Foreign inmates in U.S. prisons: An unknown population. *Corrections Compendium, 20*(4), 4–18.

Wundt, W. M. (1974). *Principles of physiological psychology* (Vol. 1). Germantown, NY: Periodicals Service Company.

Wynn, J. (2001). *Inside Rikers: Stories from the world's largest penal colony*. New York: St. Martin's.

Yamagata, E. P., & Butts, J. (1996). *Female offenders in the juvenile justice system.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Yamagata, E. P., & Jones, M. A. (2000). *And justice for some: Differential treatment of minority youths in the justice system.* Washington, DC: Building Blocks for Youths.

Yang, D. W. (2002, October 17). *Racketeering indictment targets Aryan Brotherhood.* United States Attorney, Central District of California press release. Retrieved from http://www.atf.treas.gov/press/fy03press/field/1018021a_racketeering.htm

Yang Murray, A. (Ed.). (2000). *What did the internment of Japanese Americans mean?* Boston & New York: Bedford/St. Martin's.

Yaroshefsky, E. (1999). Cooperation with federal prosecutors: Experiences of truth telling and embellishment. *Fordham Law Review, 68*, 917.

Yu, J. (2003, January). *Japanese internment camps*. Retrieved from http://www.Geocities.com/Athens

Zaitzow, B. H. (2001). Whose problem is it anyway? Women prisoners and HIV/AIDS. *International Journal of Offender Therapy and Comparative Criminology, 45,* 673–690.

Zaplin, R. (1998). *Female offenders.* Gaithersburg, MD: Aspen.

Zealand, E. (1998, Winter). Protecting the ties that bind from behind bars: A call for equal opportunities for incarcerated fathers and their children to maintain the parent-child relationship. *Columbia Journal of Law & Social Problems, 31,* 247.

Zedner, L. (1995). Wayward sisters: The prison for women. In N. Morris & D. J. Rothman (Eds.), *The Oxford history of the prison: The practice of punishment in Western society* (pp. 329–361). New York: Oxford University Press.

Zehr, H. (1990). *Changing lenses: A new focus for crime and justice*. Scottdale, PA: Herald.

Zehr, H. (1995). Justice paradigm shift? Values and visions in the reform process. *Mediation Quarterly*, *12*, 207–216.

Zehr, H. (2002). *The little book of restorative justice.* Intercourse, PA: Good Books.

Ziedenberg, J., & Schiraldi, V. (1998). The risks juveniles face. *Corrections Today, 60*(5), 22–26.

Ziedenberg, J., & Schiraldi, V. (1999). *The punishing decade: Prison and jail estimates at the millennium.* Washington, DC: Justice Policy Institute.

Ziedenberg, J., & Schiraldi, V. (2000a). *Poor prescription: The costs of imprisoning drug offenders in the United States.* Washington, DC: Justice Policy Institute. Retrieved from www.cjcj.org/drug

Ziedenberg, J., & Schiraldi, V. (2000b). *Texas tough? An analysis of incarceration and crime trends in the Lone Star State.* Washington, DC: Justice Policy Institute.

Zimmer, L. E. (1986). *Women guarding men.* Chicago: University of Chicago Press.

Zimmer, L. E. (1989). How women reshape the prison guard role. *Gender and Society, 1*, 415–431.

Zimmer, L. L. (1989). Solving women's employment problems in corrections: Shifting the burden to administrators. *Women and Criminal Justice, 1*, 55–79.

Zimmerman, H. J. (1951, November). The penal reform movement in the South during the Progressive Era, 1890–1917. *Journal of Southern History, 17*, 462–491.

Zimring, F. E., & Hawkins, G. (1995). *Incapacitation: Penal confinement and the restraint of crime.* Oxford, UK, and New York: Oxford University Press.

Zimring, F. E., Hawkins, G., & Kamin, S. (2000) *Punishment and democracy: 3 strikes and you're out in California.* New York: Oxford University Press.

Zinger, I., Wichmann, C., & Andrews, D. A. (2001). The physical effects of 60 days in administrative segregation. *Canadian Journal of Criminology, 43*(1), 47–83.

