

Third Edition

# CORRECTIONS



 Pearson

**Leanne F. Alarid**  
**Philip L. Reichel**



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third edition

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**Dedication**

*Dedicated to Crazyhorse,  
my mentor and best friend.*

*L.F.A.*

**Dedication**

*Dedicated to my grandchildren,  
Estella Josephine and  
Andrew Joseph.*

*P.L.R.*

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# Brief Contents

<b>PART 1</b>	<b>Punishment and Corrections in Context 1</b>
CHAPTER 1	An Evidence-Based Approach to Corrections 1
CHAPTER 2	Why Do We Punish? 16
CHAPTER 3	Correctional Practices from Ancient to Contemporary Times 33
<b>PART 2</b>	<b>Sentencing and Sanctions 53</b>
CHAPTER 4	Sentencing 53
CHAPTER 5	Probation and Community Supervision 74
CHAPTER 6	Jails and Pretrial Release 91
<b>PART 3</b>	<b>Prison and Reentry 107</b>
CHAPTER 7	Managing Prisons and Prisoners 107
CHAPTER 8	Prison Life 128
CHAPTER 9	Special Correctional Populations 149
CHAPTER 10	Reentry Programs and Parole 163
<b>PART 4</b>	<b>Correctional Issues and Challenges 180</b>
CHAPTER 11	Legal Issues in Corrections 180
CHAPTER 12	Capital Punishment 199
CHAPTER 13	Juvenile Corrections 220
CHAPTER 14	Revisiting Evidence-Based Practices and What Works 238

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# Contents

PREFACE XV

## **PART 1** Punishment and Corrections in Context 1

### **CHAPTER 1** An Evidence-Based Approach to Corrections 1

#### **Corrections: An Integral Part of the Criminal Justice System** 2

Police 3

Pretrial/Courts 3

Preadjudication Diversion 3

#### **Corrections as Community-Based or Institutional** 5

Community Corrections 6

Institutional Corrections 6

#### **Incarceration Rates** 6

#### **Media Influence on Public Opinion and Correctional Policy** 7

Crime Control Policy 8

#### **Evidence-Based Practices** 9

How to Determine What Works 10

EBP Techniques 11

#### **The Case: Using EBP to Address Racial Disparities** 13

#### **Summary and Key Concepts** 14

### **CHAPTER 2** Why Do We Punish? 16

#### **Why Punish?** 17

#### **Deterrence** 18

Specific Deterrence 18

General Deterrence 19

#### **Incapacitation** 20

Incapacitation Through Technology 21

#### **Rehabilitation** 23

#### **Retribution** 24

#### **Restoration** 26

Criticism of Restorative Justice 28

#### **The Case: Make the Punishment Fit the Crime** 30

#### **Summary and Key Concepts** 31

### **CHAPTER 3** Correctional Practices from Ancient to Contemporary Times 33

#### **Corrections in the Ancient and Medieval World** 34

#### **Corrections in Seventeenth- and Eighteenth-Century England** 35

Transportation 35



Prisons Before the Prison	36
<b>Corrections in Eighteenth- and Nineteenth-Century America</b>	<b>38</b>
The Pennsylvania System	39
The Auburn System	41
The Pennsylvania Versus Auburn Debate	41
The Reformatory Movement	42
<b>Segregating the Sexes</b>	<b>42</b>
<b>Prison Development in the South and West</b>	<b>43</b>
Developments in the American South	44
Developments in the American West	44
<b>Corrections in the Twentieth Century</b>	<b>45</b>
<b>Corrections in the Twenty-First Century</b>	<b>46</b>
Public Opinion	47
Decreased Reliance on Prisons	47
<b>The Case: From Eastern State Penitentiary to Alcatraz of the Rockies</b>	<b>49</b>
<b>Summary and Key Concepts</b>	<b>50</b>

## PART 2

## Sentencing and Sanctions 53

### CHAPTER 4 Sentencing 53

<b>Sentence Severity and Types</b>	<b>54</b>
Presentence Investigation Reports	55
<b>Basic Sentencing Systems</b>	<b>57</b>
Indeterminate Sentencing	57
Determinate Sentencing	58
Structured Sentencing	58
<b>Sentencing Practices</b>	<b>59</b>
Sentencing Guidelines	59
Mandatory Sentencing	59
Aggravating and Mitigating Circumstances	62
<b>Reducing Sentence Time</b>	<b>63</b>
Jail Time	63
Good Time	63
Concurrent Sentencing	64
<b>Evidence-Based Sentencing</b>	<b>64</b>
How Judges Can Use Evidence-Based Research	65
<b>Unjust Justice</b>	<b>65</b>
Sentencing Disparity	65
Wrongful Convictions	67
<b>Trends in State and Federal Sentencing</b>	<b>68</b>
Reduce Prison Populations and Costs	68
Expand or Strengthen Community-Based Sanctions	68
Changes in Federal Sentencing	69

**The Case: Mandatory Sentencing and Drug Laws** 70

**Summary and Key Concepts** 71

## **CHAPTER 5 Probation and Community Supervision** 74

**Community Corrections** 75

**Probation** 76

Early English Practices that Allowed for Incarceration Alternatives 76

John Augustus: From Shoemaker to Third-Party Surety 77

Probation Conditions 78

What Does a Probation Officer Do? 78

Using Evidence-Based Principles in Community Supervision 78

**Probation Conditions that are Reparative to the Victim or Community** 80

Community Service 80

Restitution 81

Fines 81

**Intermediate Sanctions that Reduce Risk to Public Safety** 82

Residential Community Corrections Facilities 82

Electronic Monitoring 84

Day Reporting Centers 84

**Community Corrections Programs that Address Root Causes** 86

Problem-Solving Courts: Drug, Mental Health, and Veteran's Courts 86

Community Drug Treatment Programs 86

The Future of Community Corrections 87

**The Case: Applying Evidence-Based Practices in a Community-Based Therapeutic Community** 88

**Summary and Key Concepts** 89

## **CHAPTER 6 Jails and Pretrial Release** 91

**Pretrial Release** 92

Types of Pretrial Release 92

Behavior of Pretrial Release Defendants 93

Pretrial Services 94

Consequences of the Jail-Versus-Bail Distinction 95

**Jail Function and Purposes** 95

**Characteristics of the Jail Population** 96

Females as an Increasing Percentage of Jail Inmates 96

Accommodating the Needs of Women in Jail 97

Jails in Indian Country 97

Jailing the Mentally Ill 99

**New-Generation Jails** 100

Jail Design 100

Inmate Supervision 100

**The Case: Do People with Mental Illness Belong in Jail?** 103

**Summary and Key Concepts** 104

**CHAPTER 7 Managing Prisons and Prisoners 107****The Development and Organization of the Federal Prison System 108**

A Brief History of the BOP 108

The BOP Today 109

Security Levels at Federal Facilities 110

**The Development and Organization of State Prison Systems 110**

Security Levels at State Facilities 111

**Segregation and Solitary Confinement 112**

Administrative and Disciplinary Segregation 112

Solitary Confinement and Other Conditions of Segregation 113

Less Reliance on Segregation 114

**Inmate Classification 114**

Classification in the Early Years 114

Increasing Objectivity in Classification 114

External Prison Classification 115

Internal Prison Classification 117

Criminogenic Needs 117

Reclassification 117

**Prison Staff 118**

Correctional Officers 118

Treatment Staff 119

**Private Prisons 121**

Privatization in the United States Today 122

**The Case: Mixed-Gender Supervision in Prison 124****Summary and Key Concepts 125****CHAPTER 8 Prison Life 128****Who Is in Prison? 129**

