CORRECTIONAL SYSTEMS AND PRACTICES

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Correctional Systems and Practices

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This text was compiled on 04/23/2026

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Licensing

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CHAPTER OVERVIEW

1: Concepts of Corrections as a Sub-system of the Criminal Justice System

Key Terms:

Walnut Street Jail	Pennsylvania System	Deterrence
Specific Deterrence	General Deterrence	Incapacitation
Rehabilitation	Retribution	Bigotry
Recidivism	Mandatory Minimum Sentences	Three-Strikes Law
Criminogenic Needs	Evidence-based Practices	Risk Assessments

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1.1: History and Philosophy

Prior to the 1800s, common law countries relied heavily on physical punishments. Influenced by the high ideas of the enlightenment, reformers began to move the criminal justice system away from physical punishments in favor of reforming offenders. This was a dramatic shift away from the mere infliction of pain that had prevailed for centuries. Among these early reformers was John Howard, who advocated the use of penitentiaries. Penitentiaries, as the name suggests, were places for offenders to be penitent. That is, they would engage in work and reflection on their misdeeds. To achieve the appropriate atmosphere for penitence, prisoners were kept in solitary cells with much time for reflection.

Philadelphia's Walnut Street Jail was an early effort to model the European penitentiaries. The system used there later became known as the Pennsylvania System. Under this system, inmates were kept in solitary confinement in small, dark cells. A key element of the Pennsylvania System is that no communications whatsoever were allowed. Critics of this system began to speak out against the practice of solitary confinement early on. They maintained that the isolated conditions were emotionally damaging to inmates, causing severe distress and even mental breakdowns. Nevertheless, prisons across the United States began adopting the Pennsylvania model, espousing the value of rehabilitation.

Figure 1.1 Walnut Street Prison, Pennsylvania Historical Marker, on southeast corner of 6th and Walnut Streets. Creative Commons Attribution-Share Alike 4.0 International

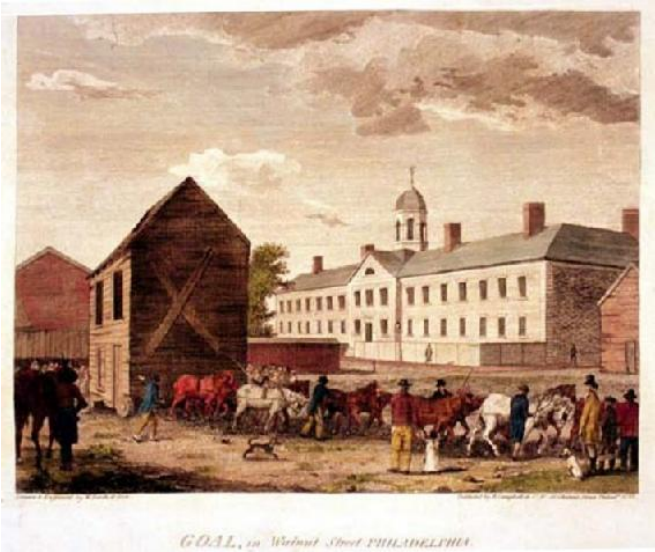

Figure 1.2 "Jail in Walnut Street, Philadelphia." Plate 24 from W. Birch & Son. Public Domain.

The New York system evolved along similar lines, starting with the opening of New York's Auburn Penitentiary in 1819. This facility used what came to be known as the congregate system. Under this system, inmates spent their nights in individual cells, but were required to congregate in workshops during the day. Work was serious business, and inmates were not allowed to talk while on the job or at meals. This emphasis on labor has been associated with the values that accompanied the Industrial Revolution. By the middle of the nineteenth century, prospects for the penitentiary movement were grim. No evidence had been mustered to suggest that penitentiaries had any real impact on rehabilitation and recidivism.

Prisons in the South and West were quite different from those in the Northeast. In the Deep South, the lease system developed. Under the lease system, businesses negotiated with the state to exchange convict labor for the care of the inmates. Prisoners were primarily used for hard, manual labor, such as logging, cotton picking, and railroad construction. Eastern ideas of penology did not

catch on in the West, with the exception of California. Prior to statehood, many frontier prisoners were held in federal military prisons.

Figure 1.3 Convict Lease. Public Domain

Disillusionment with the penitentiary idea, combined with overcrowding and understaffing, led to deplorable prison conditions across the country by the middle of the nineteenth century. New York's Sing Sing Prison was a noteworthy example of the brutality and corruption of that time. A new wave of reform achieved momentum in 1870 after a meeting of the National Prison Association (which would later become the American Correctional Association). At this meeting held in Cincinnati, members issued a Declaration of Principles. This document expressed the idea that prisons should be operated according to a philosophy that prisoners should be reformed, and that reform should be rewarded with release from confinement. This ushered in what has been called the Reformatory Movement.

One of the earliest prisons to adopt this philosophy was the Elmira Reformatory, which was opened in 1876 under the leadership of Zebulon Brockway. Brockway ran the reformatory in accordance with the idea that education was the key to inmate reform. Clear rules were articulated, and inmates that followed those rules were classified at higher levels of privilege. Under this "mark" system, prisoners earned marks (credits) toward release. The number of marks that an inmate was required to earn in order to be released was established according to the seriousness of the offense. This was a movement away from the doctrine of proportionality, and toward indeterminate sentences and community corrections.

The next major wave of corrections reform was known as the rehabilitation model, which achieved momentum during the 1930s. This era was marked by public favor with psychology and other social and behavioral sciences. Ideas of punishment gave way to ideas of treatment, and optimistic reformers began attempts to rectify social and intellectual deficiencies that were the proximate causes of criminal activity. This was essentially a medical model in which criminality was a sort of disease that could be cured. This model held sway until the 1970s when rising crime rates and a changing prison population undermined public confidence.

After the belief that "nothing works" became popular, the crime control model became the dominate paradigm of corrections in the United States. The model attacked the rehabilitative model as being "soft on crime." "Get tough" policies became the norm throughout the 1980s and 1990s, and lengthy prison sentences became common. The aftermath of this has been a dramatic increase in prison populations and a corresponding increase in corrections expenditures. Those expenditures have reached the point that many states can no longer sustain their departments of correction. The pendulum seems to be swinging back toward a rehabilitative model, with an emphasis on community corrections. While the community model has existed parallel to the crime control model for many years, it seems to be growing in prominence.

When it comes to criminal sanctions philosophy, what people believe to be appropriate is largely determined by the theory of punishment to which they subscribe. That is, people tend to agree with the theory of punishment that is most likely to generate the outcome they believe is the correct one. This system of beliefs about the purposes of punishment often spills over into the political arena. Politics and correctional policy are intricately related. Many of the changes seen in corrections policy in the United States during this time were a reflection of the political climate of the day. During the more liberal times of the 1960s and 1970s, criminal sentences were largely the domain of the judicial and executive branches of government. The role of the legislatures during this period was to design sentencing laws with rehabilitation as the primary goal. During the politically conservative era of the 1980s and 1990s, lawmakers took much of that power away from the judicial and executive branches. Much of the political rhetoric of this time was about "getting tough on crime." The correctional goals of retribution, incapacitation, and deterrence became dominate, and rehabilitation was shifted to a distant position.

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1.2: Deterrence

It has been a popular notion throughout the ages that fear of punishment can reduce or eliminate undesirable behavior. This notion has always been popular among criminal justice thinkers. These ideas have been formalized in several different ways. The Utilitarian philosopher Jeremy Bentham is credited with articulating the three elements that must be present if deterrence is to work: The punishment must be administered with celerity, certainty, and appropriate severity. These elements are applied under a type rational choice theory. Rational choice theory is the simple idea that people think about committing a crime before they do it. If the rewards of the crime outweigh the punishment, then they do the prohibited act. If the punishment is seen as outweighing the rewards, then they do not do it. Sometimes criminologists borrow the phrase cost-benefit analysis from economists to describe this sort of decision-making process.

When evaluating whether deterrence works or not, it is important to differentiate between general deterrence and specific deterrence. General deterrence is the idea that every person punished by the law serves as an example to others contemplating the same unlawful act. Specific deterrence is the idea that the individuals punished by the law will not commit their crimes again because they "learned a lesson."

Critics of deterrence theory point to high recidivism rates as proof that the theory does not work. Recidivism means a relapse into crime. In other words, those who are punished by the criminal justice system tend to reoffend at a very high rate. Some critics also argue that rational choice theory does not work. They argue that such things as crimes of passion and crimes committed by those under the influence of drugs and alcohol are not the product of a rational cost-benefit analysis.

As unpopular as rational choice theories may be with particular schools of modern academic criminology, they are critically important to understanding how the criminal justice system works. This is because nearly the entire criminal justice system is based on rational choice theory. The idea that people commit crimes because they decide to do so is the very foundation of criminal law in the United States. In fact, the intent element must be proven beyond a reasonable doubt in almost every felony known to American criminal law before a conviction can be secured. Without a culpable mental state, there is no crime (with very few exceptions).

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1.3: Incapacitation

Incapacitation is a very pragmatic goal of criminal justice. The idea is that if criminals are locked up in a secure environment, they cannot go around victimizing everyday citizens. The weakness of incapacitation is that it works only as long as the offender is locked up. There is no real question that incapacitation reduces crime by some degree. The biggest problems with incapacitation is the cost. There are high social and moral costs when the criminal justice system takes people out of their homes, away from their families, and out of the workforce and lock them up for a protracted period. In addition, there are very heavy financial costs with this model. Very long prison sentences result in very large prison populations which require a very large prison industrial complex. These expenses have placed a crippling financial burden on many states.

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1.4: Rehabilitation

Overall, rehabilitation efforts have had poor results when measured by looking at recidivism rates. Those that the criminal justice system tried to help tend to reoffend at about the same rate as those who serve prison time without any kind of treatment. Advocates of rehabilitation point out that past efforts failed because they were underfunded, ill-conceived, or poorly executed.

There has been a significant trend among prisons today to return to the rehabilitative model. However, this new effort has been guided by “evidence-based” treatment models which requires treatment providers to demonstrate their programs offer significant improvement in recidivism rates. This movement begins during incarceration with programs designed to address specific needs of the offenders. As the offender gets closer to his release date, the focus shifts to reintegrating him or her into society. Prison case managers work with the offender to locate resources available to the offender in the community, work on relationships with families and develop employment opportunities in order for the offender to be a productive member of society. Upon release, the offender often receives support from their probation or parole officer who provides supervision, treatment resources, and employment information.

RECIDIVISM DATA SHOWS 16% DECLINE

NEW USSC DATA REFLECTS RECIDIVISM DOWN

On March 9, 2015, the United States Sentencing Commission (USSC), released a comprehensive report on recidivism among federal offenders. Their report focused on the number of inmates from 2005 that were rearrested within eight years for a new crime or for a violation of the conditions of their probation or release Recidivism is most commonly defined as rearrest for a new crime or revocation of supervision within three years after release from prison. While not published in the USSC report, at the request of the Bureau, the USSC reported this traditional recidivism measure: only 33.7% of the inmates released from the Bureau of Prisons in 2005 were rearrested or had their supervision revoked over a three year period. This figures reflects a 16% decline compared to historic Bureau of Prisons rates of recidivism and compares favorably to the rate of 67.8 percent average rate across the largest states.The staff in the Bureau of Prisons work with inmates from the first day of incarceration to prepare for a successful return to the community; these efforts are paying off. The complete USSC report can be viewed here: http://www.ussc.gov/news/press-releases-and-news-advisories/march-9-2016

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1.5: Retribution

Retribution means giving offenders the punishment they deserve. Most adherents to this idea believe that the punishment should fit the offense. This idea is known as the doctrine of proportionality. Such a doctrine was advocated by early Italian criminologist Cesare Beccaria who viewed the harsh punishments of his day as being disproportionate to many of the crimes committed. The term just desert is often used to describe a deserved punishment that is proportionate to the crime committed.

In reality, the doctrine of proportionality is difficult to achieve. There is no way that the various legislatures can go about objectively measuring criminal culpability. The process is one of legislative consensus and is imprecise at best.

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1.6: A Racist System?

The United States today can be described as both multiracial and multiethnic. This has led to racism. Racism is the belief that members of one race are inferior to members of another race. Because white Americans of European heritage are the majority, racism in America usually takes on the character of whites against racial and ethnic minorities. Historically, these ethnic minorities have not been given equal footing on such important aspects of life as employment, housing, education, healthcare, and criminal justice. When this unequal treatment is willful, it can be referred to as racial discrimination. The law forbids racial discrimination in the criminal justice system, just as it does in the workplace.

Bigotry is not present in every facet of the criminal and juvenile justice systems, but there are possible incidents of prejudice within both systems. Discrimination has taken place in such areas as criminal sentencing, use of force by police, and the imposition of the death penalty. One topic of recent discussion is a disparity in federal drug policy. While much has recently changed with the passage of the Fair Sentencing Act of 2010, federal drug law was a prime example of disproportion impacts on minority populations.

Courts are not immune to cries of racism from individuals and politically active groups. The American Civil Liberties Union (2014), for example, states, "African-Americans are incarcerated for drug offenses at a rate that is 10 times greater than that of whites." The literature on disproportionate minority sentencing distinguishes between legal and extralegal factors. Legal factors are those things that we accept as legitimately, as a matter of law, mitigating or aggravating criminal sentences. Such things as the seriousness of the offense and the defendant's prior criminal record fall into this category. Extralegal factors include things like class, race, and gender. These are regarded as illegitimate factors in determining criminal sentences. They have nothing to do with the defendant's criminal behavior, and everything to do with the defendant's status as a member of a particular group.

One way to measure racial disparity is to compare the proportion of people that are members of a particular group (their proportion in the general population) with the proportion or that group at a particular stage in the criminal justice system. In 2013, the Bureau of the Census (Bureau of the Census, 2014) estimated that African-Americans made up 13.2% of the population of the United States. According to the FBI, 28.4% of all arrestees were African-American. From this information we can see that the proportion of African-Americans arrested was just over double what one would expect. The population of African-Americans is 13.2%, however they are arrested at a percentage that is double (28%) of their population. This demonstrates they may be arrested more often than would be expected.

The disparity is more pronounced when it comes to drug crime. According to the NAACP (2014), "African Americans represent 12% of the total population of drug users, but 38% of those arrested for drug offenses, and 59% of those in state prison for a drug offense." There are three basic explanations for these disparities in the criminal justice system. The first is individual racism. Individual racism refers to a particular person's beliefs, assumptions, and behaviors. This type of racism manifests itself when the individual police officer, defense attorney, prosecutor, judge, parole board member, or parole officer is bigoted. Another explanation of racial disparities in the criminal justice system is institutional racism. Institutional racism manifests itself when departmental policies (both formal and informal), regulations, and laws result in unfair treatment of a particular group. A third (and controversial) explanation is differential involvement in crime. The basic idea is that African-Americans and Hispanics are involved in more criminal activity. Often this is tied to social problems such as poor education, poverty, and unemployment.

While it does not seem that bigotry is present in every facet of the criminal and juvenile justice systems, it does appear that there are pockets of prejudice within both systems. It is difficult to deny the data: Discrimination does take place in such areas as use of force by police and the imposition of the death penalty. Historically, nowhere was the disparity more discussed and debated than in federal drug policy. While much has recently changed with the passage of the Fair Sentencing Act of 2010, federal drug law was a prime example of institutional racism at work.

Note

Think about it . . . Racism in Law Enforcement

“Is racism an intractable problem for the police, or can other factors explain the disparate rate at which African-Americans are stopped and arrested?”

> This is the introduction to a New York Times opinion series called "Black, White, and Blue" which consist of several opinion articles written for the NYT on the subject of racism in American law enforcement. Read these articles. Do you agree with their conclusions and solutions? Disagree? Why?

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1.7: Prison Overcrowding

In the 1980's, the crime rate in America exploded. While many factors affected the rise, most scholars indicated that the rise was due to drug trafficking and gang activity. Drug traffickers and gangs protected their "turf" by killing the competition. Media would report nightly on the impact it was having in neighborhoods and society demanded action. Legislation responded by creating harsher sentencing laws. Mandatory minimum sentences and three strikes laws greatly changed the way we managed prisons. It led to longer sentences and prison overcrowding. To compound prison overcrowding, many of the offenders who are released are only returned to custody for parole violations. This is called recidivism. According to the California Department of Correction and Rehabilitation, in the early 2000's the recidivism rate was approximately 65%, reaching its highest point in 2005-2006 where it was 67.5%. By the 2000's the prison population had reached epidemic proportion.

Figure 1.4 Overcrowding in California State Prison. Public Domain.

Prison overcrowding reached epidemic proportions in California. The inmates filed lawsuits stating their Eighth Amendment rights were being violated. This led to action by the U.S. Supreme Court requiring the state to take immediate action to reduce its population.

California's prisons are currently designed to house approximately 85,000 inmates. At the time of the U.S. Supreme Court's 2011 decision in Brown v. Plata, the California prison system housed nearly twice that many (approximately 156,000 inmates). The Supreme Court held that California's prison system violated inmates' Eighth Amendment rights. The Court upheld a three-judge panel's order to decrease the population of California's prisons by an estimated 46,000 inmates.

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Note

Pin It! Brown v. Plata Case Study

Follow the link to understand the impact Brown v. Plata had on Prison overcrowding.

But this is not unique to California, across the United States our prison populations are among the highest in the world. According to a report prepared by American Psychological Association, "One out of every 100 American adults is incarcerated, a per capita rate five to 10 times higher than that in Western Europe or other democracies, the report found." While there is no easy answer, it is safe to say that we must evaluate the current system and find progressive ways to deal with crime and the criminal offender.

Mandatory Minimum Sentences

In the mid 1980's, legislators created mandatory minimum sentences for many drug crimes. The Anti-Drug Act created in 1986 dramatically increased the sentences ordered for certain drug charges. The sentences increased depending on the drug and the amount. Many of these sentences started at 10 years in prison up to Life. But this legislation took away the power and discretion of

judges. Now the district attorney had significantly more power, based on the charges filed offenders could be facing significant prison time. They would likely plead to a lesser charge than facing a trial where they would be sentenced to prison for decade to Life.

These mandatory minimums which started at the Federal level were soon adopted by the state. But many of these mandatory minimum sentences were applied to low level drug offenders, not the “high-level” suppliers or importers Congress intended the laws to address. Most of these lengthy sentences were handed out to drug couriers, street level dealers or even friends or families of drug offenders.

But reforms are in the works. Recognizing these laws did not have the intended outcomes, judges and citizens have been advocating for repealing these laws and return sentencing power to judges. Several states have already repealed the laws, but more need to follow.

Three-Strikes Law

Three-Strikes legislation, often referred to as habitual offender laws impose harsher sentences for certain crimes (often violent offenses) for repeated violations. For example, in California after the first offense, the second and third crime could result in double the sentence, up to life in prison.

Three Strikes law was to require a defendant convicted of any new felony, having suffered one prior conviction of a serious felony as defined in section 1192.7(c), a violent felony as defined in section 667.5(c), or a qualified juvenile adjudication or out-of-state conviction (a "strike"), to be sentenced to state prison for twice the term otherwise provided for the crime. If the defendant was convicted of any felony with two or more prior strikes, the law mandated a state prison term of at least 25 years to life.

This law was designed to incapacitate offenders (through long sentences) and deter others from committing crimes due to the consequences they will face. But again, this mandatory sentencing took the power away from judges to determine the appropriate sentence based on the crime, offender, victim and circumstances. This law, like mandatory minimum drug sentencing has dramatically increased the American prison population. The intent of this law was to reduce serious, repeat offenders and permanently incapacitate offenders who do not “learn their lesson.” However, critics argue that the law has been used to incorrectly and incarcerate offenders unnecessarily

According to the ACLU, there are ten reasons to oppose the “3 Strikes, You’re Out” law:

1. “3 Strikes Is an Old Law Dressed Up in New Clothes – These types of laws have been on many states books before and have not decreased the crime rate.
2. “3 Strikes” Laws Won’t Deter Most Violent Crimes – This law will not be effective in reducing violent crime because violent crime is often committed in anger, heat of passion or under the influence of drugs or alcohol. People won’t consider the consequences of “3 Strikes” before they commit the crime.
3. “3 Strikes” Laws Could Lead to an Increase in Violence – This law could increase violence as offenders may become violent and resist arrest, kill/harm witness and attempt prison escape.
4. “3 Strikes” Laws Will Clog the Courts – Offenders who face life in prison will take new convictions to trial and avoid plea agreements.
5. “3 Strikes” Laws Will Take All Sentencing Discretion Away from Judges – Judges usually have discretion to view the case before them when determining an appropriate sentence. But these mandatory laws take all of that power away from them and they must impose the sentence according to the statute.
6. The Cost of Imprisoning 3-time Losers for Life Will Be Prohibitively High – As we have seen, mass incarceration is extremely costly for states.
7. “3 Strikes” Will Have a Disproportionate Impact on Minority Offenders – Research has shown there is racial bias in the criminal justice system and this will only increase the problem according to the ACLU
8. “3 Strikes” Laws Will Impose Life Sentences on Offenders Whose Crime Don’t Warrant Such Harsh Punishment – The dangerous implications of this law are we incarcerate offenders that don’t “need” life time incarceration. While the intent is to incarcerate serious, violent offenders. The reality could be we lock up young offenders that are spontaneous, immature and not fully understanding the consequences of their actions.
9. Let the Punishment Fit the Crime -- A Constitutional Principal According to the Eighth Amendment, we must punish according to each crime. By punishing the offender because he/she committed prior offenses, we are not abiding that principal.
10. “3 Strikes” Laws Are Not a Serious Response to Crime – While Americans are under the belief this type of law will reduce crime, unfortunately this is not the case. Because a relatively small number of serious crimes committed are caught and convicted, this will not have a significant impact on the crime rate.