Zingraff, M. (1980). Inmate assimilation: A comparison of male and female delinquents. *Criminal Justice and Behavior, 7*(3), 275–292.

Zinn, H. (1995). *A people's history of the United States: 1492–present* (updated and rev. ed.). New York: Harper Perennial Library.

Zupan, L. (1992). The progress of women correctional officers in all-male prisons. In I. Moyer (Ed.), *The changing roles of women in the criminal justice system* (pp. 230–249). Prospect Heights, IL: Waveland.

Zupan, L. L. (1991). *Jails: Reform and the new generation philosophy.* Cincinnati, OH: Anderson.

Zwerman, G. (1988). Special Incapacitation: The emergence of a new correctional facility for women political prisoners. *Social Justice, 15*(1), 31–47.

Legal Cases

Ashelman v. Wawrzaszek, 111 F.3d 674, 676 (9th Cir. 1997).

Atkins v. Virginia, __ U.S. __, 122 S. Ct. 2242 (2002).

Atkins v. Virginia, 536 U.S. 304 (2002).

Baxter v. Palmigiano, 425 U.S. 308; 96 S. Ct. 1551; 47 L. Ed. 2d 810 (1976).

Bazzetta v. McGinnis, 286 F.3d 311 (2002).

Bazzetta v. Overton, 123 S. Ct. 2162 (2003).

Bell v. Wolfish, 441 U.S. 520 (1979).

Bivins v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

Block v. Rutherford, 104 S.Ct. 3227 (1984).

Block v. Rutherford, 468 U.S. 576 (1984).

Bogard v. Cook, 586 F.2d 399 (5th Cir. 1978).

Bounds v. Smith, 430 U.S. 817 (1977).

Brady v. Attygala, 196 F.Supp.2d 1016 (C.D. Cal. 2002).

Brown v. Board of Education, 347 U.S. 483 (1954).

Butler v. Legesse, Lexis 16660 (E.D. Pa. 1990).

Carroll v. United States, 267 U.S. 132 (1925).

Coffin v. Reichard, 143 F.2d 443 (6th Cir. 1944) 294.

Cooper v. Pate, 378 U.S. 546 (1964) 260, 262.

Cooper v. Pate, 378 U.S. 546 (1964).

Cooper v. Pate, 382 F.2d 518, 7th Circuit (1967).

Crampton v. Ohio, 402 U.S. 183, 210-211 (1971).

Cruz v. Beto, 405 U.S. 319, 92 S. Ct. 1079, 31 L. Ed. 2d 263 (1972).

DeHart v. Horn, 227 F.3d 47 (3rd Cir. 2000).

Dothard v. Rawlinson, 433 U.S. 321 (1977).

Dunville v. Morton, Lexis 21990 (7th Cir. 2000).

Enmund v. Florida, 458 U.S. 782 (1982).

Ennis v. Dasovick, 506 N.W.2d 386 (N.D. 1993).