Federal Prisoners 130

**Learning Prison Norms 131**

Deprivations of the Big House 131

Inmate Code 132

Prison Argot 132

**Prisoner Job Assignments 133****Sub Rosa Economy 136**

Prisoner Misconduct 137

**Collective Behavior 138**

Prison Gangs and Security Threat Groups 138

Groups in Women's Prisons 140

**Prison Violence 141**

Sexual Assault and Rape 142

**Collective Violence 143**

Prison Riots 143

**The Case: Decreasing Violence Through the Inmate Subculture** 145

**Summary and Key Concepts** 146

## **CHAPTER 9 Special Correctional Populations** 149

**Treatment Programs in Prison** 150

**Treatment that Addresses Sex Offending** 151

**Pregnant Women and Parents of Minor Children** 153

Being Pregnant While Incarcerated 154

Prison Nurseries 155

**Health Care and Medical Issues** 155

Prisoners with HIV/AIDS 156

Treatment of Other Communicable Diseases 157

**Aging Prisoners** 157

Prison Hospice 159

**The Case: Should Infants and Toddlers of Incarcerated Moms Be Raised in Prison?** 160

**Summary and Key Concepts** 161

## **CHAPTER 10 Reentry Programs and Parole** 163

**The Reentry Process** 164

**Education and Vocational Skills in Reentry Preparation** 167

GED and Secondary Education 168

College Programs 169

Vocational Programs 169

**Community Corrections in Reentry** 170

Prerelease Facilities 170

Community Reparation Boards 170

**Release from Prison** 171

History of Parole 172

The Parole Decision 173

Decrease of Discretionary Parole and Rise of Mandatory Supervision 173

Field Parole Officers and Supervision 174

Revoking Parole 176

**The Case: Faith-Based Reentry** 177

**Summary and Key Concepts** 178

## **PART 4**

## **Correctional Issues and Challenges** 180

### **CHAPTER 11 Legal Issues in Corrections** 180

**Sources of Prisoners' Rights** 181

The U.S. Constitution 182

The Civil Rights Act 184

**A Sampling of Prisoner Rights Issues** 186

Access to the Courts 186

Issues of Religion 186  
The *Turner v. Safley* Standards 187

**Limiting Inmate Litigation 187**

**Civil Disabilities and Other Postconviction Sanctions 188**

Invisible Punishments 188  
Sex Offender Registration, Notification, and Residence Restriction Laws 190  
Civil Disenfranchisement 192

**Restoring Civil Rights Following a Conviction 193**

Individual Restoration Methods 194  
Systemic Relief Methods 194

**The Case: Proof of Rehabilitation 195**

**Summary and Key Concepts 196**

**CHAPTER 12 Capital Punishment 199**

**Capital Punishment Yesterday and Today 200**

A Short History of Capital Punishment in the United States 200  
Capital Punishment in the Modern Era 201

**Capital Punishment and the Law 203**

Entering Death Row 203  
Capital Punishment and the Courts 204

**Characteristics of Death-Row Prisoners 206**

Leaving Death Row Without Being Executed 207

**Arguments for and Against Capital Punishment 207**

Deterrence 207  
Fairness 209  
Retribution 212  
Innocence 213

**Public Opinion and the Death Penalty 214**

**The Case: Should You Be Able to Watch an Execution on  
Television or Your Smartphone? 216**

**Summary and Key Concepts 217**

**CHAPTER 13 Juvenile Corrections 220**

**Development and Operation of the Juvenile Justice System 221**

**Processing Juvenile Offenders 222**

Age Limits: Who Are the Juveniles? 222  
Juvenile Offense Categories: Reasons for Coming to Juvenile Court 222

**Juvenile Offenders in Juvenile Court 224**

Characteristics of Juvenile Offenders 224  
Due Process and Juveniles 225

**Juvenile Offenders in Adult Court 226**

The Three Models 226  
Blended Sentencing 227  
Trends in Judicial Waiver 228



<b>Community-Based Responses to Juvenile Offenders</b>	228
<b>Residential-Based Responses to Juvenile Offenders</b>	229
Characteristics of Custody Facilities and the Youths in Them	230
Institutional Programs	231
<b>Issues Confronting Juvenile Corrections</b>	231
Disproportionate Minority Contact	232
Girls in a System Designed for Boys	232
<b>The Case: Should Juveniles Receive a Life Sentence?</b>	234
<b>Summary and Key Concepts</b>	235

## **CHAPTER 14 Revisiting Evidence-Based Practices and What Works 238**

<b>What Works in Corrections</b>	239
Revisiting Correctional System Expectations Versus Stated Mission	239
Cognitive Behavioral Treatment	241
Community Supervision	241
Jail and Prison	242
<b>Cost Savings Best Practices</b>	242
<b>Returning Rationality to Corrections Policy</b>	244
Being Smart on Crime	244
<b>The Future of Corrections</b>	244
Performance-Based Measures	245
Justice Reinvestment Initiative	245
<b>The Case: How the Prison Population Stopped Increasing and Communities became Safer: The Justice Reinvestment Experience in Kansas</b>	247
<b>Summary and Key Concepts</b>	248

<b>GLOSSARY</b>	<b>250</b>
<b>REFERENCES</b>	<b>259</b>
<b>NAME INDEX</b>	<b>279</b>
<b>SUBJECT INDEX</b>	<b>281</b>

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# Preface

## Introducing the Justice Series

**When  
best-selling  
authors**

and instructional designers come together, focused on one goal—improve student performance across the criminal justice (CJ) curriculum—you come away with a groundbreaking new series of print and digital content: the *Justice Series*.

Several years ago, we embarked on a journey to create affordable texts that engage students without sacrificing academic rigor. We tested this new format with Fagin’s *CJ 2010* and Schmalleger’s *Criminology* and received overwhelming support from students and instructors.

The Justice Series expands this format and philosophy to more core CJ and criminology courses, providing affordable, engaging instructor and student resources across the curriculum. As you flip through the pages, you’ll notice this book doesn’t rely on distracting, overly used photos to add visual appeal. Every piece of art serves a purpose—to help students learn. Our authors and instructional designers worked tirelessly to build engaging info-graphics, flowcharts, pull-out statistics, and other visuals that flow with the body of the text, provide context and engagement, and promote recall and understanding.

We organized our content around key learning objectives for each chapter, and tied everything together in a new objective-driven end-of-chapter layout. Not only is the content engaging to the student, it’s easy to follow and focuses the student on the key learning objectives.

Although brief, affordable, and visually engaging, the Justice Series is a series of texts and support tools that are instructionally sound and student approved.

## Additional Highlights to the Authors’ Approach

- Evidence-based practices in all areas of corrections are given close attention and become a key aspect of the book’s content.
- Theories of punishment are introduced early and connected to correctional policies and best practices.
- Contemporary correctional policy initiatives are discussed, which include reducing the use of administrative segregation, decreasing prison violence, improving prisoner reentry, prisoner rights, and narrowing death penalty discretion.
- Information about women offenders and female correctional staff is incorporated throughout the book rather than in one specific chapter. This integration of gender emphasizes the similarities and differences of the correctional supervision of men and women.
- Student learning is enhanced through a very clear writing style with interesting contemporary examples and remarkably up-to-date information.