Figure 1.4 3 Strikes Law is under a CC BY 4.0 license.

Recidivism

Another dynamic issue facing prison overcrowding is recidivism. **Recidivism** is when offenders are returned to custody for a probation/parole violation or after committing a new offense. Often times offenders are returned to custody not for a new law violation, but what is called a technical violation of community supervision. This is when an offender violates a court order or probation/parole officer's directive. Usually officials work with offenders before returning them to custody using informal sanctions. But if the offender continues to disregard directives or commits a serious violation of a term; for example, a domestic violence offender harassing the victim; they can be returned to incarceration. When community supervision is revoked, a hearing is held before a judge. Depending on the violation, they could be returned to custody for a short time, or to complete the remainder of their commitment. This hearing is often called a revocation hearing.

Recent changes in California has been implemented to address recidivism and prison population. Enacted in 2011, AB 109 Public Safety Realignment was implemented to address recidivism and prison overcrowding. While there are many facets of this legislation, the biggest change was transferring a significant amount of criminal supervision to local probation departments and out of prison/parole supervision. For a select number of "non-violent" offenses, offenders who used to go to prison would now remain in local custody and released to county probation supervision instead of going to prison. The state redirected funds to county law enforcement agencies to fund evidence-based programs to reduce recidivism. (Evidence-Base Practices will be discussed in the next section.

This realignment had a significant impact on local law enforcement agencies, especially local jails and probation departments. A significant number of offenders would remain the counties responsibility. Jails had to deal with an increased population they were not built to deal with and also longer incarceration rates. Historically, California jails only housed offender sentenced to one year or less. After AB 109, sentences could go as has as decades. Jails were not designed to house offenders' long term, so this has been a struggle for many local jails. They also didn't have rehabilitative programs in place for long term offenders. The state has provided jails with funding to establish evidence-based treatment programs in their facilities.

Probation departments were also significantly impacted by the realignment. They now had different classifications of offenders with specific terms of supervision. Historically, probation departments supervised offenders in the community in lieu of a lengthy prison sentence. As long as they complied with the terms and conditions outlined in their sentence, they could remain in the community. If they complied for the term of supervision (usually 3-5 years) they would be successfully completed and could even have their conviction reduce in certain circumstances. However, if they failed to comply; probation could be revoked, and they were then sentenced to prison to serve their commitment. This is called Felony Probation. After realignment, there were two additional probation supervision types: Mandatory Supervision and Post-Release Community Supervision.

Mandatory Supervision was a sentence ordered by the court for felony crimes determined to be "non-violent" and not requiring prison time. These offenders would serve time in local custody and released to probation supervision when jail determined they completed their commitment. (Of course, jail population and overcrowding lead to early releases). The judge orders the in-custody and supervision time at sentencing. For example, for the crime where the confinement time is six years. The judge can order one, two or more years in custody with the remainder of under mandatory supervision. If the judge orders one year in jail, they would spend the remaining five years under Mandatory Supervision. Post-Release Community Supervision is a grant of supervision that occurs after the offender completes this prison commitment but has been determined to be a "non-violent" offender and place under the supervision of a probation officer instead of a parole agent. The term of supervision is one year and if they remain violation free during that one-year period, they are terminated from supervision.

Again, this greatly increased the number of offenders under probation supervision. The state funded the local county probation department for staffing. The state also funded local probation departments for evidence-based treatment programs to address these new offenders.

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1.8: States Shifting Focus from Incarceration to Rehabilitation

As the prison populations continued to climb through the decades, more and more states are looking for ways to ease the population. The current direction many states are taking is to release “non-violent” offenders and provide rehabilitation services. In this section we review the practice and policy of offender rehabilitation. Rehabilitation programs are nothing new, this idea, once called the medical model dates back to the 1940’s and seeks to treat criminal behavior through treatment as opposed to punishment and incarceration. It lost favor in the 1970’s when correctional professionals determined rehabilitation didn’t work. However, significant research into criminal behavior and new assessment tools have led to a renewal of interest in this method of dealing with crime.

Rehabilitation Programs

Rehabilitation programs are nothing new to the criminal justice system. For many decades we have been providing substance abuse treatment programs, drug diversion programs, domestic violence and DUI treatment programs to deal with illegal behavior with varying success. However, as states have tried to address the overcrowding in jails and prisons, they have tried to apply more treatment programs to what they call “non-violent” offenders. Often this “non-violent” classification addresses drug offenders and offenders convicted of property offenses.

As previously indicated, The State of California passed legislation - AB 109 Realignment - that transferred the incarceration and supervision of these offenders out of state control (prison/parole) to local (jail/probation) control. The theory behind this transition was that local government could provide better treatment options to this non-violent offender and maintain public safety. The State awards local governments funding based on their treatment options and success in reducing recidivism. However, the State also required that the programs met specific goals and the agencies had to adopt “evidence-based” practices to be compliant with to receive funding.

Evidence-Base Practices

According to the National Institute of Corrections, the definition of evidence-based practices is as following:

Evidence-based practice (EBP) is the objective, balanced, and responsible use of current research and the best available data to guide policy and practice decisions, such that outcomes for consumers are improved. Used originally in the health care and social science fields, evidence-based practice focuses on approaches demonstrated to be effective through empirical research rather than through anecdote or professional experience alone.

An evidence-based approach involves an ongoing, critical review of research literature to determine what information is credible, and what policies and practices would be most effective given the best available evidence. It also involves rigorous quality assurance and evaluation to ensure that evidence-based practices are replicated with fidelity, and that new practices are evaluated to determine their effectiveness.

In contrast to the terms "best practices" and "what works," evidence-based practice implies that 1) there is a definable outcome(s); 2) it is measurable; and 3) it is defined according to practical realities (recidivism, victim satisfaction, etc.). Thus, while these three terms are often used interchangeably, EBP is more appropriate for outcome-focused human service disciplines.

This shift in theory drastically changed the way in which correctional facilities and community correction officers managed the treatment of offenders. These agencies were now required to not only state they were making an impact through statistical date, but also needed to provide programs which could also show positive influence on offender behavior. New ways of assessing offenders’ risk to reoffend and determination of criminogenic needs were needed. These tools allow officers to not only use their “professional judgement,” but a validated tool that could provide scientific support to the likelihood and offender would reoffend. These tools also allowed officers to identify those offenders who were at the highest risk to reoffend. Officers could then focus attention (supervision/public safety) and support towards those offenders while allowing moderate and low risk offenders to be placed in more appropriate treatment.

Risk Assessments Tools and Criminogenic Needs

The ability to predict the likelihood to reoffend and determine an offender’s criminogenic needs is important to provide officers and offenders with the appropriate treatment plan. By identifying the offenders who need the most intensive supervision, agencies can

allocate the resources to those high-risk individuals. This means officer can provide a higher level of supervision to the right classification of offender. It also allows means officers with these high-risk offenders have lower caseloads. Research indicates that officers who supervise high risk offenders should be in the range of 30-50 offenders. The next step in the process is to conduct detail comprehensive interviews with the offender to identify the specific criminogenic needs of the offender and prepare a case plan. This case plan is shared with the offender, so he become part of his/her rehabilitation. Offenders are not always willing to participate with treatment and this can cause delay in treatment and may require to be returned to custody.

Another important aspect of this approach is that by identify each offender's risk to reoffend we avoid mixing the population of offenders. For example, high-risk offenders are generally more criminally sophisticated the low or moderate offenders. If we integrate all offenders in similar treatment programs we run the risk of affecting or influencing low/moderate offender with higher risk offenders thereby increasing their risk to reoffend. The higher-risk offenders could negatively influence low/moderate risk offenders when they interact. Significant amount of research indicate low/moderate risk will often complete community supervision with limited contact with supervision officers.

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CHAPTER OVERVIEW

2: Judicial Process and Sentencing Practices for Misdemeanants, Felons and Juveniles

In most jurisdictions, the judge holds the responsibility of imposing criminal sentences on convicted offenders. Often, this is a difficult process that defines the application of simple sentencing principles. The latitude that a judge has in imposing sentences can vary widely from state to state. This is because state legislatures often set the minimum and maximum punishments for particular crimes in criminal statutes. The law also specifies alternatives to incarceration that a judge may use to tailor a sentence to an individual offender.

Key Terms:

Presentence investigation report Victim impact statements Proportionality Doctrine Sentencing Hearing *Concurrently* or *Consecutively Sentence* Probation Intensive Supervision Probation (ISP) Boot Camps	Electronic Monitoring Day Fines Community Service Asset Forfeiture Sentencing Guidelines Indeterminate sentencing Determinate Sentence Good Time Sentencing Reform Act of 1984

2.1: Presentence Investigation
2.2: Indeterminate Sentences
2.3: Determinate Sentences
2.4: Mandatory Sentences
2.5: Sentencing Guidelines
2.6: Victim Impact Statements
2.7: The Sentencing Hearing
2.8: Influences on Sentencing Decisions
2.9: Concurrent versus Consecutive Sentences
2.10: Types of Sentences
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2.12: Appeals
2.13: Sentencing Statutes and Guidelines

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2.1: Presentence Investigation

Many jurisdictions require that a presentence investigation take place before a sentence is handed down. Most of the time, the presentence investigation is conducted by a probation officer, and results in a presentence investigation report. This document describes the convict's education, employment record, criminal history, present offense, prospects for rehabilitation, and any personal issues, such as addiction, that may impact the court's decision. The report usually contains a recommendation as to the sentence that the court should impose. These reports are a major influence on the judge's final decision.

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2.2: Indeterminate Sentences

Indeterminate sentencing is a type of criminal sentencing where the convict is not given a sentence of a certain period in prison. Rather, the amount of time served is based on the offender's conduct while incarcerated. Most often, a broad range is specified during sentencing, and then a parole board will decide when the offender has earned release.

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2.3: Determinate Sentences

A determinate sentence is of a fixed length and is generally not subject to review by a parole board. Convicts must serve all of the time sentenced, minus any good time earned while incarcerated.

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2.4: Mandatory Sentences

Mandatory sentences are a type of sentence where the absolute minimum sentence is established by a legislative body. This effectively limits judicial discretion in such cases. Mandatory sentences are often included in habitual offender laws, such as repeat drug offenders. Under federal law, prosecutors have the powerful plea-bargaining tool of agreeing not to file under the prior felony statute.

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2.5: Sentencing Guidelines

The Sentencing Reform Act of 1984 was passed in response to congressional concern about fairness in federal sentencing practices. The Act completely changed the way courts sentenced federal offenders. The Act created a new federal agency, the U.S. Sentencing Commission, to set sentencing guidelines for every federal offense. When federal sentencing guidelines went into effect in 1987, they significantly altered judges' sentencing discretion, probation officers' preparation of the presentence investigation report, and officers' overall role in the sentencing process. The new sentencing scheme also placed officers in a more adversarial environment in the courtroom, where attorneys might dispute facts, question guideline calculations, and object to the information in the presentence report. In addition to providing for a new sentencing process, the Act also replaced parole with "supervised release," a term of community supervision to be served by prisoners after they completed prison terms (Courts, 2015).

When the Federal Courts began using sentencing guidelines, about half of the states adopted the practice. Sentencing guidelines indicate to the sentencing judge a narrow range of expected punishments for specific offenses. The purpose of these guidelines is to limit judicial discretion in sentencing. Several sentencing guidelines use a grid system, where the severity of the offense runs down one axis, and the criminal history of the offender runs across the other. The more serious the offense, the longer the sentence the offender receives. The longer the criminal history of the offender, the longer the sentence imposed. Some systems allow judges to go outside of the guidelines when aggravating or mitigating circumstances exist.

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2.6: Victim Impact Statements

Many states now consider the impact that a crime had on the victim when determining an appropriate sentence. A few states even allow the victims to appear in court and testify. Victim impact statements are usually read aloud in open court during the sentencing phase of a trial. Criminal defendants have challenged the constitutionality of this process on the grounds that it violates the Proportionality Doctrine requirement of the Eighth Amendment, but the Supreme Court has rejected this argument and found the admission of victim statements constitutional.

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2.7: The Sentencing Hearing

Many jurisdictions pass final sentences in a phase of the trial process known as a sentencing hearing. The prosecutor will recommend a sentence in the name of the people or defend the recommended sentence in the presentence investigation report, depending on the jurisdiction. Defendants retain the right to counsel during this phase of the process. Defendants also have the right to make a statement to the judge before the sentence is handed down.

Note

Select Link Below for a sample PSI:

Presentence Investigation Report Example

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2.8: Influences on Sentencing Decisions

The severity of a sentence usually hinges on two major factors. The first is the seriousness of the offense. The other, which is much more complex, is the presence of aggravating or mitigating circumstances. In general, the more serious the crime, the harsher the punishment. Listed below, are the California Rules of Court which identify the specific criteria for both mitigating and aggravating circumstances.

In the presentence report, probation officers prepare a detailed court report that examines the crime, the criminal history of the defendant, the social factors of the defendant and the applicaple circumstances in aggravation and mitigation to provide the court (judge) with an objective assessment of the crime and a suitable sentence based on all the indicated factors. It is important to note that a majority of criminal cases are resolved through the plea agreement process so the range of sentence was agreed upon before the presentence report is prepared.

Note

Circumstances in Aggravation

Aggravating Factors relating to the crime, whether or not charged or chargeable as enhancements include that:

- The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness;
- The defendant was armed with or used a weapon at the time of the commission of the crime;
- The victim was particularly vulnerable;
- The defendant induced others to participate in the commission of the crime or occupied a position of leadership or dominance of other participants in its commission;
- The defendant induced a minor to commit or assist in the commission of the crime;
- The defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from testifying, suborned perjury, or in any other way illegally interfered with the judicial process;
- The defendant was convicted of other crimes for which consecutive sentences could have been imposed but for which concurrent sentences are being imposed;
- The manner in which the crime was carried out indicates planning, sophistication, or professionalism;
- The crime involved an attempted or actual taking or damage of great monetary value;
- The defendant took advantage of a position of trust or confidence to commit the offense.
- The crime constitutes a hate crime.

Aggravating Factors relating to the defendant include:

- The defendant has engaged in violent conduct that indicates a serious danger to society;
- The defendant's prior convictions as an adult or sustained petitions in juvenile delinquency proceedings are numerous or of increasing seriousness;
- The defendant was on probation, mandatory supervision, post release community supervision, or parole when the crime was committed; and
- The defendant's prior performance on probation, mandatory supervision, post release community supervision, or parole was unsatisfactory.

Aggravating Circumstances Impact on Sentencing:

The aggravating circumstances is the probation report indicates the factors of aggravation that pertains to the crime, or the defendant. Each crime has sentence triad: a low term, mid-term and upper term. Depending on the weight of the aggravating and mitigating circumstances of the crime and offender, a recommendation will be made in the report to impose one of the three eligible prison terms. The judge will review the report and impose the appropriate sentence based on the totality of circumstances.

Note

Circumstances in Mitigation

Mitigating Factors relating to the crime:

- The defendant was a passive participant or played a minor role in the crime;
- The victim was an initiator of, willing participant in, or aggressor or provoker of the incident;
- The crime was committed because of an unusual circumstance, such as great provocation, that is unlikely to recur;
- The defendant participated in the crime under circumstances of coercion or duress, or the criminal conduct was partially excusable for some other reason not amounting to a defense;
- The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime;
- The defendant exercised caution to avoid harm to persons or damage to property, or the amounts of money or property taken were deliberately small, or no harm was done or threatened against the victim;
- The defendant believed that he or she had a claim or right to the property taken, or for other reasons mistakenly believed that the conduct was legal;
- The defendant was motivated by a desire to provide necessities for his or her family or self; and
- The defendant suffered from repeated or continuous physical, sexual, or psychological abuse inflicted by the victim of the crime, and the victim of the crime, who inflicted the abuse, was the defendant's spouse, intimate cohabitant, or parent of the defendant's child; and the abuse does not amount to a defense.

Mitigating Factors relating to the defendant include:

- The defendant has no prior record, or has an insignificant record of criminal conduct, considering the recency and frequency of prior crimes;
- The defendant was suffering from a mental or physical condition that significantly reduced culpability for the crime;
- The defendant voluntarily acknowledged wrongdoing before arrest or at an early stage of the criminal process;
- The defendant is ineligible for probation and but for that ineligibility would have been granted probation;
- The defendant made restitution to the victim; and
- The defendant's prior performance on probation, mandatory supervision, post release community supervision, or parole was satisfactory.

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2.9: Concurrent versus Consecutive Sentences

It is not uncommon for a person to be indicted on multiple offenses. This can be several different offenses, or a repetition of the same offense. In many jurisdictions, the judge has the option to order the sentences to be served concurrently or consecutively. A concurrent sentence means that the sentences are served at the same time. A consecutive sentence means that the defendant serves the sentences one after another.

Note

The Federal Statute that Guides Concurrent vs. Consecutive Sentences 18 U.S. Code § 3584 - Multiple sentences of imprisonment

(a) Imposition of Concurrent or Consecutive Terms

If multiple terms of imprisonment are imposed on a defendant at the same time, or if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms may run concurrently or consecutively, except that the terms may not run consecutively for an attempt and for another offense that was the sole objective of the attempt. Multiple terms of imprisonment imposed at the same time run concurrently unless the court orders or the statute mandates that the terms are to run consecutively. Multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently.

(b) Factors to Be Considered in Imposing Concurrent or Consecutive Terms

The court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a).

(c)Treatment of Multiple Sentence as an Aggregate

Multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment.

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2.10: Types of Sentences

A sentence is the punishment ordered by the court for a convicted defendant. Statutes usually prescribe punishments at both the state and federal level. The most important limit on the severity of punishments in the United States is the Eighth Amendment.

The Death Penalty

The death penalty is a sentencing option in thirty-eight states and the federal government. It is usually reserved for those convicted of murders with aggravating circumstances. Because of the severity and irrevocability of the death penalty, its use has heavily circumscribed by statutes and controlled by case law. Included among these safeguards is an automatic review by appellate courts.

Note

Think About It . . . The Death Penalty

The death penalty remains a controversial type of correction in the United States [click here to take a virtual tour of San Quentin Prison lethal Injection facility]. In America there are many pro and con arguments concerning the death penalty, with educated and qualified individuals on both sides of the debate. What do you think about the use of the death penalty as a criminal sentence?

Incarceration

The most common punishment after fines in the United States is the deprivation of liberty known as incarceration. Jails are short-term facilities, most often run by counties under the auspices of the sheriff's department. Jails house those awaiting trial and unable to make bail, and convicted offenders serving short sentences or waiting on a bed in a prison. Prisons are long-term facilities operated by state and federal governments. Most prison inmates are felons serving sentences of longer than one year.

Probation

Probation serves as a middle ground between no punishment and incarceration. Convicts receiving probation are supervised within the community and must abide by certain rules and restrictions. If they violate the conditions of their probation, they can have their probation revoked and can be sent to prison. Common conditions of probation include obeying all laws, paying fines and restitution as ordered by the court, reporting to a probation officer, not associating with criminals, not using drugs, submitting to searches, and submitting to drug tests.

The heavy use of probation is controversial. When the offense is nonviolent, the offender is not dangerous to the community, and the offender is willing to make restitution, then many agree that probation is a good idea. Due to prison overcrowding, judges have been forced to place more and more offenders on probation rather than sentencing them to prison.

Intensive Supervision Probation (ISP)

Intensive Supervision Probation (ISP) is similar to standard probation but requires much more contact with probation officers and usually has more rigorous conditions of probation. The primary focus of adult ISP is to provide protection of the public safety through close supervision of the offender. Many juvenile programs, and an increasing number of adult programs, also have a treatment component that is designed to reduce recidivism.

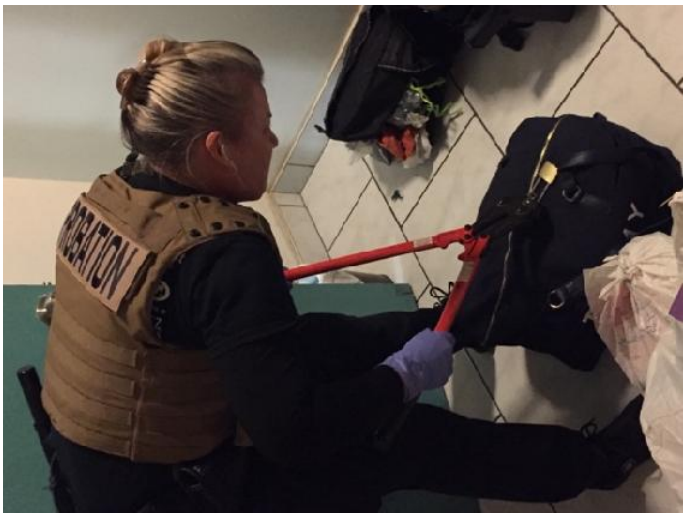

Figure 2.1 Probation Officer Search by Tabitha Raber is used under a CC BY 4.0 license.

Boot Camps

Convicts, often young men, sentenced to boot camps live in a military style environment complete with barracks and rigorous physical training. These camps usually last from three to six months, depending on the particular program. The core ideas of boot camp programs are to teach wayward youths' discipline and accountability. While a popular idea among some reformers, the research shows little to no impact on recidivism.

House Arrest and Electronic Monitoring

The Special Curfew Program was the federal courts' first use of home confinement. It was part of an experimental program-a cooperative venture of the Bureau of Prisons, the U.S. Parole Commission, and the federal probation system-as an alternative to Bureau of Prisons Community Treatment Center (CTC) residence for eligible inmates. These inmates, instead of CTC placement, received parole dates advanced a maximum of 60 days and were subject to a curfew and minimum weekly contact with a probation officer. Electronic monitoring became part of the home confinement program several years later.