Estelle v. Gamble, 97 S. Ct. 285, 290, 429 U.S. 97, 104–105 (1976).
Estelle, Corrections Director et al. v. Gamble, 429 U.S. 97 (1976).
Ewing v. California, 538 U.S. ___ (2003).
Ex parte Garland, 71 U.S. 333 (1866).
Ex parte Hull, 312 U.S. 546, 61 S.Ct. 640, 85 L.Ed. 1034 (1941).
Ex parte Quirin 317 U.S. 1 87 L. Ed. 317 U.S. 1 (1942).
Farmer v. Brennan, 511 U.S. 825; 114 S.Ct. 1970 (1994).
Ford v. Wainwright, 477 U.S. 399 (1986).
Forts v. Ward, 621 F.2d 1210 (2d Cir. 1980).
Freeman v. Lockhart, 503 F.2d 1016 (8th Cir. 1974).
Furman v. Georgia, 408 U.S. 238 (1972).
Furman v. Georgia, 408 U.S. 238 at 287–289 (1972).
Gagnon v. Scarpelli, 411.U.S. 778 (1973).
Gates v. Collier, 390 F. Supp. 482 (1975).
Glover v. Johnson, 478 F. Supp. 1075, 1078 (1979).
Graham v. Henderson, 89 F.3d 75 (2nd Cir. 1995).
Gregg v. Georgia, 428 U.S. 153 (1976).
Gregory v. Shelby, 220 F. 3d 433 (6th Cir. 2000).
Grove v. Prison Health Services, Lexis 14519 (E.D. Pa. 1990).
Gunther v. Iowa, 612 F.2d 1079 (1980).
Guthrie v. Evans, 93 F.R.D. 390 (D.C. Ga. 1981).
Haines v. Kerner, 404 U.S. 519 (1972).
Hakim v. Hicks, 223 F.3d 1244 (11th Cir. 2000).
Harden v. Dayton Human Rehabilitation Center, 520 F. Supp. 769 (1981).
Harper v. State, 759 P.2d 358 (Wash. 1988).
Helling v. McKinney, 509 U.S. 25 (1993).
Herrera v. Collins, 506 U.S. 390 (1993).
Hodge v. Coughlin, Lexis 13409 (S.D. N.Y. 1994).
Holt v. Sarver, 309 F. Supp. (E.D. Ark., 1970).
Holt v. Sarver, 309 F. Supp. 362 (1970).
Hudson v. McMillian, 503 U.S. 1, 6 (1992).
Hudson v. Palmer, 468 U.S. 517 (1984).
Hunter v. Underwood, 471 U.S. 222 (1985).
Hutto v. Finney, 309 F. Supp. 362 (E.D. Ark. 1970).
Hutto v. Finney, 437 U.S. 678 (1978).
In re Gault, 387 U.S. 1 (1967).
In re Gault, 387 U.S. 1, 87 S. Ct. 1248 (1967).
In re Medley, 134 U.S. 160 (1890).
In re Stanford, 123 S. Ct. 472 (October 21, 2002).
Jacques v. State, 487 N.Y.S.2d 463 (Ct. Cl. 1984).
Johnson v. Avery, 393 U. S. 483 (1969).
Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968).
Jones v. North Carolina Prisoners' Labor Union, 97 S. Ct. 2532 (1977).
Jones 'El v. Berge, 164 F. Supp. 1096 (2001).
Jurek v. Texas, 428 U.S. 262 (1976).
Kansas v. Hendricks, 117 S. Ct. 2072 (1997).
Katz v. United States, 389 U.S. 347 (1967).
Kennedy v. Los Angeles Police Department, 887 F.2d 920 (9th Cir. 1989).
Kent v. United States, 383 U.S. 541 (1966).