## Groundbreaking Instructor and Student Support

Just as the format of the Justice Series breaks new ground in publishing, so does the instructor support that accompanies the series.

Each chapter opener lists the chapter objectives to pique interest and focus students’ attention on the topics to be discussed.

The book exhibits a balance among text, photos, and figures to present the information in both a text format and a visual format.

Each chapter Introduction presents a current event or story related to chapter content followed by a discussion question. This sparks interest and promotes critical thinking about chapter concepts.

Each objective has an associated icon that also appears in the related chapter section and in the end-of-chapter material. The icon is a navigational tool, making it easy to locate explanations of or find review material for a particular topic, and is also a visual key to aid memory and retention of information related to the topic.

“Think About It” features pose questions related to chapter content, promoting critical thinking, discussion, and application.

A box at the end of each chapter directs students to chapter-specific resources and additional links to extend learning and investigation.

At the end of each chapter, a real-life case example poses analytical discussion questions related to chapter content, promoting critical thinking and application of chapter concepts.

The chapter summary displays the chapter’s key information as a chart with images and critical-thinking review questions embedded throughout. This visual format is designed to be a helpful study and review tool.

## New to This Edition

- A new feature entitled “Voices in Corrections” provides a unique viewpoint about different correctional issues. Seven original essays were written by different authors who were either correctional practitioners or offenders.
  - *How has GPS tracking of probationers affected the way probation officers do their job?*—Chapter 2
  - *What was segregation like?*—Chapter 3
  - *What was it like to work in a day reporting center?*—Chapter 5
  - *Oftentimes, when students tour a facility using the podular direct approach, they are surprised to find a single correctional officer in the pod with supervising responsibility for the many inmates also in the pod. Can such a setup really be safe for both officer and inmates?*—Chapter 6
  - *Research and media portrayals of prisons often concentrate on how prison changes prisoners—more often for the worse rather than the better. Does prison change correctional officers? How and in what manner?*—Chapter 7
  - *What did you learn from your experiences in prison?*—Chapter 9

- *What did your first moments of reentry feel like?*— Chapter 10
- Over 20 figures and tables are either new or have the most updated information available throughout the text, including Figure 1–4; Figure 2–5; Figures 4–3 and 4–11; Table 6–1; Figure 6–4; Table 7–1; Figure 7–4; Figure 8–1; Table 9–1; Figures 9–5, 9–6, and 9–7; Tables 10–1 and 10–2; Table 11–4; Figures 13–1 and 13–5; and Figures 14–1 and 14–2.
- New chapter-opening vignettes have been replaced in Chapter 1 (California’s attempt to reduce prison populations through realignment and Proposition 47); Chapter 5 (Ethan Couch, affluenza teen who violated probation); Chapter 8 (Inmate escapes aided by correctional officer Joyce Mitchell in New York and a volunteer teacher at the Orange County jail); and Chapter 9 (Owen Labrie, a student from a private prep school who was convicted of a sex offense).
- Chapter 1 begins with a new introduction stating how recent changes in decriminalization and closing of prisons are reducing prison population numbers; “Preadjudication Diversion” was added as a separate section to better differentiate diversion from postsentencing outcomes.
- The “Corrections in the Twenty-First Century” section in Chapter 3 has been revised and updated to include new public opinion data and updated state reforms.
- Already one of the best reviewed chapters, we believe Chapter 4 has been strengthened with a new introduction on futuristic technology, an expansion of the section on determinate and indeterminate sentencing to include the concept of structured sentences (and a new figure showing each system by state), and the addition of a section (including a new timeline) on trends in state and federal sentencing—including thousands of federal prisoners being released in 2015.
- Chapter 5 has a new introduction that explains the overarching goals of community corrections and the benefits of community supervision over incarceration. The “Problem-Solving Courts” section has been expanded to include drug courts and veterans’ courts.
- Statistics and information relevant to jail population characteristics, “Jails in Indian Country,” and “Jailing the Mentally Ill” have been updated in Chapter 6. Material on women involved in the criminal justice system has been expanded and a new figure describes “ten things we know about women in jails.”
- A brand new section in Chapter 7 entitled “Segregation and Solitary Confinement” allows for extended discussion of special housing units and explains why this type of confinement is so controversial today. The chapter includes a new figure depicting who spends time in segregation.
- Chapter 8 has a new section highlighting misconduct behaviors while incarcerated, updated information on the way that security threat groups are structured, an updated table on prison gangs, and a more detailed explanation of the importation model.
- A new introduction paragraph reaffirming the rehabilitation goal of corrections as it relates to special needs offenders can be found in Chapter 9, along with updated material on prison visitation.
- Reentry programs and the use of education and vocational programs in prison have been completely updated in Chapter 10, along with the latest research on community reparation boards.
- To reflect important changes occurring across the country to minimize the collateral impact of a felony conviction, new material has been added in Chapter 11, to include the “Invisible Punishment” section and “Restoring Civil Rights Following a Conviction.” New subsections on individual restoration methods and systemic relief methods have been added. State compliance with the federal Sex Offender Registration and Notification Act as well as state felon voting laws have been updated.
- Chapter 12 includes expanded discussion of how the *Atkins v. Virginia* decision has been implemented by states and whether mentally ill persons have been executed. A new “Think About It” feature has been added to bring attention to how executions may affect prison employees.
- Chapter 13 reviews research findings on the effects of applying criminal sanctions on juvenile offenders with a new Figure. Figure 13–1 has been updated to include Illinois, Massachusetts, and New Hampshire among the states with an upper age of 17. The teen courts section has been considerably expanded and updated. Information has been added on changes to state juvenile transfer laws. The 2016 USSC decision in *Montgomery v. Louisiana* has been added to “The Case” at the end of the chapter.
- To conclude the text with where we think the corrections system is headed in the future, we updated what works in corrections in Chapter 14. A new “Smart on Crime” initiative section has been added, and we expanded the performance-based measures and justice reinvestment initiatives. We also replaced the case study at the end of the chapter with details about the justice reinvestment initiative in Kansas.

## ► **Instructor Supplements**

### ***Instructor's Manual with Test Bank***

Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

### ***TestGen***

This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen's random generator provides the option to display different text or calculated number values each time questions are used.

### ***PowerPoint Presentations***

Our presentations offer clear, straightforward outlines and notes to use for class lectures or study materials. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.

To access supplementary materials online, instructors need to request an instructor access code. Go to [www.pearsonhighered.com/irc](http://www.pearsonhighered.com/irc),

where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming e-mail, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

### ***Alternate Versions***

**eBooks** This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With an eTextbook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit [www.mypearsonstore.com](http://www.mypearsonstore.com).

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## ► **REVEL for Corrections, 3e by Alarid and Reichel**

### ***Designed for the way today's Criminal Justice students read, think and learn***

REVEL offers an immersive learning experience that engages students deeply, while giving them the flexibility to learn their way. Media interactives and assessments integrated directly within the narrative enable students to delve into key concepts and reflect on their learning without breaking stride.

REVEL seamlessly combines the full content of Pearson's bestselling criminal justice titles with multimedia learning tools. You assign the topics your students cover. Author Explanatory Videos, application exercises, and short quizzes engage students and enhance their understanding of core topics as they progress through the content.



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Visit [www.pearsonhighered.com/revel/](http://www.pearsonhighered.com/revel/)

## ► Acknowledgments

**This book  
is the result**

of an opportunity provided to us to be part of a cutting-edge series. We would like to thank Gary Bauer and Tara Horton, for keeping us on task and providing practical suggestions for improving the book.