Figure 2.2 Electronic Bracelet. Creative Commons Attribution-Share Alike 3.0 Unported.

In 1988, a pilot program was launched in two districts to evaluate the use of electronic equipment to monitor persons in the curfew program. The program was expanded nationally in 1991 and grew to include offenders on probation and supervised release and

defendants on pretrial supervision as those who may be eligible to be placed on home confinement with electronic monitoring (Courts, 2015).

Today, most jurisdictions stipulate that offenders sentenced to house arrest must spend all or most of the day in their own homes. The popularity of house arrest has increased in recent years due to monitoring technology that allows a transmitter to be placed on the convict's ankle, allowing compliance to be remotely monitored. House arrest is often coupled with other sanctions, such as fines and community service. Some jurisdictions have a work requirement, where the offender on house arrest is allowed to leave home for a specified window of time in order to work.

Fines

Figure 2.3 "No Littering Allowed, Finger Print Testing used for ID" - Bernardston, Massachusetts, USA. Image has been designated to the public domain under a CC0 1.0 Universal Public Domain Dedication.

Fines are very common for violations and minor misdemeanor offenses. First time offenders found guilty of simple assaults, minor drug possession, traffic violations and so forth are sentenced to fines alone. If these fines are not paid according to the rules set by the court, the offender is jailed. Many critics argue that fines discriminate against the poor. A $200 traffic fine means very little to a highly paid professional but can be a serious burden on a college student with only a part-time job. Some jurisdictions use a sliding scale that bases fines on income known as day fines. They are an outgrowth of traditional fining systems, which were seen as disproportionately punishing offenders with modest means while imposing no more than "slaps on the wrist" for affluent offenders.

This system has been very popular in European countries such as Sweden and Germany. Day fines take the financial circumstances of the offender into account. They are calculated using two major factors: The seriousness of the offense and the offender's daily income. The European nations that use this system have established guidelines that assign points ("fine units") to different offenses based on the seriousness of the offense. The range of fine units varies greatly by country. For example, in Sweden the range is from 1 to 120 units. In Germany, the range is from 1 to 360 units.

The most common process is for court personnel to determine the daily income of the offender. It is common for family size and certain other expenses to be taken into account.

Restitution

When an offender is sentenced to a fine, the money goes to the state. Restitution requires the offender to pay money to the victim. The idea is to replace the economic losses suffered by the victim because of the crime. Judges may order offenders to compensate victims for medical bills, lost wages, and the value of property that was stolen or destroyed. The major problem with restitution is actually collecting the money on behalf of the victim. Some jurisdictions allow practices such as wage garnishment to ensure the integrity of the process. Restitution can also be made a condition of probation, whereby the offender is imprisoned for a probation violation is the restitution is not paid.

Community Service

As a matter of legal theory, crimes harm the entire community, not just the immediate victim. Advocates see community service as the violator paying the community back for the harm caused. Community service can include a wide variety of tasks such as

picking up trash along roadways, cleaning up graffiti, and cleaning up parks. Programs based on community service have been popular, but little is known about the impact of these programs on recidivism rates.

Figure2.4 On Sept. 8, 2015, inmates at Coyote Ridge Corrections Center watered, fertilized and thinned sagebrush plants. Attribution 2.0 Generic (CC BY 2.0)

Note

Pin It! Prisoners in Community Service

Follow the link to learn more about how inmates at a correction center in Oregon are preserving the vital ecosystems of National parks.

"Scarlet-letter" Punishments

While exact practices vary widely, the idea of scarlet-letter punishments is to shame the offender. Advocates view shaming as a cheap and satisfying alternative to incarceration. Critics argue that criminals are not likely to mend their behavior because of shame. There are legal challenges that of kept this sort of punishment from being widely accepted. Appeals have been made because such punishments violate the Eighth Amendment ban on cruel and unusual punishment. Others have been based on the idea that they violate the First Amendment by compelling defendants to convey a judicially scripted message in the form of forced apologies, warning signs, newspaper ads, and sandwich boards. Still other appeals have been based on the notion that shaming punishments are not specifically authorized by State sentencing guidelines and therefore constitute an abuse of judicial discretion (Litowitz, 1997).

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2.11: Asset Forfeiture

Many jurisdictions have laws that allow the government to seize property and assets used in criminal enterprises. Such a seizure is known as forfeiture. Automobiles, airplanes, and boats used in illegal drug smuggling are all subject to seizure. The assets are often given over to law enforcement. According to the FBI, "Many criminals are motivated by greed and the acquisition of material goods. Therefore, the ability of the government to forfeit property connected with criminal activity can be an effective law enforcement tool by reducing the incentive for illegal conduct. Asset forfeiture takes the profit out of crime by helping to eliminate the ability of the offender to command resources necessary to continue illegal activities" (FBI, 2015).

Asset forfeiture can be both a criminal and a civil matter. Civil forfeitures are easier on law enforcement because they do not require a criminal conviction. As a civil matter, the standard of proof is much lower than it would be if the forfeiture was a criminal penalty. Commonly, the standard for such a seizure is probable cause. With criminal asset forfeitures, law enforcement cannot take control of the assets until the suspect has been convicted in criminal court.

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2.12: Appeals

An appeal is a claim that some procedural or legal error was made in the prior handling of the case. An appeal results in one of two outcomes. If the appellate court agrees with the lower court, then the appellate court affirms the lower court's decision. In such cases the appeals court is said to uphold the decision of the lower court. If the appellate court agrees with the plaintiff that an error occurred, then the appellate court will overturn the conviction. This happens only when the error is determined to be substantial. Trivial or insignificant errors will result in the appellate court affirming the decision of the lower court. Winning an appeal is rarely a "get out of jail free" card for the defendant. Most often, the case is remanded to the lower court for rehearing. The decision to retry the case ultimately rests with the prosecutor. If the decision of the appellate court requires the exclusion of important evidence, the prosecutor may decide that a conviction is not possible.

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2.13: Sentencing Statutes and Guidelines

In the United States, most jurisdictions hold that criminal sentencing is entirely a matter of statute. That is, legislative bodies determine the punishments that are associated with particular-crimes. These legislative assemblies establish such sentencing schemes by passing sentencing statutes or establishing **sentencing guidelines.** These sentences can be of different types that have a profound effect on both the administration of criminal justice and the life of the convicted offender.

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CHAPTER OVERVIEW

3: Correctional Clients

Key Terms:

The Texas Syndicate
The Mexikanemi
Crips and Bloods
Career Criminals
Elderly Criminals

3.1: Career Criminals
3.2: Criminal Gang Members
3.3: Managing Gangs in a Prison Setting
3.4: Accidental Criminals
3.5: Elderly Criminals

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3.1: Career Criminals

The United States Sentencing Commission was directed by Congress to set sentencing guidelines for repeat violent offenders or repeat drug trafficking offenders, known as “Career Offenders,” at or near the statutory maximum penalty. Tracking statutory criteria, a defendant qualifies as a Career Offender in the sentencing guidelines if:

the defendant was at least 18 years of age at the time he or she committed the instant offense the instant offense is a felony that is a crime of violence or a controlled substance offense the defendant has at least two prior felony convictions of either a crime of violence or a controlled substance offense.

There were 75,836 federal criminal cases reported to the United States Sentencing Commission during fiscal year 2014. Of the 67,672 cases in which the Commission received complete guideline application information, 2,269 (3.4%) offenders were sentenced as career offenders. Offenders sentenced under the career offender guidelines over the past ten years have consistently accounted for about three percent of federal offenders sentenced each year.

While career offenders account for just 3% of the annual federal caseload, they account for more than 11% of the federal prison population due to their lengthy prison sentences (on average, more than 12 years, or 147 months, in prison).

Career offenders often receive sentences below the guideline range (often at the government’s request), especially when they qualify as career offenders on the basis of drug trafficking offenses alone (“drug trafficking only” pathway).

Although career offenders with a violent instant or prior offense often have more serious criminal histories, the career offender directive has the most significant impact on drug trafficking offenders because they often carry higher statutory maximum penalties than some violent offenses

Despite similar average guideline minimums, “drug trafficking only” career offenders are generally sentenced less severely than other career offenders. In these cases, federal judges impose sentences similar to the sentences recommended in the guidelines for the underlying drug trafficking offense.

While career offenders, as a group, tend to recidiviate at higher rates than non-career offenders, the United States Sentencing Commission found a lower recidivism rate among career offenders qualifying on the basis of drug trafficking offenses alone.

In addition to having a more serious and extensive criminal history, career offenders who have committed a violent offense recidivate at a higher rate and are more likely to commit another violent offense in the future (see the “violent only” and “mixed” groups in the table below).

	Drug Trafficking	Only Mixed	Only Mixed
Recidivism Rate:	54.4%	69.4%	69.0%
Median Time to Recidivism	26 Months	20 Months	14 Months
Most Serious Post-Release Event	Trafficking	Assault	Robbery
	26.5%	28.6%	35.3%

Table 1. U.S. Sentencing Commission’s Recidivism Study Cohort Followed for Eight Years

Offender Demographics & Offense Characteristics

In fiscal year 2014, Black offenders accounted for more than half (59.7%) of offenders sentenced under the career offender guideline, followed by White (21.6 %), Hispanic (16.0%), and Other races (2.7%). Nearly all offenders sentenced under the career offender guideline were male (97.5%) and U.S. citizens (97.7%). Their average age at sentencing was 38 years.

In 2014, nearly three-quarters (74.1%) of career offenders were convicted of a drug trafficking offense. The remaining offenders would have been sentenced for robbery (11.6%), unlawful receipt, possession, or transportation of firearms (5.4%), aggravated assault (1.6%), and drug offenses occurring near a protected location (1.6%). Other offense types constituted the remaining 5.8 percent.

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3.2: Criminal Gang Members

As the gang phenomenon has grown and spread in America's cities and counties, there has been a parallel growth and spread of gangs in America's prisons. There's no way to know how many prisons gang member inmates have due, in part, to the fact that "Politics generally determine whether agencies [prisons] ... admit to having STGs [Security Threat Groups like gangs]." It may also be impossible to gather accurate information on how many of America's prisoners are involved in gang activity. However, judging from my own observations and other current research on the subject, one may safely say gangs and their members are prevalent in many prisons in the United States and elsewhere.

In some prisons, inmate gang members were members of gangs prior to their incarceration. They were arrested, incarcerated and, while incarcerated, continue to recruit and build their gang. Other gang members in prison had no gang affiliation prior to their imprisonment but joined one of the prison gangs many of which have counterparts on the streets. In other prisons, notably in California and Texas, gangs have formed which had no counterpart on the street. The gangs were created in prison. Examples of these gangs include the Mexican Mafia, Neta, Aryan Brotherhood, Black Guerrilla Family, La Nuestra Familia and the Texas Syndicate.

According to the Bureau of Justice Statistics, On December 31, 2000, a total of 1,237,469 inmates were confined in state and federal prisons in the United States. A total of 232,900 of these inmates were between the ages of 18 and 24. Those youthful inmates, roughly of gang member age, represent approximately 18% of all the inmates.

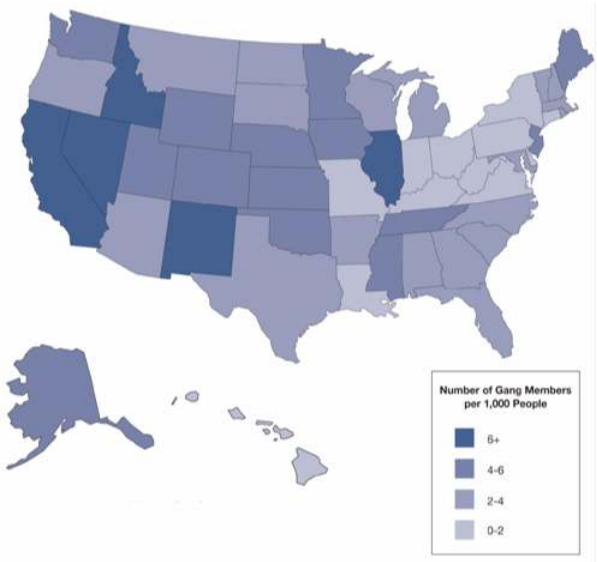

Figure 3.1 Image by: NGIC and NDIC 2010 National Drug Survey Data is in the public domain.

There are at least five major prison gangs, each with its own structure and purpose.

The Mexican Mafia (La Eme)

The Mexican mafia started at the Deuel Vocational Center in Tracy, California, in the 1950s and was California's first prison gang composed primarily of Chicanos, or Mexican Americans. Entrance into La Eme requires a sponsoring member. Each recruit has to undergo a blood oath to prove his loyalty. The Mexican Mafia does not proscribe killing its members who do not follow instructions. Criminal activities include drug trafficking and conflict with other prison gangs, which is common with the Texas Syndicate, Mexikanemi, and the Aryan Brotherhood (AB).

The Aryan Brotherhood

The Aryan Brotherhood, a white supremacist group, was started in 1967 in California's San Quentin prison by white inmates who wanted to oppose the racial threat of black and Hispanic inmates and/or counter the organization and activities of black and Hispanic gangs. Pelz, Marquart, and Pelz suggest that the AB held distorted perceptions of blacks and that many Aryans felt that black inmates were taking advantage of white inmates, especially sexually, thus promoting the need to form and/or join the

Brotherhood. Joining the AB requires a 6-month probationary period. Initiation, or “making one’s bones,” requires killing someone. The AB traffics in drugs and has a blood in, blood out rule; natural death is the only nonviolent way out. The Aryan Brotherhood committed eight homicides in 1984, or 32 percent of inmate homicides in the Texas correctional system, and later became known as the “mad dog” of Texas corrections.

The Aryan Brotherhood structure within the federal prison system used a three-member council of high-ranking members. Until recently, the federal branch of the Aryan Brotherhood was aligned with the California Aryan Brotherhood, but differences in opinion caused them to split into separate branches. The federal branch no longer cooperates with the Mexican Mafia in such areas as drugs and contract killing within prisons, but as of October 1997, the California branch still continued to associate with the Mexican Mafia. Rees suggested that the Aryan Brotherhood aligned with other supremacist organizations to strengthen its hold in prisons. The Aryan Brotherhood also has strong chapters on the streets, which allows criminal conduct inside and outside prisons to support each other.

Black Panther George Jackson united black groups such as the Black Liberation Army, Symbionese Liberation Army, and the Weatherman Underground Organization to form one large organization, the Black Guerrilla Family, which emerged in San Quentin in 1966. Leaning on a Marxist-Leninist philosophy, the Black Guerrilla Family was considered to be one of the more politically charged revolutionary gangs, which scared prison management and the public. Recently, offshoots within the Black Guerrilla Family have appeared. California reported the appearance of a related group known as the Black Mafia.

La Nuestra Familia

La Nuestra Familia (“our family”) was established in the 1960s in California’s Soledad prison, although some argue it began in the Deuel Vocational Center. The original members were Hispanic inmates from Northern California’s agricultural Central Valley who aligned to protect themselves from the Los Angeles-based Mexican Mafia. La Nuestra Familia has a formal structure and rules as well as a governing body known as La Mesa, or a board of directors. Today, La Nuestra Familia still wars against the Mexican Mafia over drug trafficking but the war seems to be easing in California.

The Texas Syndicate

The Texas Syndicate emerged in 1958 at Deuel Vocational Institute in California. It appeared at California’s Folsom Prison in the early 1970s and at San Quentin in 1976 because other gangs were harassing native Texans. Inmate members are generally Texas Mexican Americans, but now the Texas Syndicate offers membership to Latin Americans and perhaps Guamese as well. The Texas Syndicate opposes other Mexican American gangs, especially those from Los Angeles. Dominating the crime agenda is drug trafficking inside and outside prison and selling protection to inmates.

Like other prison gangs, the Texas Syndicate has a hierarchical structure with a president and vice president and an appointed chairman in each local area, either in a prison or in the community. The chairman watches over that area’s vice chairman, captain, lieutenant, sergeant at arms, and soldiers. Lower-ranking members perform the gang’s criminal activity. The gang’s officials, except for the president and vice president, become soldiers again if they are moved to a different prison, thus avoiding local-level group conflict. Proposals within the gang are voted on, with each member having one vote; the majority decision determines group behavior.

The Mexikanemi

The Mexikanemi (known also as the Texas Mexican Mafia) was established in 1984. Its name and symbols cause confusion with the Mexican Mafia. As the largest gang in the Texas prison system, it is emerging in the federal system as well and has been known to kill outside as will as inside prison. The Mexikanemi spars with the Mexican Mafia and the Texas Syndicate, although it has been said that the Mexikanemi and the Texas Syndicate are aligning themselves against the Mexican Mafia (Orlando-Morningstar, 1997). The Mexikanemi has a president, vice president, regional generals, lieutenants, sergeants, and soldiers. The ranking positions are elected by the group based on leadership skills. Members keep their positions unless they are reassigned to a new prison. The Mexikanemi has a 12-part constitution. For example, part five says that the sponsoring member is responsible for the person he sponsors; if necessary, a new person may be eliminated by his sponsor.

Hunt et al. suggest that the Nortenos and the Surenos are new Chicano gangs in California, along with the New Structure and the Border Brothers. The origins and alliances of these groups are unclear; however, the Border Brothers are comprised of Spanish-

speaking Mexican American inmates and tend to remain solitary. Prison officials report that the Border Brothers seem to be gaining membership and control as more Mexican American inmates are convicted and imprisoned.

Crips and Bloods

The Crips and Bloods, traditional Los Angeles street gangs, are gaining strength in the prison as well as are the 415s, a group from the San Francisco area (415 is a San Francisco area code). The Federal Bureau of Prisons cites 14 other disruptive groups within the federal system, which have been documented as of 1995, including the Texas Mafia, the Bull Dogs, and the Dirty White Boys. (Citations omitted to save space. You may view the original work which includes the omitted citations.)

If Beck's 1991 estimate that approximately 12% of prison inmates were gang-affiliated could be extrapolated to today, then perhaps as many as 148,496 gang members (12% of all 1,237,469 inmates) were confined in state and federal prisons on December 31, 2000. If, in order to be a gang, at least five characteristics of a gang were required then as many as 74, 245 inmates were gang members (6% of all 1,237,469 inmates). According to the California Department of Corrections there are over 100,000 gang inmates in that state's correctional facility.

A one-year study of over 82,000 federal inmates in the United States revealed that those who were embedded in gangs (referred to as *gang embeddedness*) were more likely to exhibit violent behavior and misconduct than those who were peripherally involved in gangs. And those who were peripherally involved exhibited more violent behavior and misconduct than those who were unaffiliated.

In gang-dominated prisons, gangs rule the roost. Which inmates eat at what times and where they sit in the dining hall, who gets the best or worst job assignments in the prison, who has money and nice clothes, who lives and who dies - all of these things, and others, are determined by gangs in the prison. Their very presence requires special attention from prison authorities.

Prison staff, too, may be participants in or potential victims of the prison gang culture. As participants, they may be actively or passively involved. As active participants they may collude with inmate gang members by providing alibis, providing opportunities for the commission of certain crimes, or taking bribes or payment for their silence or other form of assistance.

As passive participants in prison gang activity they may simply "overlook" an incident or situation or neglect their duty just long enough for the gang members to do what it is that they wanted to do. In either case, prison staff are not immune to the negative influence of prison gangs. As victims of gang activity, they may be threatened, harassed, extorted, physically or sexually assaulted, or murdered.

Approximately 600,000 inmates were released from American prisons in the year 2005. Some of them were die hard gang members. Upon being discharged from prison (when one's full sentence has been served) or released early parole, prison gang members move back into society. Unless they recant their gang membership, they are likely to continue their gang activity. Their impact on a community may be measured by their continued criminal activity, the harm they inflict upon their victims and their participation in already existing community-based gangs.

Many inmates find it difficult to survive in prison unless they are affiliated with a gang. But there's a twist. The twist may be best explained using an analogy. Do you remember a game called Rock, Scissors, Paper? It's a game kids play using hand signs. Each player chooses rock, scissors, or paper without telling the other players their choice. Then each child displays their chosen hand sign at the same time. Rock is symbolized by a clenched fist and rock beats scissors. Scissors are characterized by a protruding index and middle finger in the shape of scissors blades and scissors beat paper. Paper is shown by holding out an open hand with fingers all touching side by side. If we stop the game there I can use this as an analogy that helps describe the gang situation in prison. In the analogy "rock" is race or ethnicity, "scissors" is a gang, and "paper" is an inmate who is not gang affiliated. Inmates who are not affiliated with a gang are often in peril in a prison setting. They have no one who will come to their aid if they are assaulted or extorted and no one who will join them in retaliation.

There are a few exceptions to this rule. The exceptions include inmates who have organized crime connections on the outside, and those who are knowledgeable about the law and may, therefore, be valued for their ability to help other inmates write legal briefs for their appeals. There are other inmates who are basically left alone because they are seriously ill or very old, and inmates who are so physically powerful or out of their minds that few inmates will assault them.

Most inmates, however, are vulnerable. In our analogy the next class of inmates are the gang members - scissors. They assault non-gang members - those who are "paper" in our analogy, and rival gang members. According to one federal prison administrator,

"About one-third of my prison's one thousand seven hundred inmates are not in a gang. They are referred to by the staff as 'lame' or as 'dorks.' They eat meals together in the mess hall with the Native Americans. The unaffiliated are often extorted by gang inmates and used in other ways."

Then there are the rocks - the racial and ethnic groups. They beat all. That is, African-American inmates who are Crips, Bloods, Black Gangster Disciples, or whatever their name, are faced with a new enemy - groups of non-African-Americans. In most instances this means they need protection from Caucasian, Asian, and Hispanic inmates in the prison. Suddenly prior gang affiliation and old hatreds between same-race/same-ethnicity gangs succumb to fears of racial or ethnic conflict.