Kentucky Department of Corrections v. Thompson, 109 S.Ct. 1904 (1989).
Keyes v. Strack, Lexis 4858 (S.D. N.Y. 1997).
Knecht v. Gillman, 488 F.2d 1136 (8th Cir. 1973).
Lee v. Washington, 390 U.S. 333 (1968).
Levitan v. Ashcroft, 281 F.3d 1313 (DC Cir. 2002).
Lewis v. Casey, 518 U.S. 343; 116 S. Ct. 2174; 135 L. Ed. 2d 606 (1996).
Liles v. Ward, 424 F. Supp. 675 (S.D.N.Y. 1976).
Liparota v. United States, 471 U.S. 419 (1985).
Louisiana ex rel. Francis v. Resweber, 329 U.S. 459 at 474 (1947).
Ma v. Ashcroft, 257 F3d 1095 (2001).
Madrid v. Gomez, 889 F. Supp. 1146 (N. D. Cal. 1995).
Malik v. Brown, 71 F.3d 724 (9th Cir. 1995).
Mapp v. Ohio, 367 U.S. 643 (1961).
Maxwell v. Bishop, 398 U.S. 262 (1970).
McCleskey v. Kemp, 481 U.S. 279 (1987).
McCord v. Maggio, 910 F.2d 1248, 1249 (5th cir, 1990).
McGautha v. California, 402 U.S. 183 (1971).
McLelland v. Siegler, 327 F. Supp 829 (D. Neb. 1971), *aff'd per curiam,* 456 F. 2d 1266 (8th Cir. 1972).
Meachum v. Fano, 427 U.S. 215 (1976).
Miller v. French, 529 U.S. 1051 (2000).
Minnesota v. Carter, 119 S. Ct. 469 (1998).
Mistretta v. United States, 488 U.S. 361 (1989).
Misretta v. United States, No. 87-7028 488, U.S. 361 (1989).
Monroe v. Pape, 365 U. S. 167 (1961).
Monroe v. Pape, 365 U.S. 167 (1961) 270.
Monroe v. Pate, 365 U.S. 167, 961 (1963).
Montanye v. Haymes, 427 U.S. 236 (1976).
Morrissette v. Unites States, 342 U.S. 246 (1952).
Morrissey v. Brewer, 408 U.S. 471 (1972).
Moss v. Miller, 625 N.E.2d 1044 (Ill. App. 4 Dist. 1993).
New York v. Berger, 482 U.S. 691 (1987).
Newman v. State of Alabama 349 F. Supp. 278, 503 F. 2d 1320, 5th Cir. (1974), *cert. denied* 421 U.S. 948 (1975).
Olim v. Wakinekona, 103 S.Ct. 1741 (1983).
Olmstead v. United States, 277 U.S. 438 (1928).
O'Lone v. Estate of Shabazz, 482 U.S. 342; 107 S. Ct. 2400; 96 L. Ed. 2d 282 (1987).
Overton v. Bazzetta, 123 S.Ct. 2162 (2003).
Pell v. Procunier, 417 U.S. 817 (1974).
Pell v. Procunier, 417 U.S. 817, 94 S. Ct. 2800; 41 L. Ed. 2d 495 (1974).
Pell v. Procunier, 94 S.Ct. 2800 (1974).
Penry v. Lynaugh, 492 U. S. 302 (1989).
People v. Superior Court, 13 Cal. 4th 497 (1996).
Perkins v. Pelican Bay State Prison, Lexis 34541 (9th Cir. 1994).
Perry v. Louisiana, 498 U.S. 38 (1990).
Plessy v. Ferguson, 163 U.S. 537 (1896).
Procunier v. Martinez, 416 U.S. 396, 94 S. Ct. 1800, 40 L. Ed. 2d 224 (1974).
Proffitt v. Florida, 428 U.S. 242 (1976).