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## ► About the Authors



**Leanne F. Alarid** is Professor and Chair of the Department of Criminal Justice at The University of Texas at El Paso. Over the last 20 years, Dr. Alarid has taught undergraduate and graduate classes, and published over 50 journal articles and book chapters. She is the author of *Community-Based Corrections* (Cengage) and has edited four books, including *Behind a Convict's Eyes: Doing Time in a Modern Day Prison* (2004) and *In Her Own Words: Women Offenders' Views on Crime and Victimization* (2006). Dr. Alarid received the Founder's Award by the Academy of Criminal Justice Sciences in 2011 for her contribution to criminal justice education and service. She was recognized in the *Journal of Criminal Justice Education* as one of the top 20 female scholars in the country out of female Ph.D. graduates in criminal justice between 1996 and 2006. Dr. Alarid has worked as a counselor for a girls' group home and as a correctional case manager at an adult halfway house in Denver, Colorado.



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# An Evidence-Based Approach to Corrections



- 1** Describe how corrections is part of the criminal justice system that is dependent on decisions made earlier in the process by the police and the courts.
- 2** Compare and contrast institutional and community-based corrections.
- 3** Explain the effect that rising incarceration rates between 1970 and 2010 had on racial and economic disparity.
- 4** Analyze the relationships among mass media, public opinion, and the making of correctional policy.
- 5** Characterize the meaning of evidence-based practice and explain how it can improve the correctional system.



## WILL CALIFORNIA BE ABLE TO REDUCE ITS PRISON POPULATION?

James Rabenberg, age 36, has no history of violence and has never sold drugs. Rabenberg, an avid drug user since the 1990s, became addicted to methamphetamine, eventually lost his house, and became homeless in San Diego, California (Saslow, 2015). He tried to quit using drugs on several occasions without success. Since the homeless shelter will not accept active drug users, Rabenberg panhandles and uses his money to buy drugs on the streets. He continues to get rearrested for the possession of small amounts of meth or drug paraphernalia. Interestingly, he has declined drug treatment, preferring to plead guilty to the charges. In the past, Rabenberg would have been taken to jail with each arrest, but under a recent change in California's law, he is now issued a citation or a fine in lieu of a jail booking (Saslow, 2015). What caused this sudden change?

Back in 2007, California officials had been federally court ordered to reduce the severely overcrowded prison population by 2014. Then, with the economic crisis in 2008, the state of California made deep budget cuts in all areas of government services and could no longer afford to support the current prison population. To achieve this laudable goal, California assessed current property and drug offenders deemed *not* to be a public safety risk, and released them from jails and prisons to parole or probation supervision, a process known as “realignment.” These releases were still not enough to

relieve the new arrests. In 2014, California voters passed Proposition 47 to reduce drug possession and property crimes (shoplifting, fraud, theft, bad checks) worth less than \$950 from a felony to a misdemeanor; the exception is if a defendant has previous convictions for murder, child molestation, or rape. The money saved from having fewer prisoners would be applied to community-based mental health and drug treatment programs, primary/secondary education, and crime victim funds.

Between January and September 2015, Mr. Rabenberg was arrested 13 times for the possession of small amounts of drugs, including one arrest when he pulled a knife on a customer outside a Starbucks when he was panhandling and became agitated (Saslow, 2015). Mr. Rabenberg's story is certainly characteristic of concerns that low-level offenders reoffend or recidivate at fairly high rates (Gerlinger & Turner, 2015), but the nature of most of those charges is no longer considered serious. Since Proposition 47 went into effect in 2015, fewer people were in jail, but it has seemingly created a different problem: Homeless population encampments (those who would have been in jail) have grown, along with more emergency room visits for overdoses and more assaults on police officers by the homeless (Saslow, 2015). On the other hand, there are concerns with using jail as a response to drug addiction and homelessness.



Ann Johansson/Corbis Historical/Getty Images

**Discuss** Has jail been overused for indigent drug users? How should communities respond to the problems of homelessness and drug use? Will decriminalizing drug possession and/or property offenses increase the crime rate? Is there a better way to solving California's problem without bankrupting the state?

### ► Corrections: An Integral Part of the Criminal Justice System

We live in interesting times. Since 2011, prison populations in the United States have *declined* after having consistently increased for 40 years—from 600 prison facilities in 1970 to over 1,000 prisons by 2000 (Lawrence & Travis, 2004). Did the declines have anything to do with the stock market crash of 2008 and subsequent economic downturn? What about the changes in federal sentencing guidelines? Or, was it the government's admission that the war on drugs had failed, combined with changing public attitudes toward marijuana use? Or, is it something entirely different? In any case, incarceration has

shown to be a very high-cost response with very low positive returns on investment (Clement, Schwarzfeld, & Thompson, 2011). We explore the history behind how our corrections system started, reasons why prisons are so expensive, and various alternatives to incarceration.

This text is an introduction to the **corrections** system in the United States, which is considered the third component of criminal justice (CJ) that follows an alleged crime handled by the police and the court processing of that case. The corrections system is thus a phase that carries out or implements the



court-ordered supervision or treatment conditions that the defendant must complete. As we discuss later in this chapter, court-ordered conditions can be implemented in a diversionary manner in lieu of sentencing or after sentencing following a guilty plea. A flowchart is depicted in Figure 1–1 to provide a broad overview of the entire CJ system. This section very briefly explains this flowchart and how criminal cases are passed from the police to the courts before some of them progress into the corrections system.

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## Police

When a crime is committed, a victim or witness reports the situation to the **police**. In serious cases, the police take the report in person and may collect evidence or testimony. In less serious cases, the victim reports by phone or the Internet. Other than traffic enforcement, it is clear that the police rely on *citizens* to bring most crimes to their attention. Then, based on the quality of this information, the police can investigate further and then decide whether there is enough evidence to act. In less serious cases, such as exceeding the speed limit, the police can decide to issue a warning or a **citation**. In more serious cases, such as domestic violence, an officer must arrest one or both defendants if there are visible injuries. When an arrest is made, the police drive the suspect to a city or county jail to be **booked**. In the most serious felony cases, such as homicide and robbery, the reporting officer relies on detectives to spend the time collecting evidence.

The police enforce the law, keep social order, and preserve public safety for their particular **jurisdiction**. For example, local police have boundaries within a city or county, whereas state police focus on highways and interstates within the state. A federal law enforcement agency enforces laws in places that are considered federal areas (such as national parks and post offices) or enforces violations of federal law (such as drug trafficking, counterfeiting, or terrorism) anywhere in the United States. In using their discretion, the police truly are the gatekeepers of the CJ system. Following an arrest or a citation, the case moves to the courts, which is the next social control agency.

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## Pretrial/Courts

The courts depend on the police’s ability to identify the right suspect and to collect enough quality evidence, if needed, to corroborate the case. Corroborating evidence may include a victim who agrees to participate, credible witness statements, and physical evidence that can be collected and tested if necessary. There are four main

### LEARNING OUTCOMES

1

Describe how corrections is part of the larger CJ system that is dependent on decisions made earlier in the process by the police and the courts.

decisions that prosecutors make: initial case screening, charging, plea offers, and case disposition. At the initial case screening, prosecutors examine the quality of the corroborating evidence to determine whether or not to charge a suspect. A prosecutor will likely **dismiss** cases if the evidence is weak or inadequately linked to that defendant for a particular offense. Depending on the

jurisdiction and the severity of the offense, between one-third and one-half of all cases are dismissed.