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3.3: Managing Gangs in a Prison Setting

Special administrative and management techniques have been developed to deal with the conflicts which arise out of a gang presence in a prison. One correctional administrator indicated "There is a heavy emphasis on gathering gang intelligence inside and outside the prison in an effort to maintain safety and security. The correctional facility has five Intelligence Officers within the correctional officer cadre, one for each gang - the Blacks, Latinos, Asians, Whites, and Latin Kings."The administrative structure of the prison reflects its gang clientele.

Prison gangs constitute a persistently disruptive force in correctional facilities because they interfere with correctional programs, threaten the safety of inmates and staff, and erode institutional quality of life.

Prison gangs share organizational similarities. They have a structure with one person who is usually designated as the leader and who oversees a council of members that makes the gang's final decisions. Like some street counterparts, prison gangs have a creed or motto, unique symbols of membership, and a constitution prescribing group behavior.

Prison gangs dominate the drug business, and many researchers argue prison gangs are also responsible for most prison violence. Adverse effects of gangs on prison quality of life have motivated correctional responses to crime, disorder, and rule violations, and many correctional agencies have developed policies to control prison gang-affiliated inmates.

The current policy of some prison administrators in their dealings with incarcerated gang members is to use both intervention and suppression strategies. Intervention initiatives are sometimes referred to as "de-ganging" or "renunciation programs" while some institutions segregate or separate gangs from one another in hopes of maintaining peace in the facility. The Taylorville Correctional Center in Illinois is an example of a prison which does not tolerate gang activity. According to the Illinois Department of Corrections:

The department designates Taylorville Correctional Center as a security threat group free prison. Admission to the facility requires inmates to have no documented history of security threat group membership or activity. Strong disciplinary sanctions are employed for any inmate identified as participating in any security threat group activity including transfer, loss of good time, disciplinary segregation and loss of privileges.

According to Meghan Mandeville, News Research Reporter for *Corrections Connection*, in order to "help inmates who want to break away from that way of life, TDCJ created the Gang Renouncement and Disassociation (GRAD) program to give them a way out."It gives the offenders an avenue to renounce their gang membership, to get out of the gang and to be able to go back to the general population," said Kenneth W. Lee, Program Administrator for TDCJ's STG Management Office. "Then, [they can] be released into the free world and thrive in society.

Conditions of American prison contribute to the problems surrounding prison gangs and their members' impact on the communities to which they return when paroled or released from prison. They state that:

We do not advocate coddling inmates, but we surely do not advocate allowing millions of imprisoned inmates to live with drug addictions, emotional difficulties, and educational and employment skills so poor that only minimum-wage employment awaits them. These are the disabilities that, to some degree define the American inmate population, and these same disabilities will damage the quality of life in our communities when these untreated, uneducated, and marginal inmates return home . . . Prisons are our last best chance to help law-breakers find a lawful, economically stable place in mainstream communities.

Suppression efforts include, among other things, isolation of gang members within the prison and reducing the influence of gang leaders by moving them to different prisons or centralizing them in one prison.

As all these gang-member inmates are released into their home communities, what will their impact be on local gang members? If the receiving communities don't act to provide returning inmates with housing, job training, and jobs, I predict their newly achieved status as ex-convict will result in their being respected in the gang community. They will encourage cooperation with former enemy gangs in pursuit of greater gain and increased criminality.

As we've seen, gangs in prison, much like those on the street, are difficult to eliminate because they have come to serve a purpose - they are functional. They provide their members with protection, security, power, status, income, and association with others of their own kind. This does not bode well when it comes to integrating ex-convict gang members back into the community once they are released or paroled from confinement.

One can only guess, of course, about what the future holds in store as regards gangs in our prisons. It is certain that more gangs and gang members are appearing in prisons where, heretofore, they were seldom found. As of this writing, there are approximately 2,100,000 people confined in prisons and jails in the United States and that number has been growing steadily over the past two decades. Increasingly violent crimes committed by gang members, and the use of imprisonment and longer sentences to control them, suggest more gang members will fill our prisons' cells in the future.

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3.4: Accidental Criminals

Most people attempt to obey the law in their daily lives, but what happens when someone unintentionally commits a crime? A mistake or moment of not paying attention could lead to someone breaking the law without even realizing what they have done. Breaking the law, whether accidentally or intentionally, can lead to serious consequences if the person is found guilty, so it is important to understand the law.

Accident vs Intent

Mens Rea is a legal term that refers to the mental condition in which a person needs to be in to establish whether or not they committed a crime intentionally. A person that accidentally walks off with another person's jacket in a public area will most likely have a very similar jacket themselves in the same location. The person lacking Mens Rea (criminal mind) would attempt to find the real owner of the jacket once they realize their mistake. By contrast, a person that takes a jacket that he has never seen before, puts it on and then leaves is most likely aware that it does not belong to him and had the criminal intent.

A parent pushing their crying baby through a department store may place items on the stroller with the intent to purchase the items. While tending to the child and attempting to pay for other items, they might forget about the items on the stroller and leave the store without paying for them. Once the parent realizes their mistake, if they are innocent they will most likely return the property to the store, thus throwing in doubt intent and lending credibility to it being an accident.

Sometimes minor crimes will be excused if the officer, prosecutor or judge determines them to be accidental, however there are some laws that end in prosecution regardless of the circumstances or intent. Driving under the influence of alcohol or a controlled substance is an example of Strict Liability. Strict Liability laws do not require criminal liability. Anyone committing the action can be arrested or prosecuted even if they did so unwittingly.

A man might decide to have two glasses of whiskey with dinner and then drive his car to take his date home, believing that he has only consumed a small amount of alcohol and will not be over the legal limit. However, the glasses of whiskey may have been larger than standard servings. A person found operating a vehicle while over the legal alcohol limit will always be prosecuted. Bartenders that unknowingly serve alcohol to minors are also liable to be prosecuted for their actions even if they did not intend to break the law.

An example of a strict-liability prosecution occurred in New Mexico in 1996, Bobby Unser, a three-time winner of the Indianapolis 500, went snowmobiling with a friend. A snowstorm blew in causing whiteout conditions, resulting in Unser and his friend becoming trapped. After two full days and nights, the men found a building with a phone, and called for help. Unser informed the U.S. Forest Service of the incident and was prosecuted for entering a wilderness area even though there was no intent he planned to violate the law. Unser was convicted and fined by a United States Federal Court District Judge. The conviction was appealed and upheld by the Appellate Court.

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3.5: Elderly Criminals

An aging population in general coupled with mandatory sentencing laws has caused an explosion in the number. This is an expensive proposition for the American correctional system. A substantial reason for this increased cost is the increased medical attention people tend to require as they grow older. Prisons that rely on prison industry to subsidize the cost of operations find that elderly inmates are less able to work than their younger counterparts. There is also the fear that younger inmates will prey on elderly ones. This phenomenon has caused the federal prison system and many state systems to rethink the policies that contribute to this "graying" of correctional populations.

Substantial growth has also been seen in the number of inmates that are ill. Arthritis and hypertension are the most commonly reported chronic conditions among inmates, but more serious and less easily treated maladies are also common. Many larger jails and prisons have special sections devoted to inmates with medical problems. In addition to the normal security staff, these units must employ medical staff. Recruiting medical staff that are willing to work in confinement with inmates is a constant problem for administrators.

According to many critics of mental health in America, the number of mentally ill inmates has reached crisis level. There has been explosive growth in the incarceration of mentally ill persons since the *deinstitutionalization* movement of the 1960s. As well-meaning people advocated for the rights of American's mentally ill, they fostered in a sinister unintended consequence: As mental hospitals closed, America's jails became the dumping ground for America's mentally ill population. This problem was exacerbated at the federal level by the passage of the Community Mental Health Act of 1963, which substantially reduced funding of mental health hospitals. With state hospitals gone or severely restricted, communities had to deal with the issue of what to do with mentally ill persons. Most communities responded with the poor solution of criminalizing the mentally ill.

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CHAPTER OVERVIEW

4: Alternatives to Incarceration

Key Terms:

Split Sentence	Probation
John Augustus	Intermediate Sanctions
Active Supervision	Inactive Supervision
Intensive Probation (ISP)	Work Release Programs
Boot Camp	Parole
Revocation	Technical Violation
Absconders	Halfway Houses
Morrissey vs. Brewer	Gagnon vs. Scarpelli
Restorative Justice	Drug Courts

4.1: Probation
4.2: Officer Roles
4.3: Intermediate Sanctions
4.4: Parole
4.5: Treatment
4.6: Halfway Houses
4.7: Home Confinement/Electronic Home Monitoring
4.8: Fines and Restitution
4.9: Community Service
4.10: Sex Offender Treatment and Civil Commitment
4.11: Mental Health Courts
4.12: Restorative Justice
4.13: Boot Camp
4.14: Public Shaming
4.15: Drug Courts

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4.1: Probation

Probation is very similar to parole, and many of the legal issues are identical. Many jurisdictions combine the job of probation and parole officer, and these officers are often employed in departments of community corrections. The most basic difference between probation and parole is that probationers are sentenced to community sanctions rather than a prison sentence. Parolees have already served at least some prison time. Some jurisdictions can sentence an offender to a split sentence. A split sentence requires the offender to stay in prison for a short time before being released on probation.

Most criminal justice historians trace the roots of modern probation to John Augustus, who began his professional life as a businessperson and boot maker. Augustus became known as the father of probation largely due to his strong belief in abstinence from alcohol. He was an active member in the Washington Total Abstinence Society, an organization that believed criminals motivated by alcohol could be rehabilitated by human kindness and moral teachings rather than incarceration. His work began in earnest when, in 1841, he showed up in a Boston police court to bail out a "common drunkard." Augustus accompanied the man on his court date three weeks later, and those present were stunned at the change in the man. He was sober and well kempt. For 18 years, he served in the capacity of a probation officer on a purely voluntary basis. Shortly after his death in 1859, a probation statute was passed so that his work could continue under the auspices of the state. With the rise of psychology's influence in the 1920s, probation officers moved from practical help in the field to a more therapeutic model. The pendulum swung back to a more practical bent in the 1960s when probation officers began to act more as service brokers. They assisted probationers with such things as obtaining employment, obtaining housing, managing finances, and getting an education.

Many jurisdictions have several levels of supervision. The most common distinction between levels of probationers is active supervision and inactive supervision. Probationers on active supervision are required to report in with a probation officer at regular intervals. Probationers can be placed on inactive supervision because they committed only minor offenses. Serious offenders can sometimes be placed on inactive supervision when they have completed much of a long probation sentence without problems.

The preferred method of checking in depends on the jurisdiction. Many require in person visits, but some jurisdictions allow phone calls and checking in via mail. Inactive probationers are not required to check in at all or very infrequently. Checking in with an officer is a condition of probation. Other conditions often include participation in treatment programs, paying fines, and not using drugs or alcohol. If these conditions are not followed, the the probationer is said to be a violator. Violators are subject to probation revocation. Revocations often result in a prison sentence, but some violators are given second chances, and some are sentenced to special programs for technical violations. Many jurisdictions classify absconders differently than other violators. An absconder is a probationer (or parolee) that stops reporting and "disappears."

Following the trend of mass incarceration in the United States over the past several decades has been a similar trend in what has been called "mass community supervision." In 1980, about 1.34 million offenders were on probation or parole in the United States. That figure exploded to nearly 5 million by 2012. The Bureau of Justice Statistics (Maruschak & Parks, 2014) provides a look at these numbers from a different vantage point: about 1 in 50 adults in the United States were under community supervision at yearend 2012. The community supervision population includes adults on probation, parole, or any other post-prison supervision.

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4.2: Officer Roles

Many jurisdictions combine the role of probation officer and parole officer into a single job description. In Gagnon v. Scarpelli (1973), the court had this to say of the duties of the such officers: "While the parole or probation officer recognizes his double duty to the welfare of his clients and to the safety of the general community, by and large concern for the client dominates his professional attitude. The parole agent ordinarily defines his role as representing his client's best interests as long as these do not constitute a threat to public safety." This statement suggests a dichotomy in the responsibility of parole (and probation) officers; these must look out for the best interest of the client as well as looking out for the best interest of the public. This fact frequently enters into politics. Liberals tend to focus on the treatment and rehabilitation of the offender, and conservatives focus more on the safety of the public and just deserts for the offender.

Note

Pin It! Gagnon v. Scarpelli Case Study

Is a previously sentenced probationer entitled to a hearing when his probation is revoked? Gagnon v. Scarpelli decides this question

From the perspective of the parole officers, they must perform law enforcement duties that are designed to protect the public safety. These functions very much resemble the tasks of police officers. They are also officers of the court and are responsible for enforcing court orders. These orders often include such things as drug testing programs, drug treatment programs, alcohol treatment programs, and anger management programs.

Officers are often required to appear in court and give testimony regarding the activities of their clients. They frequently perform searches and seize evidence of criminal activity or technical violations. The courts often ask officers to make recommendations when violations do occur. Officers may recommend that violators be sent to prison or continue on probation or parole with modified conditions.

There is ambivalence about the role of probation and parole officers within the criminal justice community. This has to do with an artificial dichotomy, often being characterized as police work versus social work. The detection and punishment of law and technical violations are characterized as the law enforcement role. The rehabilitation and reintegration of the offender are regarded as the social work role. Officers tend to lean more heavily toward one of these objectives than the other. Some officers embrace the law enforcement perspective and seek strict compliance with the law and conditions of parole. Other officers view themselves more as counselors, helping the offender reform, and brokering community resources to help resolve problems. Which model a particular officer exemplifies has many influences. The officer's personal beliefs, the dominate culture of the local office, the policy dictates of agency heads, and legislative enactments driven by political philosophies all play a role in shaping the working personality of each officer. The most effective officers are likely to be hybrids that fall somewhere in between the two archetypes.

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4.3: Intermediate Sanctions

Traditionally, a person convicted of an offense was sentenced to probation or sentenced to prison. There was no middle ground. The purpose of intermediate sanctions is to seek that middle ground by providing a punishment that is more severe than probation alone, yet less severe that a period of incarceration. Perhaps the most common among these alternatives is Intensive Supervision Probation (ISP). Offenders given to this sort of intermediate sanction are assigned to an officer with a reduced caseload. Caseloads are reduced in order to provide the officer with more time to supervise each individual probationer. Frequent surveillance and frequent drug testing characterize most ISP programs. Offenders are usually chosen for these programs because they have been judged to be at a high risk for reoffending.

Another common type of alternative to prison is the work release program. These programs are designed to maintain environmental control over offenders while allowing them to remain in the workforce. Most often, offenders sentenced to a work release program reside in a work release center, which can be operated by a county jail, or be part of the state prison system. Either way, work-release center residents are allowed to leave confinement for work related purposes. Otherwise, they are locked in a secure facility.

Correctional boot camps are facilities run along similar lines to military boot camps. Military style discipline and structure along with rigorous physical training are the hallmarks of these programs. Usually, relatively young and nonviolent offenders are sentenced to terms ranging from three to six months in boot camps. Research has found that convicts view boot camps as more punitive than prison and would prefer prison sentence to being sent to boot camp. Research has also shown that boot camp programs are no more effective at reducing long-term recidivism than other sanctions.

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4.4: Parole

The practice of releasing prisoners on parole before the end of their sentences has become an integral part of the correctional system in the United States. Parole is a variation on imprisonment of convicted criminals. Its purpose is to help individuals reintegrate into society as constructive individuals as soon as they are able, without being confined for the full term of the sentence imposed by the courts. It also serves to lessen the costs to society of keeping an individual in prison. The essence of parole is release from prison, before the completion of sentence, on the condition that parolees abide by certain rules during the balance of the sentence. Under some systems, parole is granted automatically after the service of a certain portion of a prison term. Under others, parole is granted by the discretionary action of a board, which evaluates an array of information about a prisoner and makes a prediction whether he is ready to reintegrate into society.

To accomplish the purpose of parole, those who are allowed to leave prison early are subjected to specified conditions for the duration of their parole. These conditions of parole restrict their activities substantially beyond the ordinary restrictions imposed by law on an individual citizen. Typically, parolees are forbidden to use alcohol and other intoxicants or to have associations or correspondence with certain categories of undesirable persons (such as felons). Typically, also they must seek permission from their parole officers before engaging in specified activities, such as changing employment or housing arrangements, marrying, acquiring or operating a motor vehicle, traveling outside the community, and incurring substantial indebtedness. Additionally, parolees must regularly report to their parole officer.

Note

Parole Conditions-California State

All inmates released from a California State prison who are subject to a period of State parole supervision will have conditions of parole that must be followed. Some parolees will have imposed special conditions of parole which must also be followed. Special conditions of parole are related to the commitment offense and/or criminal history and will discourage criminal behavior, improving the parolee's chances for success on parole.

Conditions of Parole and Special Conditions of Parole are defined as:

- **Conditions of Parole** – the general written rules you must follow.
- **Special Conditions of Parole -** these are special rules imposed in addition to the general conditions of parole and must also be followed. They are related to your commitment offense and/or criminal history and may be imposed by the Board of Parole Hearings, by the court, or by your parole agent.

General Conditions of Parole:

- Your Notice and Conditions of Parole will give the date that you are released from prison and the maximum length of time you may be on parole.
- You, your residence (where you live or stay) and your possessions can be searched at any time of the day or night, with or without a warrant, and with or without a reason, by any parole agent or police officer.
- You must waive extradition if you are found outside of the state.
- You must report to your parole agent within one day of your release from prison or jail.
- You must always give your parole agent the address where you live and work.
- You must give your parole agent your new address **before** you move.
- You must notify your parole agent **within three days** if the location of your job changes, or if you get a new job.
- You must report to your parole agent whenever you are told to report, or a warrant can be issued for your arrest.
- You must follow all of your parole agent's verbal and written instructions.
- You must ask your parole agent for permission to travel more than 50 miles from your residence and you must have your parole agent's approval before you travel.
- You must ask for and get a travel pass from your parole agent before you leave the county for more than two days.
- You must ask for and get a travel pass from your parole agent before you can leave the State, and you must carry your travel pass on your person at all times.
- You must obey ALL laws.

- If you break the law, you can be arrested and incarcerated in a county jail even if you do not have any new criminal charges.
- You must notify your parole agent immediately if you get arrested or get a ticket.
- You must not be around guns, or anything that looks like a real gun, bullets, or any other weapons.
- You must not have a knife with a blade longer than two inches except a kitchen knife. Kitchen knives must be kept in your kitchen.
- Knives you use for work are allowed only when approved by your parole agent, but they can only be carried while you are at work or going to and from work. You must ask for a note from your parole agent that approves carrying the knife while going to and from work, and you must carry the note with you at all times.
- You must not own, use, or have access to any weapon that is prohibited by the California Penal Code.

The parole officers are part of the administrative system designed to assist parolees and to offer them guidance. The conditions of parole serve a dual purpose; they prohibit, either absolutely or conditionally, behavior that is deemed dangerous to the restoration of the individual into normal society. Moreover, through the requirement of reporting to the parole officer and seeking guidance and permission before doing many things, the officer is provided with information about the parolee and an opportunity to advise him. The combination puts the parole officer into the position in which he can try to guide the parolee into constructive development.

The enforcement advantage that supports the parole conditions derives from the authority to return the parolee to prison to serve out the balance of his sentence if he fails to abide by the rules. In practice, not every violation of a parole condition will automatically lead to a revocation. Typically, a parolee will be counseled to abide by the conditions of parole, and the parole officer ordinarily does not take steps to have parole revoked unless he thinks that the violations are serious and continuing so as to indicate that the parolee is not adjusting properly and cannot be counted on to avoid antisocial activity. The broad discretion accorded the parole officer is also inherent in some of the quite vague conditions, such as the typical requirement that the parolee avoid "undesirable" associations or correspondence. Yet revocation of parole is not an unusual phenomenon, affecting only a few parolees. According to the Supreme Court in Morrissey v. Brewer, 35% - 45% of all parolees are subjected to revocation and return to prison. Sometimes revocation occurs when the parolee is accused of another crime; it is often preferred to a new prosecution because of the procedural ease of recommitting the individual on the basis of a lesser showing by the State.

Note

Pin It! Morrissey v. Brewer Case Study

Does a parolee have the right to defend himself if he breaks parole? Morrisey v. Brewer settles this issue.

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4.5: Treatment

An “alternative to incarceration” is any kind of punishment other than time in prison or jail that can be given to a person who commits a crime. Frequently, punishments other than prison or jail time place serious demands on offenders and provide them with intensive court and community supervision. Just because a certain punishment does not involve time in prison or jail does not mean it is “soft on crime” or a “slap on the wrist.” Alternatives to incarceration can repair harms suffered by victims, provide benefits to the community, treat the drug-addicted or mentally ill, and rehabilitate offenders. Alternatives can also reduce prison and jail costs and prevent additional crimes in the future. Before we can maximize the benefits of alternatives to incarceration, however, we must repeal mandatory minimums and give courts the power to use cost-effective, recidivism-reducing sentencing options instead.

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4.6: Halfway Houses

Halfway houses (also called “community correction centers” or “residential reentry centers” by the federal Bureau of Prisons) are used mostly as an intermediate housing option to help a person return from prison to the community after he has served a prison sentence. Sometimes, though, halfway houses can be used instead of prison or jail, usually when a person’s sentence is very short. For example, halfway houses may be a good choice when a person has served time in prison, been released on parole, and then violated a parole condition and been ordered to serve a few months additional time for that violation. While in halfway houses, offenders are monitored and must fulfill conditions placed on them by the court. Usually, offenders must remain inside the halfway house except when they are going to court or to a job.