Pulley v. Harris, 465 U.S. 37 (1984).
Rakas v. Illinois, 439 U.S. 148 (1978).
Ramos v. Lamm, 639 F.2d 559, 576 (1980).
Rawlings v. Kentucky, 448 U.S. 98 (1980).
Richardson v. Ramirez, 418 U.S. 24 (1974).
Ring v. Arizona, 536 U.S. 584 (2002).
Robinson v. California, 370 U.S. 660 (1962).
Rosenberg v. United States, 346 U.S. 274 (U.S. Supreme Court, 1953).
Ruffin v. Commonwealth, 62 Va. 790 (1871).
Ruffin v. Commonwealth, 62 Va. 1024 (1871).
Ruffin v. Commonwealth, 62 Va. (21 Gratt.) 790 (1871) 172, 243.
Ruiz v. Estelle, 503 F. Supp. 1265 (1980).
Ruiz v. Estelle, 503 F. Supp. 1265 (S.D. Tex. 1980), *aff'd,* 679 F.2d 1115 (5th Cir. 1982).
Ruiz v. Estelle, 503 F.Supp. 1265 (S.D. Texas, 1980).
Ruiz v. Estelle, 679 F.2d 1115 (5th Cir. 1982).
Ruiz v. Johnson, 37 F.Supp.2d 855 (S.D.Tex. 1999).
Ruiz v. Johnson, 154 F.Supp.2d 975 (S.D.Tex. 2001).
Ruiz v. Johnson, 243 F.3d 941 (5th Cir. 2001).
Sandin v. Conner, 515 U.S. 472 (1995).
Sandin v. Conner, 515 U.S. 472; 115 S. Ct. 2293 (1995).
Sandin v. Conner, 515 U.S. 472; 115 S. Ct. 2293; 132 L. Ed. 2d 418; 1995 LEXIS 4069.
Shabazz v. Cole, 69 F. Supp. 2d 117 (D. Mass 1999).
Sims v. Brierton, 500 F. Supp. 813, 817 (N.D. Ill. 1980).
Soering v. United Kingdom, ECHR (1989). Series A, No. 161.
Stanford v. Kentucky, 492 U.S. 361 (1989).
Staples v. United States, 511 U.S. 400 (1994).
State ex rel. McCamic v. McCoy, 276 S.E.2d 534 (1981).
Sutton v. Rasheed, 323 F.3d 236 (3rd Cir. 2003).
Taylor v. Perini, 413 F. Supp. 189 (N.D. Ohio 1976) (first report of special master), 431 F. Supp. 566, 692 (N.D. Ohio 1977), 477 F. Supp. 1289 (N.D. Ohio 1979) (fifth report to special master).
Terry v. Ohio, 392 U.S. 1 (1968).
Thaddeus-x v. Blatter, 175 F.3d 378 (6th Cir. 1999).
Thomas v. Pate, 493 F. 21279 (7th Cir. 1974), vacated on the grounds of sub nom., Cannon v. Thomas, 419 U.S. 813 (1974), on remand, 516 F. 2d 889 (1975), *cert. denied,* 423 U.S. 877 (1975).
Thompson v. Oklahoma, 487 U.S. 815 (1988).
Thornburgh v. Abbot, 490 U.S. 401, 109 S. Ct. 1874, 104 L. Ed. 2d 459 (1989).
Tison v. Arizona, 481 U.S. 137 (1987).
Todaro v. Ward, 565 F.2d 48 (2d Cir. 1977).
Torres v. Wisconsin, 859 F.2d. 1523 (1988).
Trop v. Dulles, 356 U.S. 86 (1958).
Turner v. Safley, 482 U. S. 78 (1987).
Turner v. Safley, 482 U.S. 78, 96 L. Ed. 2d 64, 107 S. Ct. 2254 (1987).
United States of America v. Julius Rosenberg, Ethel Rosenberg, Anatoli A. Yakovlev, David Greenglass, and Morton Sobell, U.S. District Court, Southern District of New York, C.134–245, March 6–April 6, 1951.
United States v. Dunn, 480 U.S. 294 (1987).
United States v. Fell, 217 F. Supp.2d 469 (D. Vermont 2002).
United States v. Jackson, 390 U.S. 570 (1968).
U.S. v. Rosenberg, 195 F. 2d 583 (2nd Circuit, 1952).
U.S. v. Rosenberg, 200 F. 2d 666 (2nd Circuit, 1952).
U.S. v. Salerno, 481 U.S. 739 (1987).
United States v. Salvucci, 448 U.S. 83 (1980).
Vitek v. Jones, 445 U.S. 480 (1980).
Washington v. Harper, 494 U.S. 210 (1990).
Washington v. Lee, 263 F. Supp. 327 (M.D. Ala. 1966), *aff'd sub nom.* Lee v. Washington, 390 U.S. 333, 88 S. Ct. 99 L. Ed. 2d 1212 (1968).
Weeks v. United States, 232 U.S. 383 (1914).
Whitley v. Albers, 475 U.S. 312 (1986).
Whren v. United States, 116 S. Ct. 1769 (1996).
Wilson v. Seiter, 501 U.S. 294 (1991).
Witherspoon v. Illinois, 391 U.S. 510 (1968).
Wolff v. McDonnell, 416 U.S. 966; 945 S. Ct. 1987; 40 L. Ed. 2d 556; 1974 LEXIS 346.
Wolff v. McDonnell, 418 U.S. 539 (1974).
Wolff v. McDonnell, 418 U.S. 539; 94 S. Ct. 2963; 41 L. Ed. 2d 935 (1974).
Women Prisoners of the District of Columbia Department of Corrections v. District of Columbia, 877 F. Supp. 634 (1994).
Woodson v. North Carolina, 428 U.S. 280 (1976).
Wynn v. Southward, 251 F.3d. 588, 591, 593 (2001).
Young v. Lane, 733 F. Supp. 1205 (N.D. Ill. 1990), *revised on other grounds,* 922 F.2d 370 (7th Cir. 1991).
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