Prosecutors will go forward with charging cases in which they believe there is enough evidence to hold the defendant accountable for that specific crime. The court has a considerable backlog of cases that vary between 6 and 12 months between the arrest and the time when the case is resolved by the courts. While most defendants will eventually plead guilty, a small percentage (between 1 and 5%) request a criminal trial and enter a plea of “not guilty,” in which case the decision lies in the hands of a judge or jury. Although the average criminal trial lasts less than one week, a trial court’s dockets are typically filled 12 to 18 months out, so a trial may not be decided until 18 months after the initial arrest. During this time, defendants with pending court appearances are out in the community on a bond that secures their reappearance, or they are on some form of **pretrial supervision** in the community.

The pretrial release decision is made following arrest so that defendants who qualify can be quickly released and supervised in the community until their next court date. This allows defendants to return to work or school and to prepare for their defense, and it keeps local jails from becoming too crowded while a criminal case is pending. Risk assessments have been developed to predict who would likely pose a threat to the public safety or likely not return for a later court appearance (Lowenkamp & Whetzel, 2009). Defendants who live in the area, are employed or go to school, and have a cell phone are qualified for immediate release. Defendants who have active warrants or pending charges, have previously failed to appear, or are already on correctional supervision may be released later with higher bail amounts or may be denied release altogether (Pretrial Justice Institute, 2009).

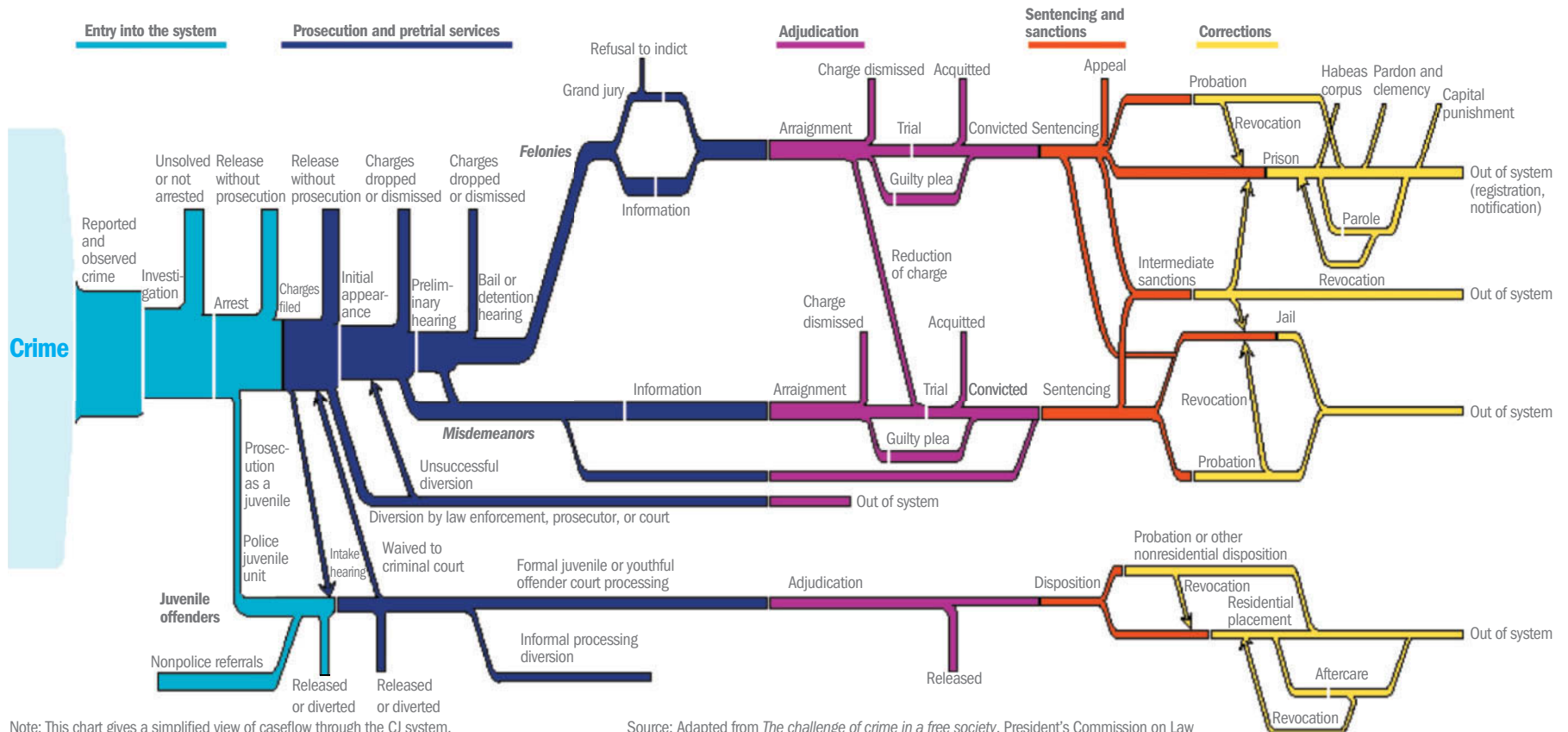
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## Preadjudication Diversion

Early on in the court process, the judge may offer **diversion** or deferred adjudication to misdemeanor or first-time felony defendants who have not yet been formally sentenced. Diversion allows the defendant to be supervised in the community *before* pleading guilty. If the defendant successfully completes diversion, the offender’s charges are dropped and, because the defendant was never sentenced, the individual does not have a formal record of conviction. However, if the offender on diversion supervision does *not* comply with the conditions to the court’s satisfaction, or if the defendant is rearrested within a certain period of time after completion, a formal execution of the sentence ensues and a record of the conviction is reinstated. Examples of diversion programs can be found in Figure 1–2. The most common example is deferred probation supervision, or perhaps the defendant may be ordered to complete community service hours, or agree to mediation sessions with the victim or even to attend treatment programs through a problem-solving court. These diversion programs are all considered part of the corrections system and will be discussed in more detail in Chapter 5.

For defendants who do not qualify for diversion, prosecutors will often offer the defendant a plea agreement to entice the defendant to plead guilty over asking for a trial. Most defendants plead guilty and take the plea agreement, after which they

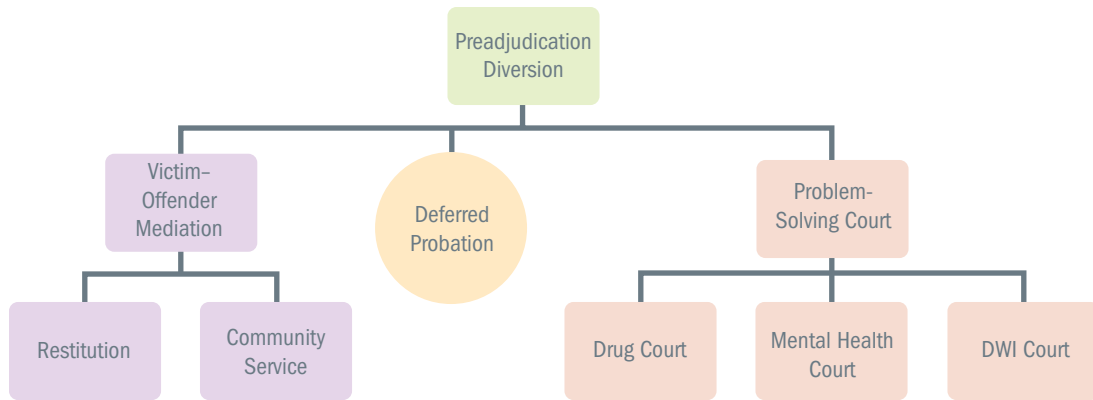
What is the sequence of events in the CJ system?