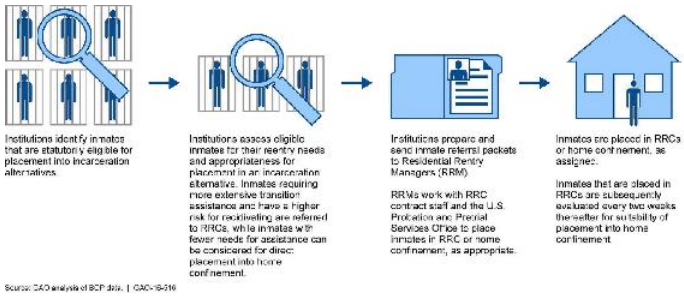

Figure 4.1 Bureau of Prisons' Process for Placing Inmates into Residential Reentry Centers (RRC) and Home Confinement. Image is in the public domain.

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4.7: Home Confinement/Electronic Home Monitoring

Home confinement (also called “house arrest”) requires offenders to stay in their homes except when they are in certain pre-approved areas (i.e., at court or work). Often, home confinement requires that the offender be placed on electronic home monitoring (EHM). EHM requires offenders to wear an electronic device, such as an ankle bracelet, that sends a signal to a transmitter and lets the authorities know where the offender is at all times. Like probation, home confinement usually comes with conditions. If the offender violates those conditions, he can be put in jail or prison. Offenders on EHM usually contact a probation officer daily and take frequent and random drug tests. In many jurisdictions, an offender cannot be placed on EHM unless the court or a jail official recommends it.

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4.8: Fines and Restitution

Requiring the offender to pay supervision fees, fines, and court costs can be used as an independent punishment or in addition to other punishments. “Tariff fines” are a set amount applied to every offender when a particular crime is committed (e.g., $500 for driving while intoxicated), regardless of the offender’s income level or ability to pay. For the wealthy, tariff fines can be too small to be a meaningful punishment. For the poor, tariff fines can be too large, resulting in jail time when the offender cannot pay. “Day fines” are one solution. They are not a flat amount but are based on the seriousness of the crime and the offender’s daily income. Wealthier offenders pay more and pay an amount that is a meaningful loss of income, while those with lower incomes pay an amount they can afford and avoid jail. Restitution requires offenders to pay for some or all of a community or victim’s medical costs or property loss that resulted from the crime.

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4.9: Community Service

Community service can be its own punishment or can act as a condition of probation or an alternative to paying restitution or a fine (each hour of service reduces the fine or restitution by a particular amount, until it is paid in full). Community service is unpaid work by an offender for a civic or nonprofit organization. In federal courts, community service is not a sentence, but a special condition of probation or supervised release.

Figure 4.2 File: Community Service Work Detail for 35th District Court Northville Michigan.JPG. This file is licensed under the Creative Commons Attribution 3.0 Unported license.

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4.10: Sex Offender Treatment and Civil Commitment

Many sex offenders are placed on probation, with requirements that they attend a sex offender treatment program, report regularly to a probation officer, do not contact their victims, do not use the internet, and do not live or work in certain areas. Sex offender treatment programs can be inpatient (residential) or outpatient (non-residential) and generally use cognitive-behavioral therapy, counseling, and other approaches to reduce the likelihood that the person will commit another sex offense. About 20 states also have “civil commitment” programs, which place sex offenders in secure hospitals or residential treatment facilities for treatment. These offenders typically receive civil commitment only after they have finished serving a prison term for their sex offense. Offenders can be required to stay on civil commitment indefinitely, which means the programs can cost up to four times what it costs to keep an offender in prison.

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4.11: Mental Health Courts

Mental health courts, like drug courts, are specialized courts that place offenders suffering from mental illness, mental disabilities, drug dependency, or serious personality disorders in a court-supervised, community-based mental health treatment program. Court and community supervision are combined with inpatient or outpatient professional mental health treatment. Offenders receive rewards for compliance with supervision conditions and are disciplined for noncompliance. They are also linked to housing, health care, and life skills training resources that help prevent relapse and promote their recovery. Often, offenders must first plead guilty to charges before being diverted to mental health court.

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4.12: Restorative Justice

Restorative justice is a holistic sentencing process focused on repairing harm and bringing healing to all those who are impacted by a crime, including the offender. Representatives of the justice system, victims, offenders, and community members are involved and achieve these goals through sentencing circles, victim restitution, victim-offender mediation, and formalized community service programs. Sentencing circles occur when the victim, offender, community members, and criminal justice officials meet and jointly agree on a sentence that repairs the harm the offender caused. Victim-offender mediation allows the offender and victim to meet and exchange apologies and forgiveness for the crime committed. Restorative justice practices can be used alone or as a condition of a sentence of probation.

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4.13: Boot Camp

Boot camp programs involve intense daily regimens that include physical exercise, individual counseling, educational classes, and studying for a GED. Today, boot camps are no longer used in the federal prison system and are rarely used in state corrections systems. Like a military boot camp, offenders follow a strict disciplinary code that requires them to wear short hair and uniforms, stand at attention before their officers, and address their superiors as “sir.” Offenders who complete the program and find a job can become eligible for early release. Once released, they may be put on probation.

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4.14: Public Shaming

Public shaming is public humiliation. It is used rarely and usually only for low-level misdemeanors. For example, a court ordered a convicted mail thief to stand outside a post office for a total of 100 hours wearing a sign that said, “I am a mail thief. This is my punishment.” Public shaming is intended to rehabilitate the offender and discourage him from re-offending.

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4.15: Drug Courts

Drug courts are a special branch of courts created within already-existing court systems. Drug courts provide court-supervised drug treatment and community supervision to offenders with substance abuse problems. All 50 states and the District of Columbia have at least a few drug court programs. There are no drug courts in the federal system. Some states have drug courts for adults and for juveniles, as well as family treatment or family dependency treatment courts that treat parents so that they might remain or reunite with their children.

Drug court eligibility requirements and program components vary from one locality to another, but they typically require some or all of the following:

- Require offenders to complete random urine tests, attend drug treatment counseling or Narcotics Anonymous/Alcoholics Anonymous meetings, meet with a probation officer, and report to the court regularly on their progress;
- Give the court authority to praise and reward the offender for successes and discipline the offender for failures (including sending the offender to jail or prison);
- Are available to non-violent, substance-abusing offenders who meet specific eligibility requirements (e.g., no history of violence, few or no prior convictions);
- Are not available on demand – usually, either the prosecutor or the judge handling the case must refer the offender to drug court; sometimes, this referral can only be made after the offender pleads guilty to the offense; and
- Allow offenders who successfully complete the program to avoid pleading guilty, having a conviction placed on their record, or serving some or all of their prison or jail time; some programs also allow successful participants who have already pled guilty to have their drug conviction removed from their record.

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CHAPTER OVERVIEW

5: Types of Correctional Facilities

Chapter 5 - Types of Correctional Facilities

Key Terms:

Federal/State/Local Facilities Pre-trial Detention Security Levels (Inmates) Medium Security Supermax Prisons	Custody Levels Punishment Minimum Security Maximum Security

5.1: Federal level

5.2: State Level

5.3: Local Level

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5.1: Federal level

The Federal Bureau of Prisons was established in 1930 to provide more progressive and humane care for federal inmates, to professionalize the prison service, and to ensure consistent and centralized administration of the 11 Federal prisons in operation at that time. Today, the Bureau includes 121 institutions, 6 regional offices, a Central Office (headquarters), and 26 offices that oversee residential reentry centers. The regional offices and Central Office provide oversight and administrative support to the institutions and offices. The Bureau is responsible for the care and custody of more than 208,000 federal inmates, as of spring 2015.1 About 81 percent of these inmates are confined in federal correctional institutions or detention centers, and the remainder are held in secure privately managed or community-based facilities and local jails under contract with the Bureau. The Bureau protects society by confining offenders in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and by providing inmates with programs and services to assist them in becoming proactive law-abiding citizens when they return to their communities. The Bureau's most important resource is its staff. All Bureau staff are expected to conduct themselves in a manner that creates and maintains respect for the agency, the Department of Justice, the Federal Government, and the law.

The Bureau operates institutions at four security levels (minimum, low, medium, and high) and has one maximum-security prison for the less than one percent of inmates who require that level of security. It also has administrative facilities, such as pretrial detention centers and medical referral centers that have specialized missions and confine offenders of all security levels. The Bureau also classifies its institutions based on the level of medical services readily available, as care levels 1-4. The characteristics that help define the security level of an institution are perimeter security (such as fences, patrol officers, and towers), level of staffing, internal controls for inmate 3 movement and accountability, and type of living quarters (for example, cells or open dormitories).

The Bureau's graduated security and medical classification levels allow staff to assign an inmate to an institution in accordance with his/her individual needs. Thus, inmates who can function with relatively less supervision, without disrupting institution operations or threatening the safety of staff or other inmates, can be housed in lower security level institutions. Regardless of the specific discipline in which a staff member works, all employees are "correctional workers first." This means everyone is responsible for the security and good order of the institution. All staff are expected to be vigilant and attentive to inmate accountability and security issues, to respond to emergencies, and to maintain a proficiency in custodial and security matters, as well as in their particular job specialty. This approach allows the Bureau to operate in the most cost-effective manner with fewer correctional officers and still maintain direct supervision of inmates.

The Bureau relies on security technologies to help ensure the safety of staff and inmates. Recently new technologies have included whole body imaging devices to detect contraband (including cell phones) and sophisticated walk-through metal detectors, thermal fencing, and thermal camera sensors. These technologies have significantly reduced contraband. Additionally, the Bureau has provided staff additional equipment, such as oleoresin capsicum spray, to further enhance safety.

The Bureau's philosophy is that preparation for reentry to society begins on the first day of incarceration. Accordingly, the Bureau provides many programs, designed to assign inmates and address their needs such as substance abuse treatment, mental health treatment, education, anger management, parenting and more. Prison work programs provide inmates an opportunity to acquire marketable occupational skills, as well as acquire a sound work ethic and habits. Medically able inmates are required to work some. For some individuals, this represents their first employment experience. Work assignments provide on-the-job training similar to what would be received in the community. For example, inmates work as clerks, landscapers, and electricians. Many work assignments are linked to vocational training programs and may lead to formal apprenticeships.

1) Federal Prison Industries (FPI) and Vocational Training Federal Prison Industries (FPI), trade name UNICOR, is one of the Bureau's most important correctional programs. It has been proven to substantially reduce recidivism and operates without congressional appropriation. Inmates who participate in FPI are also substantially less likely to engage in misconduct.
2) Education: The Bureau provides education and recreation programs individually: GED, Spanish GED, English As A Second Language, 6 Adult Continuing Education, Post-Secondary, Parenting, Vocational, Apprenticeships, and Release Preparation. Inmates who participate in education programs for a minimum of six months are less likely to recidivate when compared to similar nonparticipating inmates. Recreation programs help teach inmates to make constructive use of leisure time to reduce stress, improve their health and develop hobbies they enjoy. These programs keep inmates constructively occupied and contribute to positive lifestyles and self-improvement.

3) Inmate Faith-Based Programs Federal prisons offer a variety of faith-based services and programs. Inmates are granted permission to wear or retain various religious items, and accommodations are made to observe holy days. Bureau facilities offer religious diets that meet the dietary requirements of various faith groups, such as the Jewish and Islamic faiths. Most institutions have sweat lodges to accommodate the religious requirements of Native Americans. Religious programs are led or supervised by staff chaplains, contract spiritual leaders, and community volunteers. Chaplains oversee inmate worship services and self-improvement programs, and provide pastoral care, spiritual guidance, and counseling. The Bureau offers inmates the opportunity to participate in its Life Connections Program, a residential reentry program as well as Thresholds, the nonresidential version of our program.
4) Residential Substance Abuse Treatment Residential drug abuse treatment programs (RDAPs) are offered at more than 77 Bureau institutions, providing treatment to more than 18,000 inmates each year. Inmates in RDAP are housed in a separate housing unit that operates a modified therapeutic community. RDAPs provide intensive half-day programming, 5 days a week, for 9-12 months. The remainder of each day is spent in education, work skills training, and other programs. The program also includes a community-based component that inmates complete while in a RRC or home confinement. Inmates who complete RDAP are 16 percent less likely to recidivate and 15 percent less likely to have a relapse to drug use within 3 years after release. Nonviolent offenders who complete the program are eligible to have their sentence reduced by up to one year. Other drug programs offered by the Bureau are the Nonresidential Drug Treatment Program, Challenge Program, and Spanish RDAP.
5) Pro-Social Values Programs Encouraged by RDAP's positive results, the Bureau implemented a number of other programs, including the Secure Mental Health Treatment Program, which treats inmates with serious mental illness and histories of significant violence; the Challenge Program for high security inmates, which treats inmates with a history of substance abuse or mental illness; the Resolve Program for female inmates, which treats inmates with trauma-related mental illnesses; the BRAVE (Bureau Rehabilitation and Values Enhancement) Program for younger, newly-designated offenders, which addresses anti-social attitudes and behavior; the Skills Program for cognitively-impaired inmates, which treats issues with adapting to prison and the community; Mental Health Step Down Units, which provide treatment for inmates with serious mental illnesses releasing from psychiatric hospitalization; the Sex Offender Treatment Program for inmates with a sex offense history; and the STAGES (Steps Toward Awareness, Growth, and Emotional Strength) program for inmates with severe personality disorders, who have a history of behavioral problems or self-harm. As resources allow, the Bureau has expanded these programs to address the significant demand for these services. The Bureau has found that these programs significantly reduce institution misconduct.

Near the end of their sentence, inmates participate in the Release Preparation Program, which includes a series of classes regarding daily living activities in the community including employment, banking, resume writing, job search strategies, and job retention. It also includes presentations by representatives from community-based organizations that help former inmates find employment and training opportunities after release. The Bureau helps inmates maintain ties with their family and friends through visiting, mail, email and the telephone.

The Bureau specifically encourages inmates to maintain and develop bonds with their children through parenting programs that include specialized activities such as day camps and workshops. The Bureau's Inmate Transition Branch helps inmates prepare release portfolios that include a resume, education and training certificates and transcripts, diplomas, and other significant documents needed to secure employment. Many institutions hold mock job fairs to allow inmates to practice job interview techniques and expose community recruiters to the skills available among inmates.

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5.2: State Level

Prisons in the United States today are usually distinguished by custody levels. Super-maximum-security prisons are used to house the most violent and most escape prone inmates. These institutions are characterized by almost no inmate mobility within the facility, and fortress-like security measures. This type of facility is very expensive to build and operate. The first such prison was the notorious federal prison Alcatraz, built by the Federal Bureau of Prisons in 1934.

Maximum-security prisons are fortresses that house the most dangerous prisoners. Only 20% of the prisons in the United States are labeled as maximum security, but, because of their size, they hold about 33% of the inmates in custody. Because super-max prisons are relatively rare, maximum-security facilities hold the vast majority of America's dangerous convicts. These facilities are characterized by very low levels of inmate mobility, and extensive physical security measures.

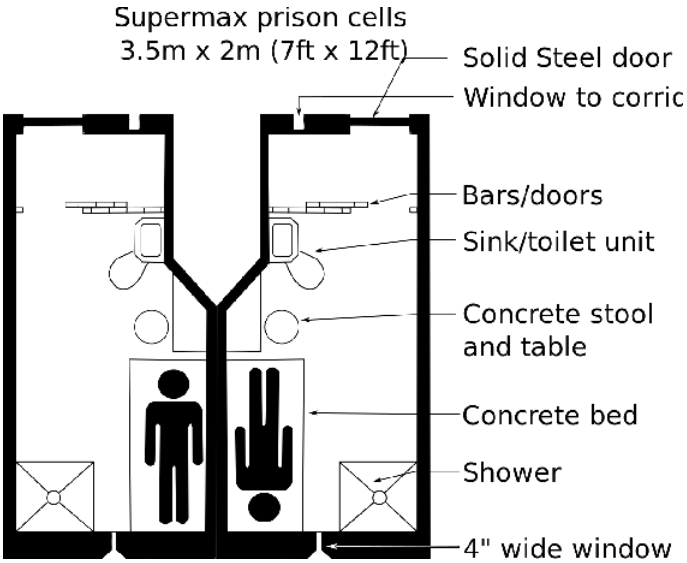

Figure 5.1 Artist’s render of a supermax prison cell, Creative Commons Attribution-Share Alike 4.0 International

Tall walls and fences are common features, usually topped with razor wire. Watchtowers staffed by officers armed with rifles are common as well. Security lighting and video cameras are almost universal features.

States that use the death penalty usually place death row inside a maximum-security facility. These areas are usually segregated from the general population, and extra security measures are put in place. Death row is often regarded as a prison within a prison, often having different staff and procedures than the rest of the facility.

Medium-security prisons use a series of fences or walls to hold prisoners that, while still considered dangerous, are less of a threat than maximum-security prisoners. The physical security measures placed in these facilities is often as tight as for maximum-security institutions. The major difference is that medium-security facilities offer more inmate mobility, which translates into more treatment and work options. These institutions are most likely to engage inmates in industrial work, such as the printing of license plates for the State.

Minimum-security prisons are institutions that usually do not have walls and armed security. Prisoners housed in minimum-security prisons are considered to be nonviolent and represent a very small escape risk. Most of these institutions have far more programs for inmates, both inside the prison and outside in the community. Part of the difference in inmate rights and privileges stems from the fact that most inmates in minimum-security facilities are "short timers." In other words, they are scheduled for release soon. The idea is to make the often-problematic transition from prison to community go more smoothly. Inmates in these facilities may be assigned there initially, or they may have worked their way down from higher security levels through good behavior and an approaching release date.

Women are most often housed in women's prisons. These are distinguished along the same lines as male institutions. These institutions tend to be smaller than their male counterparts are, and there are far fewer of them. Women do not tend to be as violent as men are, and this is reflected in what they are incarcerated for.

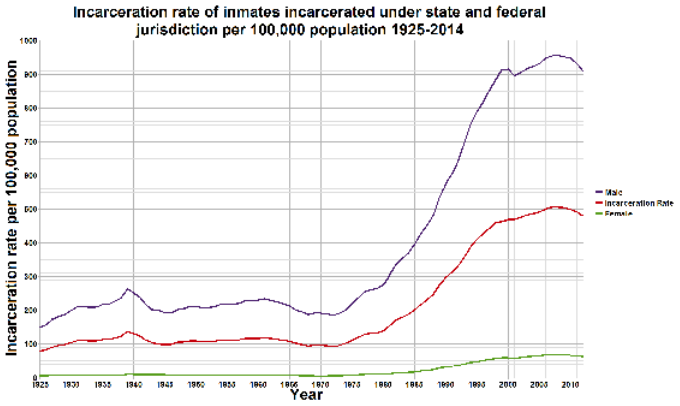

Figure 5.2 Male v. Female Incarceration Rates in the U.S., Image is in the public domain.

Most female inmates are incarcerated for drug offenses. Inmate turnover tends to be higher in women's prisons because they tend to receive shorter sentences.

A few states operate coeducational prisons where both male and female inmates live together. The reason for this is that administrators believe that a more normal social environment will better facilitate eventual reintegration of both sexes into society. The fear of predation by adult male offenders keeps most facilities segregated by gender.

In the recent past, the dramatic growth in prison populations led to the emergence of private prisons. Private organizations claimed that they could own and operate prisons more efficiently than government agencies can. The Corrections Corporation of America is the largest commercial operator of jails and prisons in the United States. The popularity of the idea has waned in recent years, mostly due to legal liability issues and a failure to realize the huge savings promised by the private corporations.

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5.3: Local Level

The idea of jails has a long history, and the historical roots of American jails are in the "gaols" of feudal England. Sheriffs operated these early jails, and their primary purpose was to hold accused persons awaiting trial. This English model was brought over to the Colonies, but the function remained the same. In the 1800s, jails began to change in response to the penitentiary movement. Their function was extended to housing those convicted of minor offenses and sentenced to short terms of incarceration. They were also used for other purposes, such as holding the mentally ill and vagrants. The advent of a separate juvenile justice system and the development of state hospitals alleviated the burden of taking care of these later categories.

Today's jails are critical components of local criminal justice systems. They are used to address the need for secure detention at various points in the criminal justice process. Jails typically serve several law enforcement agencies in the community, including local law enforcement, state police, wildlife conservation officers, and federal authorities. Jails respond to many needs in the criminal justice system and play an integral role within every tier of American criminal justice. These needs are ever changing and influenced by the policies, practices, and philosophies of the many different users of the jail. Running a jail is a tough business, usually undertaken by a county sheriff. Often, much of the Sheriff's authority is delegated to a jail administrator.

Running a jail is such a complicated endeavor partly because jails serve an extremely diverse population. Unlike prisons where inmate populations are somewhat homogenous, fails hold vastly different individuals. Jails hold both men and women, and both children and adults. Most state prisoners are serious offenders, whereas jails old both serious offenders as well as minor offenders who may be vulnerable to predatory criminals. Those suffering from mental illness, alcoholism, and drug addiction often find themselves in jail. It is in this environment that jail staff must accomplish the two major functions of jails: Intake and Custody.

Booking and Intake

The booking and intake function of jails serves a vital public safety function by providing a secure environment in which potentially dangerous persons can be assessed, and the risk these individuals pose the public can be determined.

Custody

The second major function of jails is the idea of custody. That is, people are deprived of their liberty for various reasons. The two most common of these reasons are *pretrial detention* and *punishment*.

Pretrial Detention

A major use of modern jails is what is often referred to as pretrial detention. In other words, jails receive accused persons pending arraignment and hold them awaiting trial, conviction, or sentencing. More than half of jail inmates are accused of crimes and are awaiting trial. The average time between arrest and sentencing is around six months. Jails also readmit probation and parole violators and absconders, holding them for judicial hearings. The major purpose of pretrial detention is not to punish offenders, but to protect the public and ensure the appearance of accused persons at trial.

According to the Bureau of Justice Statistics, there are around 3,300 jails currently in operation within the United States. This large number points to a very important fact: Jails are primarily a local concern. Jails (and detention centers) are facilities designed to safely and securely hold a variety of criminal offenders, usually for a short period. The wide variety of offenders comes from the fact that jails have dual roles. They hold criminal defendants waiting on processing by the criminal justice system, and they hold those convicted of crimes and sentenced to a jail term. In addition, jails hold prisoners for other agencies, such as state departments of correction, until bed space becomes available in a state prison.

Figure 5.2 Jail Cell. Free to use by Pixaby

The size of jails can vary widely depending on the jurisdiction the facility serves. Both geographic and legal jurisdiction must be considered. The single most important determinant of jail size is population density. The more people a given jurisdiction has, the more jail inmates they are likely to have. Many rural jails are quite small, but America's largest population centers tend to have massive jail complexes. Most counties and many municipalities operate jails, and a few are operated by federal and other non-local agencies. There has been a trend for small, rural jurisdictions to combine their jails into regional detention facilities. These consolidated operations can increase efficiency, security, and better ensure prisoners' rights.

Punishment

A primary function of jails is to house criminal defendants after arrest. Within a very narrow window of time, the arrestee must appear before a judge. The judge will consider the charges against the defendant and the defendant's risk of flight when determining bail. The judge may decide to remand the defendant to the custody of the jail until trial, but this is rare. Most often, pretrial release will be granted. The arrestees may be required to pay a certain amount of money to ensure their appearance in court, or they may be released on their own recognizance.

As a criminal sanctioning option, jails provide a method of holding offenders accountable for criminal acts. Jails house offenders that have been sentenced to a jail term for misdemeanor offenses, usually for less than one year. There are many ways that jail sentences can be served, depending largely on the laws and policies of the particular jurisdiction. A central goal of incarceration as punishment in the criminal justice system is the philosophical goal of *deterrence*. Many believe that jail sentences discourage offenders from committing future criminal acts (specific deterrence) and to potential criminals about the possible costs of crime (general deterrence). Rehabilitation and reintegration are sometimes considered secondary goals of incarceration. These goals are not usually deemed amenable to the jail environment, and few programs designed to meet these goals exist. Many local jails do make a modest effort to provide inmates with opportunities for counseling and change to deter future criminal behavior, but always within the constraints of scant resources.

Miscellaneous Functions

Jails in some jurisdictions are responsible for transferring and transporting inmates to federal, state, or other authorities. Jails are also tasked with holding mentally ill persons pending their transfer to suitable mental health facilities where beds are often

unavailable. Jails also hold people for a variety of government purposes; they hold individuals wanted by the armed forces, for protective custody of individuals who may not be safe in the community, for those found in contempt of court, and witnesses for the courts. Jails often hold state and federal inmates due to overcrowding in prison facilities. Jails are commonly tasked with community-based sanctions, such as work details engaged in public services.

Jail Populations

Arrestees often arrive at the jail with myriad many problems. Substance abuse, alcohol abuse, and mental illness often mean that jail inmates are not amenable to complying with the directions of jail staff. Many have medical problems, psychological problems, and emotional problems. Inmates can display the full gambit of human emotions: fail staff may see fear, anxiety, anger, and depression every day. Behaviors often mirror emotional state, and at times staff must deal with noncompliant, suicidal, or violent inmates. While inmates are in custody, the jail is responsible for their health and wellbeing.

Jails function in a role as a service provider for the rest of the criminal justice community. Jail administrators have very little discretion in who goes to jail and how long they remain in custody. Law and policy play a big role in dictating who goes to jail, as do the discretionary decisions of probation and parole officers, law enforcement, and judges. Prevalent community attitudes are also important, because voters can place pressure on law enforcement and the courts to make more arrests and prosecute more offenders. When this happens, more people end up in jail.

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CHAPTER OVERVIEW

6: Institutionalization of Inmates in Correctional Facilities

Key Terms:

Institutionalization	Prison “norms”
“Just Desserts”	Diminished self worth
Hypervigilance	PTSD
Alienation	Dependence on structure
Social withdrawl	Prison culture

6.1: The State of the Prisons
6.2: The Psychological Effects of Incarceration- On the Nature of Institutionalization
6.3: Dependence on institutional structure and contingencies
6.4: Hypervigilance, interpersonal distrust, and suspicion
6.5: Emotional over-control, alienation, and psychological distancing
6.6: Social withdrawal and isolation
6.7: Incorporation of exploitative norms of prison culture
6.8: Diminished sense of self-worth and personal value
6.9: Post-traumatic stress reactions to the pains of imprisonment

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6.1: The State of the Prisons

Prisoners in the United States and elsewhere have always confronted a unique set of contingencies and pressures to which they were required to react and adapt in order to survive the prison experience. However, over the last several decades beginning in the early 1970s and continuing to the present time a combination of forces has transformed the nation's criminal justice system and modified the nature of imprisonment. The challenges prisoners now face in order to both survive the prison experience and, eventually, reintegrate into the free world upon release have changed and intensified as a result.

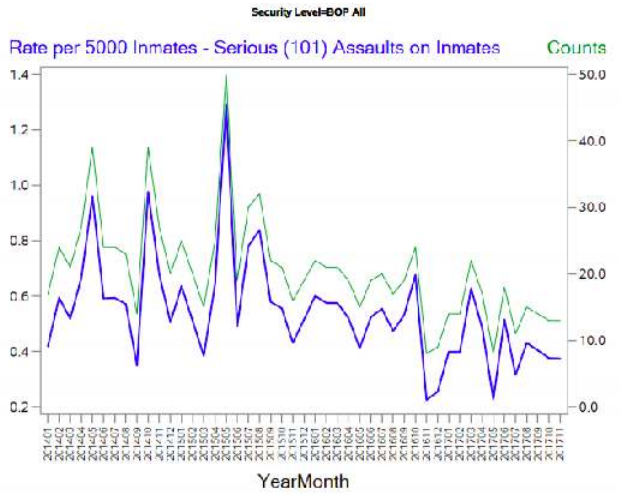

Figure 6.1 Bureau of Prison Statistics March 2018 Report.

Among other things, these changes in the nature of imprisonment have included a series of inter-related, negative trends in American corrections. Perhaps the most dramatic changes have come about as a result of the unprecedented increases in rate of incarceration, the size of the U.S. prison population, and the widespread overcrowding that has occurred as a result. Over the past 25 years, penologists repeatedly have described U.S. prisons as "in crisis" and have characterized each new level of overcrowding as "unprecedented." By the start of the 1990s, the United States incarcerated more persons per capita than any other nation in the modern world, and it has retained that dubious distinction for nearly every year since. The international disparities are most striking when the U.S. incarceration rate is contrasted to those of other nations to whom the United States is often compared, such as Japan, Netherlands, Australia, and the United Kingdom. In the 1990s, as Marc Mauer and the Sentencing Project have effectively documented the U.S. rates have consistently been between four and eight times those for these other nations.

The combination of overcrowding and the rapid expansion of prison systems across the country adversely affected living conditions in many prisons, jeopardized prisoner safety, compromised prison management, and greatly limited prisoner access to meaningful programming. The two largest prison systems in the nation California and Texas provide instructive examples. Over the last 30 years, California's prisoner population increased *eightfold* (from roughly 20,000 in the early 1970s to its current population of approximately 160,000 prisoners). Yet there has been no remotely comparable increase in funds for prisoner services or inmate programming. In Texas, over just the years between 1992 and 1997, the prisoner population more than doubled as Texas achieved one of the highest incarceration rates in the nation. Nearly 70,000 additional prisoners added to the state's prison rolls in that brief five-year period alone. Not surprisingly, California and Texas were among the states to face major lawsuits in the 1990s over substandard, unconstitutional conditions of confinement. Federal courts in both states found that the prison systems had failed to provide adequate treatment services for those prisoners who suffered the most extreme psychological effects of confinement in deteriorated and overcrowded conditions.

Paralleling these dramatic increases in incarceration rates and the numbers of persons imprisoned in the United States was an equally dramatic change in the rationale for prison itself. The nation moved abruptly in the mid-1970s from a society that justified putting people in prison on the basis of the belief that incarceration would somehow facilitate productive re-entry into the free world to one that used imprisonment merely to inflict pain on wrongdoers ("just deserts"), disable criminal offenders ("incapacitation"), or to keep them far away from the rest of society ("containment"). The abandonment of the once-avowed goal of

rehabilitation certainly decreased the perceived need and availability of meaningful programming for prisoners as well as social and mental health services available to them both inside and outside the prison. Indeed, it generally reduced concern on the part of prison administrations for the overall well-being of prisoners.

The abandonment of rehabilitation also resulted in an erosion of modestly protective norms against cruelty toward prisoners. Many corrections officials soon became far less inclined to address prison disturbances, tensions between prisoner groups and factions, and disciplinary infractions in general through ameliorative techniques aimed at the root causes of conflict and designed to de-escalate it. The rapid influx of new prisoners, serious shortages in staffing and other resources, and the embrace of an openly punitive approach to corrections led to the "de-skilling" of many correctional staff members who often resorted to extreme forms of prison discipline (such as punitive isolation or "supermax" confinement) that had especially destructive effects on prisoners and repressed conflict rather than resolving it. Increased tensions and higher levels of fear and danger resulted.

The emphasis on the punitive and stigmatizing aspects of incarceration, which has resulted in the further literal and psychological isolation of prison from the surrounding community, compromised prison visitation programs and the already scarce resources that had been used to maintain ties between prisoners and their families and the outside world.

Support services to facilitate the transition from prison to the free world environments to which prisoners were returned were undermined at precisely the moment they needed to be enhanced. Increased sentence length and a greatly expanded scope of incarceration resulted in prisoners experiencing the psychological strains of imprisonment for longer periods of time, many persons being caught in the web of incarceration who ordinarily would not have been (e.g., drug offenders), and the social costs of incarceration becoming increasingly concentrated in minority communities (because of differential enforcement and sentencing policies).

Thus, in the first decade of the 21st century, more people have been subjected to the pains of imprisonment, for longer periods of time, under conditions that threaten greater psychological distress and potential long-term dysfunction, and they will be returned to communities that have already been disadvantaged by a lack of social services and resources.

Video: Explaining Mass Incarceration in Under 4 minutes…

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6.2: The Psychological Effects of Incarceration- On the Nature of Institutionalization

The adaptation to imprisonment is almost always difficult and, at times, creates habits of thinking and acting that can be dysfunctional in periods of post-prison adjustment. Yet, the psychological effects of incarceration vary from individual to individual and are often reversible. To be sure, then, not everyone who is incarcerated is disabled or psychologically harmed by it. But few people are completely unchanged or unscathed by the experience. At the very least, prison is painful, and incarcerated persons often suffer long-term consequences from having been subjected to pain, deprivation, and extremely atypical patterns and norms of living and interacting with others.

The empirical consensus on the most negative effects of incarceration is that most people who have done time in the best-run prisons return to the free world with little or no permanent, clinically-diagnosable psychological disorders as a result. Prisons do not, in general, make people "crazy." However, even researchers who are openly skeptical about whether the pains of imprisonment generally translate into psychological harm concede that, for at least some people, prison can produce negative, long-lasting change. And most people agree that the more extreme, harsh, dangerous, or otherwise psychologically-taxing the nature of the confinement, the greater the number of people who will suffer and the deeper the damage that they will incur.

Rather than concentrate on the most extreme or clinically-diagnosable effects of imprisonment, however, I prefer to focus on the broader and more subtle psychological changes that occur in the routine course of adapting to prison life. The term "institutionalization" is used to describe the process by which inmates are shaped and transformed by the institutional environments in which they live. Sometimes called "prisonization" when it occurs in correctional settings, it is the shorthand expression for the negative psychological effects of imprisonment. The process has been studied extensively by sociologists, psychologists, psychiatrists, and others, and involves a unique set of psychological adaptations that often occur in varying degrees in response to the extraordinary demands of prison life. In general terms, the process of prisonization involves the incorporation of the norms of prison life into one's habits of thinking, feeling, and acting.

It is important to emphasize that these are the natural and normal adaptations made by prisoners in response to the unnatural and abnormal conditions of prisoner life. The dysfunctionality of these adaptations is not "pathological" in nature (even though, in practical terms, they may be destructive in effect). They are "normal" reactions to a set of pathological conditions that become problematic when they are taken to extreme lengths, or become chronic and deeply internalized (so that, even though the conditions of one's life have changed, many of the once-functional but now counterproductive patterns remain).

Like all processes of gradual change, of course, this one typically occurs in stages and, all other things being equal, the longer someone is incarcerated the more significant the nature of the institutional transformation. When most people first enter prison, of course, they find that being forced to adapt to an often harsh and rigid institutional routine, deprived of privacy and liberty, and subjected to a diminished, stigmatized status and extremely sparse material conditions is stressful, unpleasant, and difficult.

However, the course of becoming institutionalized, a transformation begins. Persons gradually become more accustomed to the restrictions that institutional life imposes. The various psychological mechanisms that must be employed to adjust (and, in some harsh and dangerous correctional environments, to survive) become increasingly "natural," second nature, and, to a degree, internalized. To be sure, the process of institutionalization can be subtle and difficult to discern as it occurs. Thus, prisoners do not "choose" to succumb to it or not, and few people who have become institutionalized are aware that it has happened to them. Fewer still consciously decide that they are going to willingly allow the transformation to occur.

The process of institutionalization is facilitated in cases in which persons enter institutional settings at an early age, before they have formed the ability and expectation to control their own life choices. Because there is less tension between the demands of the institution and the autonomy of a mature adult, institutionalization proceeds more quickly and less problematically with at least some younger inmates. Moreover, younger inmates have little in the way of already developed independent judgment, so they have little if anything to revert to or rely upon if and when the institutional structure is removed. And the longer someone remains in an institution, the greater the likelihood that the process will transform them.

Among other things, the process of institutionalization (or "prisonization") includes some or all the following psychological adaptations.

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6.3: Dependence on institutional structure and contingencies

Among other things, penal institutions require inmates to relinquish the freedom and autonomy to make their own choices and decisions and this process requires what is a painful adjustment for most people. Indeed, some people never adjust to it. Over time, however, prisoners may adjust to the muting of self-initiative and independence that prison requires and become increasingly dependent on institutional contingencies that they once resisted. Eventually it may seem more or less natural to be denied significant control over day-to-day decisions and, in the final stages of the process, some inmates may come to depend heavily on institutional decision makers to make choices for them and to rely on the structure and schedule of the institution to organize their daily routine. Although it rarely occurs to such a degree, some people do lose the capacity to initiate behavior on their own and the judgment to make decisions for themselves. Indeed, in extreme cases, profoundly institutionalized persons may become extremely uncomfortable when and if their previous freedom and autonomy is returned.

A slightly different aspect of the process involves the creation of dependency upon the institution to control one's behavior. Correctional institutions force inmates to adapt to an elaborate network of typically very clear boundaries and limits, the consequences for whose violation can be swift and severe. Prisons impose careful and continuous surveillance and are quick to punish (and sometimes to punish severely) infractions of the limiting rules.

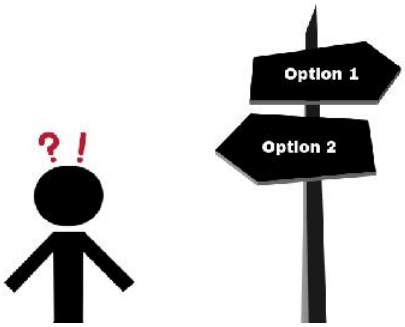

Figure 6.1 Which one? by Truid Radtke. (CC BY 4.0)

The process of institutionalization in correctional settings may surround inmates so thoroughly with external limits, immerse them so deeply in a network of rules and regulations, and accustom them so completely to such highly visible systems of constraint that internal controls atrophy or, in the case of especially young inmates, fail to develop altogether. Thus, institutionalization or prisonization renders some people so dependent on external constraints that they gradually lose the capacity to rely on internal organization and self-imposed personal limits to guide their actions and restrain their conduct. If and when this external structure is taken away, severely institutionalized persons may find that they no longer know how to do things on their own, or how to refrain from doing those things that are ultimately harmful or self- destructive.

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6.4: Hypervigilance, interpersonal distrust, and suspicion

In addition, because many prisons are clearly dangerous places from which there is no exit or escape, prisoners learn quickly to become hypervigilant and ever-alert for signs of threat or personal risk. Because the stakes are high, and because there are people in their immediate environment poised to take advantage of weakness or exploit carelessness or inattention, interpersonal distrust and suspicion often result. Some prisoners learn to project a tough convict veneer that keeps all others at a distance. Indeed, as one prison researcher put it, many prisoners "believe that unless an inmate can convincingly project an image that conveys the potential for violence, he is likely to be dominated and exploited throughout the duration of his sentence."

McCorkle's study of a maximum-security Tennessee prison was one of the few that attempted to quantify the kinds of behavioral strategies prisoners report employing to survive dangerous prison environments. He found that "[f]ear appeared to be shaping the life-styles of many of the men," that it had led over 40% of prisoners to avoid certain high-risk areas of the prison, and about an equal number of inmates reported spending additional time in their cells as a precaution against victimization. At the same time, almost three-quarters reported that they had been forced to "get tough" with another prisoner to avoid victimization, and more than a quarter kept a "shank" or other weapon nearby with which to defend themselves. McCorkle found that age was the best predictor of the type of adaptation a prisoner took, with younger prisoners being more likely to employ aggressive avoidance strategies than older ones.

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6.5: Emotional over-control, alienation, and psychological distancing

Shaping such an outward image requires emotional responses to be carefully measured. Thus, prisoners struggle to control and suppress their own internal emotional reactions to events around them. Emotional over-control and a generalized lack of spontaneity may occur as a result. Admissions of vulnerability to persons inside the immediate prison environment are potentially dangerous because they invite exploitation. As one experienced prison administrator once wrote: "Prison is a barely controlled jungle where the aggressive and the strong will exploit the weak, and the weak are dreadfully aware of it." Some prisoners are forced to become remarkably skilled "self-monitors" who calculate the anticipated effects that every aspect of their behavior might have on the rest of the prison population and strive to make such calculations second nature.

Prisoners who labor at both an emotional and behavioral level to develop a "prison mask" that is unrevealing and impenetrable risk alienation from themselves and others, may develop emotional flatness that becomes chronic and debilitating in social interaction and relationships, and find that they have created a permanent and unbridgeable distance between themselves and other people. Many for whom the mask becomes especially thick and effective in prison find that the disincentive against engaging in open communication with others that prevails there has led them to withdrawal from authentic social interactions altogether. The alienation and social distancing from others are a defense not only against exploitation but also against the realization that the lack of interpersonal control in the immediate prison environment makes emotional investments in relationships risky and unpredictable.

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6.6: Social withdrawal and isolation

Some prisoners learn to find safety in social invisibility by becoming as inconspicuous and unobtrusively disconnected from others as possible. The self-imposed social withdrawal and isolation may mean that they retreat deeply into themselves, trust virtually no one, and adjust to prison stress by leading isolated lives of quiet desperation. In extreme cases, especially when combined with prisoner apathy and loss of the capacity to initiate behavior on one's own, the pattern closely resembles that of clinical depression. Long-term prisoners are particularly vulnerable to this form of psychological adaptation.

Figure 6.2 Isolation by Trudi Radtke. (CC BY 4.0)

Indeed, Taylor wrote that the long-term prisoner "shows a flatness of response which resembles slow, automatic behavior of a very limited kind, and he is humorless and lethargic." In fact, Jose-Kampfner has analogized the plight of long-term women prisoners to that of persons who are terminally-ill, whose experience of this "existential death is unfeeling, being cut off from the outside (and who) adopt this attitude because it helps them cope."

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6.7: Incorporation of exploitative norms of prison culture

In addition to obeying the formal rules of the institution, there are also informal rules and norms that are part of the unwritten but essential institutional and inmate culture and code that, at some level, must be abided. For some prisoners this means defending against the dangerousness and deprivations of the surrounding environment by embracing all of its informal norms, including some of the most exploitative and extreme values of prison life. Note that prisoners typically are given no alternative culture to which to ascribe or in which to participate. In many institutions the lack of meaningful programming has deprived them of pro-social or positive activities in which to engage while incarcerated. Few prisoners are given access to gainful employment where they can obtain meaningful job skills and earn adequate compensation; those who do work are assigned to menial tasks that they perform for only a few hours a day. With rare exceptions those very few states that permit highly regulated and infrequent conjugal visits they are prohibited from sexual contact of any kind. Attempts to address many of the basic needs and desires that are the focus of normal day-to-day existence in the free world to recreate, to work, to love necessarily draws them closer to an illicit prisoner culture that for many represents the only apparent and meaningful way of being.

However, as I noted earlier, prisoner culture frowns on any sign of weakness and vulnerability and discourages the expression of candid emotions or intimacy. And some prisoners embrace it in a way that promotes a heightened investment in one's reputation for toughness and encourages a stance towards others in which even seemingly insignificant insults, affronts, or physical violations must be responded to quickly and instinctively, sometimes with decisive force. In extreme cases, the failure to exploit weakness is itself a sign of weakness and seen as an invitation for exploitation. In men's prisons it may promote a kind of hypermasculinity in which force and domination are glorified as essential components of personal identity. In an environment characterized by enforced powerlessness and deprivation, men and women prisoners confront distorted norms of sexuality in which dominance and submission become entangled with and mistaken for the basis of intimate relations.

Of course, embracing these values too fully can create enormous barriers to meaningful interpersonal contact in the free world, preclude seeking appropriate help for one's problems, and a generalized unwillingness to trust others out of fear of exploitation. It can also lead to what appears to be impulsive overreaction, striking out at people in response to minimal provocation that occurs particularly with persons who have not been socialized into the norms of inmate culture in which the maintenance of interpersonal respect and personal space are so inviolate. Yet these things are often as much a part of the process of prisonization as adapting to the formal rules that are imposed in the institution, and they are as difficult to relinquish upon release.