Note: This chart gives a simplified view of caseload through the CJ system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

FIGURE 1-1 Criminal Justice System Flowchart.



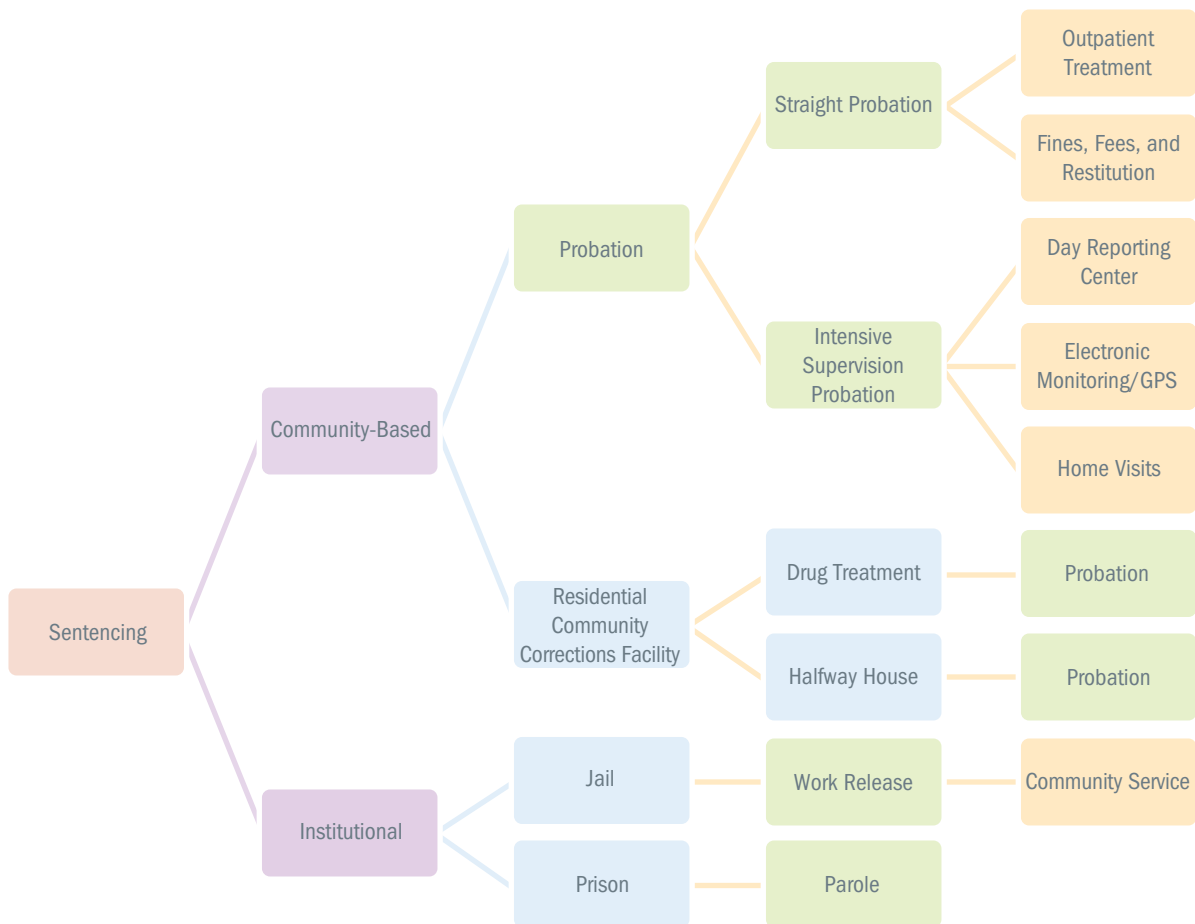
**FIGURE 1-2** Diversion Programs.

are formally sentenced by the court. Where the law allows, plea agreements can involve community supervision over jail, or involve considerably less prison time.

### ► **Corrections as Community-Based or Institutional**

A wide variety of sentencing options are available, particularly for misdemeanors and nonviolent felony offenses. For serious

felony offenses, the judge considers the law in conjunction with the individual case circumstances to decide whether the offender is eligible for a community sentence or whether incarceration is more appropriate. The **continuum of sanctions**, as shown in Figure 1-3, refers to the options that are available by law or available to the judge to select for each individual offender so that the appropriate sentencing goals will be achieved. Sentencing goals or philosophies of punishment, such as rehabilitation and deterrence, will be discussed in Chapter 2.



**FIGURE 1-3** Postsentencing Correctional Sanctions. Following sentencing, the judge decides whether the offender is eligible for a community sentence. Note that the sanctions within the orange boxes can be used in conjunction with probation, parole, jail, and prison as long as they are related to the crime itself or the risk the offender poses.

Another way to look at the continuum of sanctions is that some of them occur in the community and some occur inside a correctional or treatment facility. For nonviolent felony offenses, community-based supervision may be an option, whereas for predatory felony cases, the focus may be on using correctional institutions to achieve public safety. Oftentimes, judges will combine one or more options to suit each individual offender's case. For example, a defendant might be deterred from a short jail term of 30 days, followed immediately by three months in a residential drug treatment facility while performing community service. Another defendant may require only probation to achieve the same goals.

## Community Corrections

**Community corrections** programs depend on correctional resources available in the community to assist the offender in seeking help and abiding by certain conditions. The philosophy behind community corrections assumes that most offenders have made poor decisions along the way, but their need to retain responsibility and/or change overrides their threat to public safety and therefore they do not require incarceration. Community correctional programs are more likely, than jails and prisons, to offer rehabilitation programs that meet the offender's court-ordered conditions. In addition, the offender can enlist the help of his or her family for support. Forms of community corrections can be residential, where the offender lives at the facility (depicted in blue in Figure 1–3) or lives at home (depicted with green boxes). Community-based options can also include add-on sanctions (depicted as orange boxes in Figure 1–3). In Chapter 5, we discuss probation, restitution, electronic monitoring, and day-reporting centers in more detail.

At times, all of these add-on alternatives may be used to excess and thus offenders on probation are required to do too much or to do more than they need for adequate punishment. Had these programs not been available, judges would have used straight probation anyway, but sometimes they have a tendency to use a tougher sanction just because it's there—not because it truly benefits an offender. This principle is called **net widening**; engaging too much in this practice is inefficient and a costly use of resources.

## Institutional Corrections

**Institutional corrections** house offenders in an institutional environment, apart from their community, friends, and family. Visits are restricted to weekends if at all. Institutional corrections operate under the philosophy that some people need to be separated from the elements of daily life to protect others' safety or to pay for their crimes by having their freedom taken away. Jails are primarily for pretrial detainees who have not been convicted of a crime. Jails also detain people convicted of misdemeanors who are serving less than one year of time. Prisons are long-term institutions designed to house convicted felons who are serving more than one year of time. We delve into jails and

prisons in more detail in Chapters 6 through 10. In Chapter 11, we discuss other consequences of a felony conviction, some of them that follow an offender for the rest of his or her life. Given that about 95% of incarcerated prisoners will be released someday, we consider the importance of preparing released prisoners for their reentry into the community. In Chapter 12, we explore the various issues surrounding the death penalty, which affect the very small number of offenders who are incarcerated for the remainder of their lives.