?

Think about it . . . Stanford Prison Experiment

The Stanford Prison Experiment was a psychological study that tried to measure humans psychological responses to captivity, in particular, to life as a prisoner. It was conducted in 1971 by Philip Zimbardo of Stanford University. Since then other psychological researches have taken issue with the way Zimbardo conducted the experiment and claim that he skewed the conditions of the experiment and the findings. Click the links to do your own research and come to your own conclusion about this controversial study.

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6.8: Diminished sense of self-worth and personal value

Prisoners typically are denied their basic privacy rights and lose control over mundane aspects of their existence that most citizens have long taken for granted. They live in small, sometimes extremely cramped and deteriorating spaces (a 60 square foot cell is roughly the size of king-size bed), have little or no control over the identity of the person with whom they must share that space (and the intimate contact it requires), often have no choice over when they must get up or go to bed, when or what they may eat, and on and on. Some feel infantalized and that the degraded conditions under which they live serve to repeatedly remind them of their compromised social status and stigmatized social role as prisoners.

Figure 6.3 Low Self-esteem. By Trudi Radtke. (CC BY 4.0)

A diminished sense of self-worth and personal value may result. In extreme cases of institutionalization, the symbolic meaning that can be inferred from this externally imposed substandard treatment and circumstances is internalized; that is, prisoners may come to think of themselves as "the kind of person" who deserves only the degradation and stigma to which they have been subjected while incarcerated.

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6.9: Post-traumatic stress reactions to the pains of imprisonment

For some prisoners, incarceration is so stark and psychologically painful that it represents a form of traumatic stress severe enough to produce post-traumatic stress reactions once released. Moreover, we now understand that there are certain basic commonalities that characterize the lives of many of the persons who have been convicted of crime in our society. A "risk factors" model helps to explain the complex interplay of traumatic childhood events (like poverty, abusive and neglectful mistreatment, and other forms of victimization) in the social histories of many criminal offenders. As Masten and Garmezy have noted, the presence of these background risk factors and traumas in childhood increases the probability that one will encounter a whole range of problems later in life, including delinquency and criminality. The fact that a high percentage of persons presently incarcerated have experienced childhood trauma means, among other things, that the harsh, punitive, and uncaring nature of prison life may represent a kind of "re-traumatization" experience for many of them. That is, some prisoners find exposure to the rigid and unyielding discipline of prison, the unwanted proximity to violent encounters and the possibility or reality of being victimized by physical and/or sexual assaults, the need to negotiate the dominating intentions of others, the absence of genuine respect and regard for their wellbeing in the surrounding environment, and so on all too familiar. Time spent in prison may rekindle not only the memories but the disabling psychological reactions and consequences of these earlier damaging experiences.

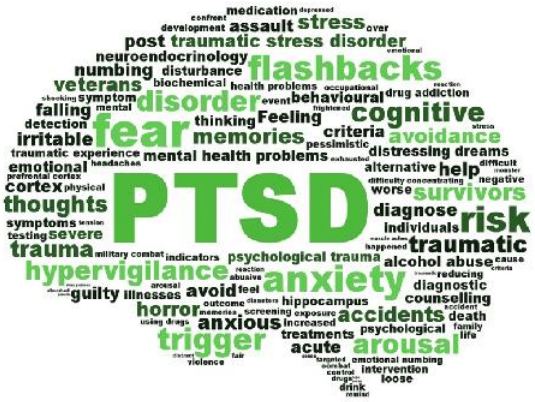

Figure 2.4 PTSD. Image has been designated to the public domain by Q .under a CC0 1.0 Universal Public Domain Dedication

The dysfunctional consequences of institutionalization are not always immediately obvious once the institutional structure and procedural imperatives have been removed. This is especially true in cases where persons retain a minimum of structure wherever they re-enter free society. Moreover, the most negative consequences of institutionalization may first occur in the form of *internal* chaos, disorganization, stress, and fear. Yet, institutionalization has taught most people to cover their internal states, and not to openly or easily reveal intimate feelings or reactions. So, the outward appearance of normality and adjustment may mask a range of serious problems in adapting to the free world.

This is particularly true of persons who return to the free world lacking a network of close, personal contacts with people who know them well enough to sense that something may be wrong. Eventually, however, when severely institutionalized persons confront complicated problems or conflicts, especially in the form of unexpected events that cannot be planned for in advance, the myriad of challenges that the non-institutionalized confront in their everyday lives outside the institution may become overwhelming. The facade of normality begins to deteriorate, and persons may behave in dysfunctional or even destructive ways because all of the external structure and supports upon which they relied to keep themselves controlled, directed, and balanced have been removed.

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CHAPTER OVERVIEW

7: Innovative Programs in Correctional Facilities

Key Terms:

Aging without Bars	Re-entry programs
Barriers to success	Elements of successful re-entry
Female programs	Pre-release programs
Clients not criminals	Risk-Needs-Responsivity (RNR)
Evidence-based rehabilitation	Logic-model

7.1: Aging Without Bars
7.2: Washington D.C Court Supervision and Offender Release Program
7.3: Virginia Department of Corrections
7.4: Common Factors of Successful Prison and Reentry Programs
7.5: Barriers to Success
7.6: Female Prisoners
7.7: California Rehabilitative Reform

In this Chapter, we explore new prison programs designed to improve inmates' skills to improve their transition back into the community. The shift towards rehabilitation and skills training has proven successful in the reduction of recidivism rates.

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7.1: Aging Without Bars

Aging Without Bars is a six-week person-centered training that helps inmates age 50 and older prepare to transition to the community. It addresses inmates' lack of awareness of available resources by providing education and connecting them to case management services prior to their release, when possible. The program is implemented through a collaboration of Area Agencies on Aging (AAA) and jail intake staff, as well as community partners. The AAA became engaged in this area after the 2008-2012 Virginia 4-Year Plan for Aging Services ranked the older prisoner population as among the top areas of concern.

Measuring impact is a priority of this program. There is a pre-test and a post-test follow-up with each participant to assess what they have learned and to help calibrate the person's needs moving forward. Evaluation of the program indicates that improvements have occurred across each of the performance measures: housing and economic stability, mental and physical health, and social supports. Inmates have shared that this is a life-changing program for them and have commented that they feel less invisible and forgotten as a result of their participation.

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7.2: Washington D.C Court Supervision and Offender Release Program

Washington, DC Office on Aging the DC Court Supervision and Offender Release Program and the Washington, DC Office on Aging (the AAA) partnered to address older inmate reentry needs related to employment and housing. The program began several years ago as an ad hoc effort in response to tremendous demand to assist older offenders with reentry. The DC Office on Aging conducted comprehensive pre-screening of mental and physical health status of the participants in order to develop customized plans and partnered to provide job skills training and coaching. The program has now transitioned from the DC Office on Aging to the DC Office of Employment Services, so it can be integrated with other training and skills development programs such as the Senior Community Service Employment Program, the workforce program within the Older Americans Act.

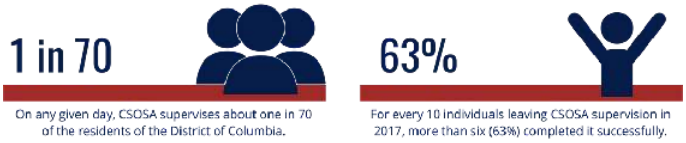

Figure 7.1 CSOSA achieves high successful completion rates as a result of the combination of supports and close supervision and accountability strategies, including partnerships with local law enforcement partners. Image is in the Public Domain.

Because of the program, approximately 80 percent of participants were employed within a six-month period of reentry. Word-of-mouth has continued to increase enrollment. Families reach out proactively to the program to help pave the way when their loved one is released from prison, providing evidence that the community sees the value of this program. Challenges the program works to overcome include bringing participants' job skills up to date, ensuring participants have photo identification, addressing needs of individuals who did not enter the country legally, and addressing mental health and substance abuse issues.

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7.3: Virginia Department of Corrections

The Virginia Department of Corrections and the Virginia Department for Aging and Rehabilitative Services have embarked on a project to offer Chronic Disease Self-Management Education (CDSME) workshops for the aging prisoner population and other offenders living with chronic health conditions. Between 1990 and 2013 in Virginia, the prison population over the age of 50 increased from 822 individuals to 6,709 individuals. The state found that inmates were becoming older, sicker and staying longer behind bars. The program, now known as “Live Well Virginia!” was first introduced to the prison population at Bland Correction Center by District Three Senior Services AAA with the goal of helping Virginia offenders pursue a healthier lifestyle while incarcerated by teaching participants chronic disease self-management strategies and information on weight management, healthy eating, physical activity, rational decision making and relaxation. The program found that a secondary benefit of the program is the interaction and mutual support that the workshop fosters between prisoners. Building upon the success of CDSME at this site, Senior Connections (the AAA in in Richmond, VA) also began offering CDSME at a prison in its service area.

Figure 7.2 Virginia Department of corrections seal. Image in the Public Domain.

Since the workshops began, 37 workshops have been held in five correctional centers from south west to north central Virginia. Approximately 479 offenders have attended these sessions, with 368 inmates completing the workshops (a 77 percent retention rate). The Virginia Department of Corrections Director Harold Clark has stated, “This program helps offenders with chronic conditions take charge of their own well-being, contributing to better health outcomes while they’re incarcerated and successful reentry into their communities when they’re released.” A participant in the program stated, “The lessons you all have taught me will last a lifetime.” Based on the program’s early success, the effort was expanded to other prisons through partnership with additional AAAs.

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7.4: Common Factors of Successful Prison and Reentry Programs

The poll and follow-up interviews reveal opportunities for engaging AAAs in supporting older inmates or those being released in the near future. The most important factor contributing to a successful initiative is a relationship between the AAA and the criminal justice system, whether it is a relationship with the local jail or prison in the AAA service area, a relationship with the local parole or probation department, or a contact at the state Department of Corrections. In instances where the jail or prison was not receptive to a partnership, implementing services in the jail or prison ultimately proved unrealistic. In many instances, partners in the criminal justice system (jail, prison, parole, probation, etc.) have recognized the limitations of the services they are able to provide and welcomed the partnership.

An additional predictor of a successful program is when the AAA and correctional system partner are housed within the same county, city government or Council of Governments structure. Having these departments housed under one institution facilitates coordination and communication. For example, the Schuyler County Office on Aging in New York is located in proximity to the probation and parole departments, as both are part of county government.

In Arlington, Virginia, the AAA and the local jail are also part of the same county government structure. Finally, securing buy-in from both staff and community members is essential. Programs benefit from staff who are willing to learn about the needs of older prisoners, and, at times, expand work scopes to accommodate a new initiative. In general, AAAs reported being pleased with support from the community to provide services to older prisoners and recently released individuals and shared that securing this support is another significant contributor to success.

Three Elements to Successful Reentry Programs for Inmates

1. Start early

Until recently, the focus of organizations and government agencies has been predominantly on release programs, while ignoring the significance of pre-release programs. The Federal Bureau of Prisons philosophy states, "release preparation begins the first day of incarceration, and focus on release preparation intensifies at least 18 months prior to release."

Successful reentry programs for inmates rely on more than just helping ex-offenders find jobs; it also requires helping offenders change their attitudes and beliefs about crime, addressing mental health issues, offering educational opportunities and job training, providing mentoring, and connecting them with community resources. Consideration should be given to providing most, if not all, of these things before a person’s release date.

2. Clients, not criminals

When some government agencies and social service organizations see "offenders", they can present a one-size fits all approach that ends up fitting no one. However, the Council for State Governments Justice Center suggests that employment programs need to move beyond traditional services. Instead, they recommend addressing individuals’ underlying attitudes about crime and work, making them more likely to succeed at getting and keeping jobs and less likely to reoffend. Not all offenders share the same levels of risk and learning how to accurately assess these attributes and deliver customized help is an important element to truly helping people get out of the criminal justice system.

3. Evaluate frameworks

According to the Manpower Demonstration Research Corporation, an organization that works to help improve the lives of low-income people, "There is a growing consensus that reentry strategies should build on a framework known as Risk-Needs-Responsivity (RNR)." The framework helps organizations assess individuals’ risk levels for recidivism and provide appropriate levels of response.

Models like Hawaii's Operation “HOPE” aim to change how we look at probation and post-incarceration monitoring. Since more than half of recidivism is a result of technical violations of parole, this is an important part of the reentry process to examine. By trying new methods, tracking efforts and outcomes, the desire is to move towards a system of reentry programs for inmates that serve their function while minimizing negative side effects.

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7.5: Barriers to Success

Some of the challenges in serving the prison population are the same that affect the Area Agencies on Aging's (AAA) ability to serve the broader aging community. Lack of funding and staff resources are pervasive challenges for AAAs, no matter the population served. As the aging population has continued to grow, 75 percent of AAA budgets have remained flat or decreased over the last two years. AAAs find it difficult to expand programming to address the needs of new populations while existing programs, such as nutrition, transportation, case management and caregiver programs, are already stretched to the limit. For AAAs serving the older prisoner population, there is often more demand than they can handle, resulting in a need to triage their efforts and develop partnerships when possible.

AAAs would benefit from having efficient and effective tools to track aging prisoner program information to demonstrate the impact of their services. For CDSME programs, having data on how the program improves health outcomes (measuring weight, blood pressure and cholesterol) would be beneficial. For reentry programs, having data on the correlation between connecting recently released individuals to necessary services (such as transportation, housing and employment) and the impact on recidivism, would substantiate the need for these programs. Having the systems in place to track outcomes would underscore the importance of the AAA interventions and may serve to enhance collaboration with the correctional system. While tracking outcomes is important, it has also been necessary for AAAs to establish metrics prior to beginning a program to make the case and secure buy-in from key stakeholders. Some AAAs have struggled to secure data from prison and jail partners, such as the numbers of prisoners who plan to return home to the AAA service area after their discharge.

Some AAAs have found challenges with engaging the correctional system in these programs. While some correctional facilities have been very receptive to partnerships and see the value in providing aging-related services in jails or prisons, others have been reluctant to partner with external organizations. Further education on the unique needs and challenges faced by the aging prison population with criminal justice stakeholders would be beneficial.

An additional challenge that AAAs face in serving this population is overcoming established biases toward this demographic. When core programs are already stretched, stakeholders may question whether inmates or recently released individuals are as deserving of support as those who have not been convicted of crimes. On the other hand, some aging prisoners may have a bias against “the system” and have reservations about using a government-funded program when they feel that the system has not always served their best interests. One example of this type of bias can be seen in the DC reentry program, which was focused on employment. As part of the assessment to ensure clients are matched with the most appropriate resources, questions about mental health and addiction are raised. The DC program found that individuals did not always feel comfortable disclosing this type of information, resulting in employment placements that did not align with the needs or abilities of the individual being served.

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7.6: Female Prisoners

Incarcerated women pose is significant difference from incarcerated men. The primary concern is that often times, women are the prime caretaker for children. When they are incarcerated, who cares for the children left behind? This may mean the children must be cared for by the father or extended family members, but this is not always possible, and the children may end up in foster care. To compound this problem, there are fewer female prisons, so they are farther away from their children making visits difficult if not impossible. These issues can have significant impact on the growth and development for the children and women. It can also make the reunification problem difficult.

Another issue for female prisoners is they may be pregnant or have other significant medical issues during incarceration. What happens to the child upon delivery is a significant concern for incarcerated females. They may be unsure of long-term care for the newborn or how to cope with the separation immediately after birth. This can contribute to significant psychological issues for the female prisoner and could affect behavior and treatment.

More and more institutions are recognizing these concerns for female prisoners and started unique programs to address these issues. For example, the State of California has developed the Community Prisoner Mother Program:

The Community Prisoner Mother Program (CPMP) is a community substance abuse treatment program where non-serious, nonviolent female offenders may serve a sentence up to six years. The CPMP has been in existence since 1985 and is mandated by Penal Code (PC) Section 3410. Women are placed in the program from any of the female institutions. Pursuant to PC 3410, program eligibility requires that the female offender have up to two children less than six years of age, have no active felony holds, nor any prior escapes. The female offender must sign a voluntary placement agreement to enter the program, followed by three years of parole. The CPMP facilities are not the property of CDCR, and a private contractor provides program services at our Pomona facility. The treatment program addresses substance issues, emotional functioning, self-esteem, parenting skills, and employment skills.

Figure 7.3 Female Inmate Education Class. Photo by CoreCivic. Image is under a CC.By 2.0 license.

Basic Program Components of the CPMP

- Pregnant and/or parenting mothers and their children under six years of age are provided programs and support services to assist in developing the skills necessary to become a functioning, self-sufficient family that positively contributes to society.
- Individual Treatment Plans are developed for both the mother and child to foster development and personal growth. Program services focus on trauma-informed substance abuse prevention, parenting and educational skills.
- The program provides a safe, stable, and stimulating environment for both the mother and the child, utilizing the least restrictive alternative to incarceration consistent with the needs for public safety.
- Program goals facilitate the mother/child bond, reunite the family, enhance community reintegration, foster successful independent living, and enhance self-reliance and self-esteem. The resultant mission is to break the inter-generational chain of crime and social services dependency.

The primary focus of the CPMP is to reunite mothers with their child(ren) and re-integrate them back into society as productive citizens by (a) providing a safe, stable, wholesome and stimulating environment, (b) establishing stability in the parent-child relationship and providing the opportunity for in-mate mothers to bond with their children and strengthen the family unit. Specific goals are:

1. To **PROMOTE** community reintegration, independent living and self-reliance;
2. To **REDUCE** the use of alcohol and drugs, involvement in criminal behavior, the rate of recidivism, Factors which result in trauma to children of incarcerated parents and ultimately long-term costs to the state;
3. To **INCREASE** parenting skills, emotional stability, and educational and vocational opportunities;
4. To **ADDRESS** substance abuse issues, behavioral and psychological factors which impact emotional stability, self-esteem, self-reliance, parent-child relationship and appropriate child development;
5. To **PROVIDE** pre-release planning, employment skills, educational, vocational and parenting skills. (CDCR Website)

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7.7: California Rehabilitative Reform

In 2004, the State of California began a massive reorganization of their prison system. California was suffering from massive prison overcrowding and there was massive pressure from both inside the system and from the Court. After decades of incapacitation, the Department of Corrections shifted its focus to rehabilitation. However, this time it was going to be measurable and effective by offering evidence-based treatment programs designed to reduce recidivism. Recidivism – returning offenders to custody after a violation or commission of a crime – was one of the biggest factors in the rising prison population. Prisons had become a revolving door with about 43% of released offenders being returned to custody within three years. Something had to change.

One of the first things the California Department of Corrections (CDC) did was to change their name to California Department of Corrections and Rehabilitation (CDCR). This change was to identify their focus was moving to not just incarceration but to focus on rehabilitation. Their mission was to return to the community offenders who could become productive and valuable members of the community. They did this by overhauling their system, adding education programs, job training, effective substance abuse treatment programs, cognitive behavior programs, and re-entry programs to improve the outcomes upon release. Massive overhaul of the California Youth Authority also occurred during this time. (To be discussed in Chapter 8).

California Enacts Major Change with Division of Addiction and Recovery Services (DARS)

Two significant events occurred between May and September 2007. In May 2007, Governor Arnold Schwarzenegger signed landmark legislation, the Public Safety and Offender Rehabilitation Services Act of 2007 (AB 900). This statute fundamentally changes California's correctional system by focusing on rehabilitative programming for offenders as a direct way to improve public safety upon return of inmates to their communities. In September 2007, the Undersecretary of Adult Programs was 5 appointed, overseeing the DARS, Education and Vocation; Community Partnerships; Correctional Health Care Services; Victim & Survivor Rights and Services; and Prison Industry Authority.

Assembly Bill (AB) 900 is a major effort to reform California's prison system by reducing prison overcrowding and increasing rehabilitative programming. DARS has responsibility for two of thirteen benchmarks established by AB 900 that must be met prior to the release of funds for construction projects outlined in the bill.

They are:

1.) At least 2,000 substance abuse treatment slots have been established with aftercare in the community. (The bill requires a total of 4,000 new in-prison substance abuse treatment slots with aftercare in the community overall), and

2.) Prison institutional drug treatment slots have averaged at least 75 percent participation over the previous six months.

DARS met the benchmark to add 2,000 in-prison substance abuse slots with aftercare in the community on December 30, 2008. At that point, all of the new programs were operational, and inmates were participating in treatment. DARS added approximately 55,000 square feet of new programming space to five institutions and one community correctional facility. In addition, between April 2007 and December 2008, the Department expanded community care participation by 2,960 treatment slots. This is a 119 percent growth in community care participation from 2,498 in April 2007 to 5,458 participants in December 2008.

In March 1, 2009, DARS began piloting the Interim Computerized Attendance Tracking System (ICATS) at Solano and Folsom State Prisons to monitor in-prison substance abuse program utilization. This system will be implemented at all in-prison substance abuse programs to ensure that substance abuse treatment program utilization is captured and sustained at 75 percent or above. In June 2007, the Expert Panel recommended the California Logic Model as this state's approach to integrating evidence-based principles into its rehabilitation programming. (See Appendix A, page 60). The Governor's Rehabilitation Strike Team provided guidelines on how to implement the Expert Panel recommendations.

DARS has been challenged to provide quality evidence-based rehabilitative treatment programs aligned with the California Logic Model. This rehabilitation programming implements programs based on inmate risk to recidivate and assessment of individual needs that will better prepare offenders for successful community reentry and reintegration. The Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) and CDCR's Addiction Severity Index (ASI) assessment tools will guide CDCR in placing the right offender in the right program at the right time.