## ► Incarceration Rates

Despite recent declines in the use of prison, the U.S. **incarceration rate** per 100,000 people remains significantly higher than that for most other countries in the world. U.S. incarceration rates were not always that high. In fact, the United States used prisons at a rate similar to European countries until the 1970s. Incarceration and crime policy became part of the political agenda as a platform for reelection campaigns to a public who thought that little could be done to reform criminals. The United States used mass incarceration in an attempt to curb drug possession, sales, and manufacturing, and lengthened sentences for repeat and violent offenders. The war on drugs had a pronounced effect on the federal prison system, and greatly increased the number of incarcerated women. While researchers and analysts long criticized the ineffectiveness of U.S. drug policy (Bagley, 1988), enforcement and punishment activities continued unabated. States began to consider the utility of marijuana for medical benefits and proceeded to pass legislation that decriminalized marijuana possession in small amounts, regulated the sale of marijuana for medical patients (in about half of all states), and legalized marijuana for recreational purposes in a handful of states. In 2010, the United States reached an incarceration rate high of over 750 people per 100,000, before decreasing down to the current rate of 698. While the federal government eventually declared that mass arrests and incarceration for drug possession was a failed effort, federal efforts to decrease incarceration rates have been challenging given its new war on immigration. Figure 1–4 shows how the U.S. incarceration rate compares to those for other countries, such as China, India, Mexico, Iran, and Iraq.

The disproportionately high number of U.S. prisoners deeply affects Latino and African-American communities. Using arrest and incarceration as a control mechanism dates back to the end of the Civil War. Although slavery had ended, many people of color were incarcerated for minor offenses and treated differently from Caucasians. Historians contend that dehumanization and differential treatment was simply transferred from slavery on plantation farms to prisons. Then it took a different form with regard to the southern states' use of the convict leasing system. By the 1950s, African-Americans constituted about one-third of inmates admitted to prison (Mauer, 1999). People of Latino descent

**LEARNING OUTCOMES**  
2 Compare and contrast institutional and community-based corrections.

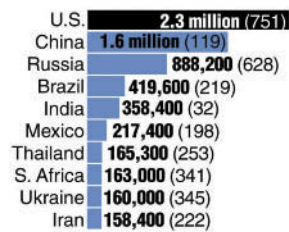
**LEARNING OUTCOMES**  
3 Explain the effect that rising incarceration rates between 1970 and 2010 had on racial and economic disparity.

## A dubious distinction

In 2007, the U.S. had about 723,000 inmates in jails and 1.6 million in prisons, more prisoners than any other country.

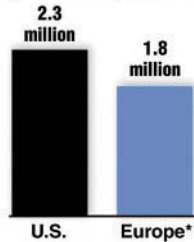
### U.S. vs. all other nations

Nations with the largest prison populations, latest available data (rate per 100,000 residents)



### U.S. vs. Europe

Total U.S. inmate population compared to the 36 largest European inmate populations



\*Countries (in order of incarceration rate): Russia, Belarus, Georgia, Ukraine, Estonia, Latvia, Moldova, Poland, Lithuania, Azerbaijan, Czech Rep., Hungary, Slovakia, Romania, England & Wales, Bulgaria, Spain, Scotland, Albania, Netherlands, Portugal, Serbia, Turkey, Austria, Armenia, Germany, Croatia, Greece, Switzerland, Norway, Finland, Italy, Denmark

Source: Pew Center on the States, World Prison Brief; King's College London

© 2008 MCT

FIGURE 1-4 Incarceration Rates (per 100,000 Persons) Around the World.

Source: Bar chart created from data provided by World Prison Brief (2016), [http://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate).

have also experienced hardships within the CJ system on account of their heritage.

One perspective on why this is the case is that the police may target people of a certain race or ethnic group more often than Caucasians, and that increased police contact results in a greater likelihood of an arrest for some people because of their race or ethnicity. Studies investigating the “driving while black” (or “driving while brown”) phenomenon and various points in the CJ system, such as the charging decision or sentencing, support a view of racial bias in some jurisdictions. Another view suggests that although young males across all racial groups engage in criminal offenses in their teens and early 20s (as suggested by self-report data), African-American males engage in more violent felony offenses and continue offending behavior for a longer duration than males of other racial groups (Walker, Spohn, & Delone, 2012). A third observation suggests that the war on drugs has worsened racial disparities in that it has affected both men and women from low-income, urban communities. These views by themselves clearly do not explain all cases, nor are they limited to African-Americans. History shows that arrest and incarceration has long been a tool to control and limit the lives of Native Americans, Latinos, and, most recently, undocumented immigrants (Walker et al., 2012).

Racial disparities in corrections continue to widen and affect entire communities, many of which are poor communities that lack political influence. The corrections system, especially incarceration, hinders the **economic mobility** of individuals and their children, and thus hinders their ability to move up the economic ladder (Pew Charitable Trusts, 2010). These disparities, in turn, reinforce stereotypes that some people hold about dangerousness and who is perceived to be a criminal. It is precisely for these reasons that in this book, one common underlying theme that runs throughout is drawing attention to the history and contemporary situation of racial disparity and socioeconomic differences in the correctional system, where applicable.

## Think About It...

Over 7 million people are *currently* under some form of correctional supervision in the United States. Of this number, 2 million are serving time in local, state, and federal institutions, like the prisoners pictured here. These numbers don't even count the estimated 20 million people with felony records and the millions of people who have misdemeanor criminal records but are not currently in the system. The grand total could be as many as 100 million people nationwide with a criminal record of some kind (Cassidy, 2010). Does knowing this change your perception of offenders?



A. Ramey/PhotoEdit

## ► Media Influence on Public Opinion and Correctional Policy

The **mass media** provide us with global news, entertainment, and education, and have perhaps the greatest influence on how most people learn and develop opinions about various social issues. The media also play a significant role in influencing public opinion and encouraging political involvement in the



punishment of offenders. Public opinion on crime and punishment issues remains deeply rooted in Hollywood movies, documentaries, and television programs depicting rogue police officers, crime scene investigations, courtroom dramas, and scenes of the agitated, difficult prisoner. News programs and newspapers remain wedded to headlining only the most horrific crimes that have occurred that particular day, while at the same time ignoring more common crimes (Cecil, 2015). This creates a public perception that violence is random and frequent, while ignoring the true likelihood of victimization of violence and its contributing factors.

Despite concerns about the economy, employment, education, health care, and dwindling social security, violent crime in the urban core dominates local news stations' aims to increase ratings for a specific target audience (Yanich, 2004). When it comes to discussing punishments for particular crimes, the media are not privy to attorney conversations about the lack of evidence that lead to possible dismissals, charge reductions, and plea bargaining, so only the maximum possible penalty is reported. When the actual sentence is later publicized, it is not surprising that citizens feel angered or disconnected with what they perceive as injustice. Being that crimes are rarely followed throughout the entire justice process, people rely on what they see on the latest episode of *Law and Order* or read on the latest blog and personal website page as representative of the "real" judicial process. Few people actually understand the realities of sentencing options and the correctional process. Yanich (2004) warns that

viewers think that they are getting information about public issues when, more often than not, they are simply gathering factoids that have no useful purpose in public debate. . . . But, the news system communicates them to make us think that they do. Who among us can take the time to deconstruct a news story about a violent crime when we are bombarded by images of victims, suspects, and yellow crime scene tape? To understand that the reality that we are being shown is designed to hold us as consumers until the next commercial break and not to inform us as citizens? The danger is that we think that we are being informed, when in fact, we are only being sold. (p. 560)

Yanich's observations are backed up by empirical research that found that the *more* reliant a person is on the media for crime and criminal justice issues, the *less* knowledgeable he or she is about sentencing and punishment facts (Pickett, Mancini, Mears, & Gertz, 2015).

Research on media influence and crime indicates support for **cultivation theory**, otherwise known as the "mean world syndrome." Cultivation theory suggests that violence in the media, by itself, does not cause individuals to become violent. Rather, repeated and cumulative exposure to violence eventually creates a sense of insecurity and irrational fear of violent victimization and anxiety about certain types of people (Gorham, 2006). This leads to a potential for widespread "moral panic" about child abductions, child molestations, and homicides (Zgoba, 2004).

Most images of the corrections system focus heavily on maximum security prisons and administrative segregation, and do not show images of probation and other more common community-based supervision options. Prison imagery narrowly and stereotypically characterizes men's prisons as places rampant with violent gangs, rape, and sadistic guards, which is more likely to invoke public fear of prisoners and the sense that prisoners may have it too easy. Films about women prisoners are characterized primarily in sexual terms for entertainment value, while the few documentaries that do exist depict women prisoners as being emotionally unstable (Cecil, 2015). With their focus on maximum and supermaximum units, the media present a one-dimensional and incomplete picture of prison life, ignoring complicated past issues of prisoners' lives and not showing prisoners who are actively trying to improve their lives or trying to get through their sentence in the most expedient and nonviolent way possible. It is no wonder that few people are hesitant to accept or hire former felons.

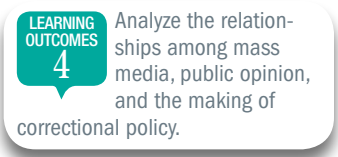
When it comes to public opinion on punishments and treatment for people who break the law, the majority of the general public favor rehabilitation over punitive crime policies for most offenders (Applegate & Davis, 2006; Applegate, Davis, & Cullen, 2009), but that fear of crime, perceived racial threat, and perceived risk of victimization increase the likelihood of favoring punitive policies (Baker, Metcalfe, Berenblum, Aviv, & Gertz, 2015). Researchers found that public support for the death penalty is more strongly related to resentment and the inability to connect with racial minorities than to views on the moral decline of society or fear of uncontrolled violence (Unnever & Cullen, 2010).

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## Crime Control Policy

Media influences and public opinion are also related, in part, to the formation of **crime control policy**. Many crime control policies were developed in piecemeal fashion by state and federal legislatures for responses to an immediate problem or in reaction to something other states were doing. There is still enormous variation among the states with respect to level of punitiveness. Most research suggests that the more punitive states tend to also have higher rates of poverty, more persons who are African-American, lower percentage of voter turnout, and less generous welfare payments for impoverished persons (Neill, Yusuf, & Morris, 2015). The authors suggest that punitive correctional policies are a way to control populations of people who are perceived as threats to the status quo.

In Table 1–1, we examine reasons why crime policies in the United States appear to be distinctly different—more punitive—from crime policies in other Western countries in the world. These reasons indicate that crime policy in the United States is more decentralized and tied to political/elected positions within all three branches of the government—the legislative, judicial,



LEARNING OUTCOMES  
4  
Analyze the relationships among mass media, public opinion, and the making of correctional policy.

**TABLE 1–1**

	<b>United States</b>	<b>Other Westernized Countries</b>
Judges and prosecutors	Elected at state and local levels—influenced by politics and short-term terms	Career civil servants—receive special training and remain there as a career
Legislative organization	Vulnerable to voting according to party lines or according to what other states are doing	Various parties are present
Funding	Reliance on federal funding; vulnerable to loss of federal funding; 50 state systems	Centralized single system
Sentencing and release decisions	Micromanaged by legislators	Managed by the courts and corrections system
Legislative style of decision making	Political action committees; lobbyists; appeal to human emotions	Rational decision making

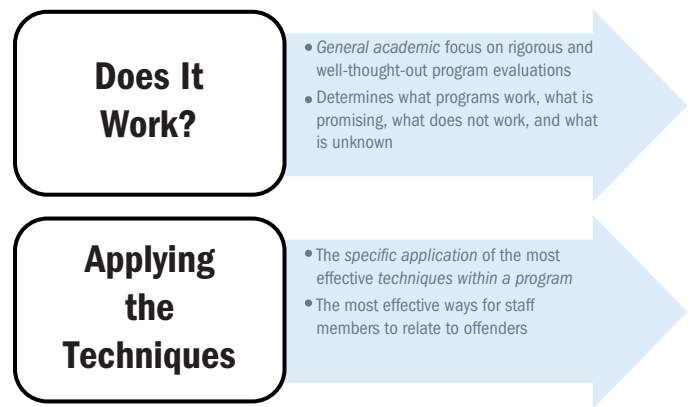
Source: Information derived from Tonry (2004).

and executive—in a more significant way than in other countries, which are more likely to rely on career employees who take a more long-term approach to prosecution, sentencing, and corrections management.

The more punitive crime policies in the United States have led to CJ responses that have relied substantially on incarceration. This has caused correctional spending to increase faster than spending for most other government budget items. Correctional spending is now the fourth largest line item in most states’ budgets, after education, health care, and transportation (Vera Institute of Justice, 2010). Annual corrections’ costs account for over *\$173 billion* at state and local levels. These expensive approaches, coupled with our recent economic troubles, have led to budget shortfalls and underfunded community supervision programs left to supervise a high number of clients. Despite increasing corrections expenditures, recidivism rates remain high, with about half of all persons released from prison returning within three years. To complicate the problem, offenders cycle in and out of the justice system from the same communities that are also underserved and impoverished.

**► Evidence-Based Practices**

Around 2009, the term **evidence-based practice** (EBP) first surfaced on the CJ scene. EBP had already been used in fields such as medicine, education, social work, and mental health, but now the term was being applied to all aspects of criminal justice. According to Figure 1–5, there are essentially two parts to EBP. First, the academic side of EBP is about researchers carefully designing methodologically strong program evaluations to determine what works, what is promising, and what does not work. The second part, “applying the techniques,” is when practitioners are to use only correctional practices and program elements that have been



**FIGURE 1–5** Two Parts to Evidence-Based Practice.

proven to work, and also permanently discard programs that do not work.

Before EBP, practitioners “evaluated” their own programs based on anecdotal evidence and may have been reluctant to try anything new because “this is what we’ve always done.” EBP challenges anecdotal evidence by requiring programs to prove with statistical evidence that what they do works.

EBP allows academics and practitioners to come together with programs that work and make a difference on intended outcomes. In corrections, the chief concerns (and thus the intended outcomes) are achieving public safety through offenders committing no new crimes while on supervision and reducing offender recidivism after supervision. Although reducing recidivism remains important, EBP allows for the possibility of examining other ways to measure whether a program or practice works. Outcomes are typically focused on the offender and may vary depending on the program to include the following:

- Offender change in thinking patterns
- Increased number of drug-free days