DARS is continuing to develop programs that address the substance use disorder needs of its inmate population. Today, DARS delivers a redesigned program model that is trauma-informed, gender-responsive and includes standards and measures. In addition to the current modified Therapeutic Community, Cognitive Behavioral 6 Treatment and Psycho-Educational Treatment models are being included to better address the needs of offenders. Currently, DARS manages more than 12,000 substance abuse treatment slots in 44 programs at 21 institutions. In addition, as of the June 30, 2008, 5,503 parolees participated daily in community-based Substance Abuse Treatment, or "continuing care" programs, throughout the State. DARS achieved major milestones in CDCR's mission to strengthen substance abuse recovery programs, to reduce recidivism, and to increase public safety.

Return-to-prison rates are significantly reduced for offenders completing in-prison and community-based substance abuse treatment programs

The utility of corrections-based treatment for substance abusing offenders has spurred both research and debate this decade. The Prison Journal contains reports on the nation's three largest prison-based treatment studies. These studies, being conducted in California, Delaware, and Texas, offer further evidence that substance abuse treatment for appropriate correctional populations can work when adequate attention is given to engagement, motivation, and aftercare. 1 Corrections-based treatment policy should emphasize a continuum of care model (from institution to community) with high quality programs and services. 2 1 (Simpson, D.D., Wexler, H.K., & Inciardi, J.A. (Eds.) (September/December, 1999). Special issue on drug treatment outcomes for correctional settings, parts 1 & 2. The Prison Journal, 79 (3/4). 2 (Hiller, M. L., Knight, K., & Simpson, D. D. (1999). Prison-based substance abuse treatment, residential aftercare and recidivism. Addiction, 94(6), 833-842. DARS' multi-year commitment to linking inmates who have completed in-prison substance abuse programs with community-based substance abuse treatment programs is proving to be a successful combination. The most recent data which followed offenders who paroled in 2005-06 for a one-year and a two-year period demonstrates that the recidivism rate was reduced for offenders who completed in-prison substance abuse treatment programs – with a more substantial reduction in recidivism for offenders completing in-prison followed by community-based substance abuse treatment programs.

Recidivism, or return-to-prison, is defined as a paroled offender returning to prison for any reason during a specified time period. This includes offenders who are returned to Substance-Abuse Treatment-Control Units in correctional facilities; returned pending a revocation hearing by the Board of Parole Hearings on charges of violating the conditions of parole; returned to custody for parole violations to serve revocation time; or returned to custody by a court for a new felony conviction.

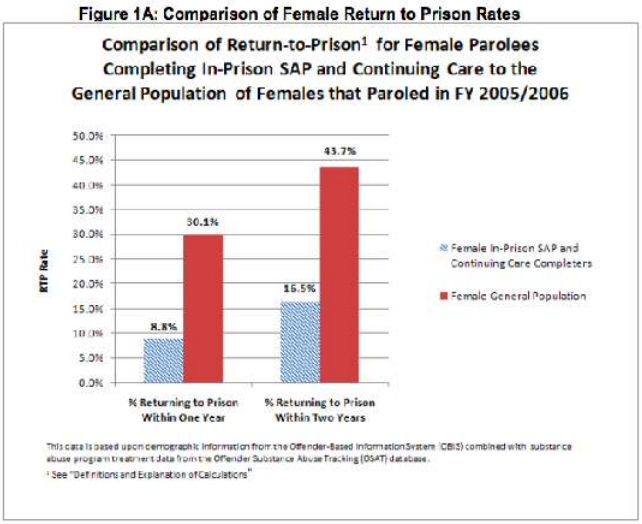

Figure 7.3 Demonstrated a lower return-to-prison rate for female offenders who completed both in-prison and community-based substance abuse treatment in Fiscal Year (FY) 2005-06 (8.8 percent after one year and 16.5 percent after two years) as compared to the return-to-prison rate for all CDCR female offenders (30.1 percent after one year and 43.7 after two years).

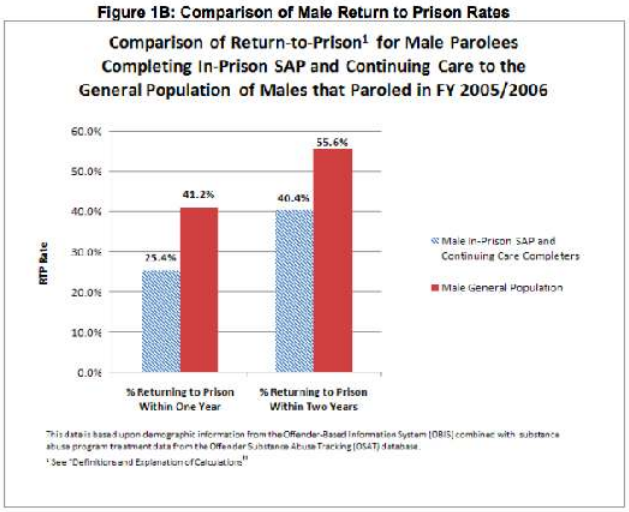

Figure 7.4 Demonstrated a lower return-to-prison rate for male offenders who completed both in-prison and community-based substance abuse treatment in FY 2005-06 (25.4 percent after one year and 40.4 percent after two years) as compared to the return-to-prison rate for all CDCR male offenders (41.2 percent after one year and 55.6 percent after two years).

EVIDENCE-BASED REHABILITATION REFORMS

Implemented historic evidence-based rehabilitation reforms

During FY 2007-08, DARS also played a major role in historic reforms to bring evidence-based rehabilitation to California's correctional system. These reforms use evidence-based rehabilitation – academic, vocational, substance abuse and other programs – to help offenders succeed when they return to their communities and reduce the State's recidivism rate. The major principles of evidence-based programs include: research-based risk and needs assessments, targeting of criminogenic needs, skills-oriented, responsivity to an individual's unique characteristics, program intensity (dosage), continuity of care, and ongoing monitoring and evaluation. To integrate these evidence-based principles, DARS:

- Demonstrated that the national research which states that in-prison substance abuse treatment followed by community-based aftercare reduces recidivism.
- Integrated evidence-based treatment services in DARS' treatment model. DARS solicited input for its treatment model from experts in the field including the CDCR Expert Panel, the DARS Treatment Advisory Committee and outside evaluators. This treatment design now includes Cognitive Behavioral Treatment and Psycho-Educational Interventions as well as the modified Therapeutic Community model. DARS in-prison substance abuse provider contracts now include the requirement that programs offer all of these models. Also included in this expanded treatment model is individualized treatment planning based on risk and needs assessment from COMPAS as an initial screening tool and the ASI as a secondary assessment instrument.
- Implemented recommendations in "The Master Plan for Female Offenders: A Blueprint for Gender-Responsive Rehabilitation 2008" from the Division of Adult Institutions' Female Offender Programs and Services (FOPS) office, and national experts including Barbara Bloom, Ph.D., Stephanie Covington, Ph.D., Barbara Owen, Ph.D., Nena Messina, Ph.D. and Christine Grella, Ph.D. These recommendations have informed CDCR's approach to providing Gender Responsive and Trauma-Informed Treatment for female offenders.
- Opened the first-of-its-kind Trauma-Informed Gender-Responsive substance abuse treatment program for female offenders at Leo Chesney Community Correctional Facility. This program was implemented in collaboration with CDCR's FOPS Division. This evidence-based model will be included in all AB 900 slots being added at Central California Women's Facility and Valley State Prison for Women.
- Participated in launching a pilot project at California State Prison, Solano, to implement and assess the effectiveness of DARS' expanded treatment model, which includes science-based risk and needs assessment tools, risk-needs responsive treatment services and integrated treatment services. Placement of inmates is based on their risk to reoffend and their need for rehabilitative programs. CDCR is initially targeting offenders with a moderate to high risk to reoffend for placement in

intensive rehabilitation programs that include substance abuse, vocation and education, anger management, and criminal thinking.

New Evidence-Based Rehabilitation Treatment Model

The goal of evidence-based rehabilitation is to reduce recidivism by implementing the five principles of effective intervention:

- Risk Principle: Target high-risk offenders
- Need Principle: Treat risk factors associated with offending behavior
- Treatment Principle: Employ evidence-based treatment approaches
- Responsivity Principle: Tailor treatments to meet special needs
- Fidelity Principle: Monitor implementation, quality, and treatment fidelity

Substance Abuse Programs represent one of several core offender rehabilitation program areas that also include: Education; Vocation; Criminal Thinking, Behaviors and Associations; and Anger, Hostility and Violence Management. Integrated service delivery fosters rehabilitation by incorporating various types of treatment that correspond to each individual's unique needs, instead of a standard set of services. Practitioners within the fields of education, vocation, substance abuse treatment, and mental health will collaborate to design individualized treatment plans and analyze and monitor the overall impact of all treatment services for each individual.

All in-prison adult programs are being aligned with the California Logic Model.

The California Logic Model is a detailed, sequential description of how California will apply evidence-based principles and practices and effectively deliver a core set of rehabilitation programs. Research shows that to achieve positive outcomes, correctional agencies must provide rehabilitative programs to the right inmate at the right time and in a manner consistent with evidence-based programming design. The Logic Model includes the following eight components:

1) Assess High Risk

2) Assess Needs

3) Develop Behavior Management Plan

4) Deliver Programs

5) Measure Progress

6) Prep for Re-entry

7) Reintegrate

8) Follow-Up.

DARS provides coordinated services for inmates and parolees by working with partners in statewide law enforcement, health, and social services communities. It provides broad-based substance abuse treatment programs in correctional facilities that include transitional programs preparing inmates for release on parole, and community-based substance abuse treatment programs. Community-based organizations and state and local governmental agencies are assisting DARS in carrying out its mission. Community-based substance abuse treatment contractors provide most of the services for DARS inmates and parolee offender participants.

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CHAPTER OVERVIEW

8: Juvenile Corrections

Key Terms:

State vs. Local Detention	Dependent vs. Ward
Status offender	Delinquency Code
Dual Status	Juvenile Constitutional Protections
Foster Care	Specialized Care
Arresting juveniles	Detention
Boot Camps	Impact of institutionalization

8.1: Juvenile Detention
8.2: Federal Juvenile Delinquency Code
8.3: Constitutional Protections Afforded Juveniles
8.4: Arresting Juveniles
8.5: Status Offender
8.6: Dual Status / Dependency vs Delinquency
8.7: Foster Home Placement
8.8: Special care placement
8.9: Foster Homes

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8.1: Juvenile Detention

Many jails temporarily detain juveniles pending transfer to juvenile authorities.

Recent research by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) shows that the trend in juvenile incarceration is toward lower numbers and a move toward local facilities. The juvenile offender population dropped 14% from 2010 to 2012, to the lowest number since 1975. In the March 2015 report, it was noted that for the first time since 2000, more offenders were in local facilities than were in state operated facilities.

The degree of security present in juvenile facilities tends to vary widely between jurisdictions. An important measure of security used in OJJDP reports is locking youth in "sleeping rooms." Recent data indicates that public agencies are far more likely to lock juveniles in their sleeping quarters at least some of the time. A majority of state agencies (61%) reported engaging in this practice, while only a relatively small number (11%) of private agencies reported this practice. More than half of all facilities reported that they had one or more confinement features in addition to locking juveniles in their sleeping room (which usually happens at night). These security features usually consist of locked doors and gates designed to keep juveniles within the facility.

Unlike adult jails, juvenile detention takes place in a variety of different environments. According to the OJJDP study, the most common type of facility were facilities that considered themselves to be "residential treatment centers," followed by those that considered themselves to be "detention centers." The classifications of "group home," "training school," "shelter," "wilderness camp," and "diagnostic center" are also used. Group homes and shelters tended to be privately owned, and detention centers tended to be state run facilities.

Figure 8.1. Camp Erwin Owen, located in Kernville, California, was founded in 1938. This non-secure juvenile forestry camp houses 125 wards between the ages of 14 and 18 committed by the Juvenile Court. Camp Erwin Owen by Tabitha Raber is used under a CC BY 4.0 license.

Federal Level

Nearly two-thirds of all youth arrested are referred to a court with juvenile jurisdiction for further processing. Juvenile Offenders and Victims: A National Report, National Center for Juvenile Justice (August, 1995). Cases that progress through the system may result in adjudication and court-ordered supervision or out-of-home placement or may result in transfer for criminal (adult) prosecution. Id. Over the five-year period from 1988 through 1992, the juvenile courts saw a disproportional increase in violent offense cases and weapon law violations. Id.

Many gang members and other violent offenders are under the age of eighteen when they commit criminal acts. Therefore, under 18 U.S.C.A. § 5031, these offenders are classified as "juveniles" for purposes of federal prosecution. Federal crimes committed by the juveniles which would be crimes if committed by an adult or violations of 18 U.S.C.A. § 922(x) are classified as acts of "juvenile delinquency." Gang members are treated as adults for federal criminal prosecutions if they have attained their eighteenth birthday when they commit federal crimes.

At common law, one accused of a crime was treated essentially the same whether he was an infant or an adult. It was presumed that a person under the age of seven could not entertain criminal intent and thus was incapable of committing a crime. [Allen v. United States, 150 U.S. 551, 14 S. Ct. 196, 37 L. Ed. 1179 (1893).] One between the ages of seven and fourteen was presumed incapable of entertaining criminal intent but such presumption was rebuttable. Id. A person fourteen years of age and older was prima facie capable of committing crime. Id.

Prior to 1938, there was no federal legislation providing for special treatment for juveniles. In 1938, the Federal Juvenile Delinquency Act was passed with the essential purpose of keeping juveniles apart from adult criminals. The original legislation provided juveniles with certain important rights including the right not to be sentenced to a term beyond the age of twenty-one. This early law also provided that an individual could be prosecuted as a juvenile delinquent only if the Attorney General in his discretion so directed. The 1938 Act gave the Attorney General the option to proceed against juvenile offenders as adults or as delinquents except with regard to those allegedly committing offenses punishable by death or life imprisonment. The Juvenile Delinquency Act was amended in 1948, with few substantive changes.

In 1974, Congress adopted the Juvenile Justice and Delinquency Prevention Act (hereinafter referred to as "the Act"). Its stated purpose was "to provide basic procedural rights for juveniles who came under federal jurisdiction and to bring federal procedures up to the standards set by various model acts, many state codes and court decisions". (S. Rep. No. 1011, 93 Cong., 2d Sess., reprinted in 1974 U.S.C.C.A.N. 5283, 5284.) The purpose of the Act is to remove juveniles from the ordinary criminal process to avoid the stigma of a prior criminal conviction and to encourage treatment and rehabilitation. [United States v. One Juvenile Male, 40 F.3d 841, 844 (6th Cir. 1994).] This purpose, however, must be balanced against the need to protect the public from violent offenders. Id. The intent of federal laws concerning juveniles are to help ensure that state and local authorities would deal with juvenile offenders whenever possible, keeping juveniles away from the less appropriate federal channels since Congress' desire to channel juveniles into state and local treatment programs is clearly intended in the legislative history of 18 U.S.C.A. § 5032. [United States v. Juvenile Male, 864 F. 2d 641, 644 (9th Cir. 1988).] Referral to the state courts should always be observed except in the most severe of cases. [United States v. Juvenile, 599 F. Supp. 1126, 1130 (D. Or. 1984).]

Title 21, United States Code, Section 860, provides enhanced criminal penalties for those who illegally distribute, possess with intent to distribute, or manufacture a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility. The statute also provides a mandatory minimum imprisonment term of not less than one year for violators. [21 U.S.C.A. § 860(a) (West Supp. 1995).] There are additional enhancements for repeat offenders. [21 U.S.C.A. § 860(b) (West Supp. 1995).]

It is a federal offense to possess a firearm in a school zone. 18 U.S.C.A. § 922(g) (West Supp. 1995). However, the Supreme Court ruled the Gun-Free School Zone Act was unconstitutional as exceeding Congress' commerce clause authority in [United States v. Lopez, U.S. , 115 S.Ct. 1624, L. Ed.2d (1995).] Prior to this decision, Congress amended Section 922(g) by expressly stating in the statute the national need to regulate firearms around schools and its nexus to commerce. [18 U.S.C.A. § 922(g)(1) (West Supp. 1995).] Whether this change will accommodate the ruling made the basis for the Lopez decision is yet to be finally determined.

8.1: Juvenile Detention is shared under a CC BY 4.0 license and was authored, remixed, and/or curated by LibreTexts.

8.2: Federal Juvenile Delinquency Code

The Federal Government often provides guidance and foundation on governance for the states. They provide the guidelines for how to will manage certain processes and then allow the states to determine what best suits their unique populace. States are allowed to create laws, ordinances, and judicial practices as long as they do not violate a citizen's Constitutional rights. Juvenile processes and procedures are no different than many other areas in the criminal justice system where the Federal Government provides guidance with allowance for adjustments. In this section, we examine the Federal Juvenile Delinquency Code.

Before prosecuting juvenile delinquent conduct, a thorough reading of Chapter 403 of Title 18, United States Code (18 U.S.C.A. §§ 5031-42), should be made. This chapter, codified from the Act, applies to any individual who commits a federal criminal violation prior to his eighteenth birthday. The Act applies to illegal aliens as well as to American citizens. *United States v. Doe*, 701 F. 2d 819, 822 (9th Cir. 1983). The United States Attorneys' Manual, Title 9-8.000, provides some guidance on prosecuting those committing acts of juvenile delinquency.

Some terms need to be understood when referring to the Act. "Juvenile delinquency" means a federal criminal violation committed prior to one's eighteenth birthday. "Juvenile" means a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under the Act for an alleged act of juvenile delinquency, one who has not attained his twenty-first birthday. "Certification"|B250 is the document filed by the United States Attorney which confirms to the court that delinquency proceedings in federal court are authorized.

A person who commits a crime while aged eighteen or older may not be tried under the Act but must be proceeded against as an adult. [United States v. Smith, 675 F. Supp. 307, 312 (E.D.N.C. 1987).] A person older than twenty-one may, in some situations, be proceeded against as an adult for committing an act of juvenile delinquency. A defendant who commits an act of juvenile delinquency but is not indicted until after he turns twenty-one years of age, is not entitled to protection of the Act and must be prosecuted as an adult. [United States v. Hoo, 825 F. 2d 667, 670 (2d Cir. 1987), cert. denied, 484 U.S. 1035, 108 S. Ct. 742, 98 L. Ed. 2d 777 (1988).] The defendant may have a good objection to an adult charge filed after he turns twenty-one for a prior act of juvenile delinquency, if the delay in prosecuting him causes him substantial prejudice and is an intentional device to gain a tactical advantage. [Id. At 671, citing United States v. Marion, 404 U.S. 307, 92 S. Ct. 455, 30 L. Ed. 2D 468 (1971).]

The Act imparts considerable prosecutorial discretion as to whether an accused will be tried as an adult even though the criminal conduct charged qualifies as an act of juvenile delinquency. [*United States v. Welch*, 15 F. 3d 1202, 1207 (1st Cir.), *cert. Denied*, U.S., 114 S. Ct. 1863, 128 L. Ed. 2d 485 (1994).] The government may bring a motion to transfer|B251 a juvenile defendant to the district court for prosecution as an adult if the juvenile is at least fifteen years of age and the government alleges that the juvenile committed certain enumerated transferrable offenses (e.g., violent crimes or controlled substance violations). [18 U.S.C.A. § 5032 (West Supp. 1995); *Welch*, 15 F. 3d at 1208.] The government may also implement the mandatory transfer|B253 of a juvenile offender who has previously committed certain crimes.

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8.3: Constitutional Protections Afforded Juveniles

The United States Supreme Court has held that in juvenile commitment proceedings, juvenile courts must afford to juvenile's basic constitutional protections, such as advance notice of the charges, the right to counsel, the right to confront and cross-examine adverse witnesses, and the right to remain silent. [In re Gault, 387 U.S. 1, 87 S. Ct. 1428, 18 L. Ed. 2d 527 (1967).] The Supreme Court has extended the search and seizure protections of the Fourth Amendment to juveniles. [New Jersey v. T.L.O., 469 U.S. 325, 333, 105 S. Ct. 733, 738, 83 L. Ed. 2d 720 (1985).] It has also been held that the Fourth Amendment requires that a juvenile arrested without a warrant be provided a probable cause hearing. [Moss v. Weaver, 525 F. 2d 1258, 1259-60 (5th Cir. 1976).] The exclusionary rule also applies to federal delinquency adjudications. [United States v. Doe, 801 F. Supp. 1562, 1567-72 (E.D. Tex. 1992).]

Juveniles are entitled to Fifth Amendment protection against self-incrimination in juvenile proceedings despite the non-criminal nature of those proceedings. [In re Gault, 387 U.S. at 49-50, 87 S. Ct. at 1455-56.] Substance, not form, controls in determining the applicability of the Fifth Amendment to proceedings not labeled criminal. Id. at 49-50, 87 S. Ct. at 1455-56. Since a juvenile defendant's liberty is at stake, the Fifth Amendment applies.

Juveniles are not, however, accorded the full panoply of rights that adult criminal defendants are accorded, such as the right to trial by jury. [McKeiver v. Pennsylvania, 403 U.S. 528, 91 S. Ct. 1976, 29 L. Ed. 2d 647 (1971).] Most of the opinions reason that a jury trial is not required because the Act does not treat alleged juvenile delinquents as alleged criminals, and therefore, the Constitution does not mandate it.

Figure 8.2 Juvenile Justice Center in Kern County. JJC by Tabitha Raber is used under a CC BY 4.0 license.

The McKeiver court stated that, "(t)here is a possibility, at least, that the jury trial, if required..., will remake the juvenile proceeding into a fully adversary process and will put an effective end to what has been the idealistic prospect of an intimate, informal protective proceeding." [403 U.S. at 545, 91 S. Ct. at 1986.] As a result, juvenile courts still process juvenile delinquents in a manner more paternal and diagnostic than that afforded their adult criminal counterparts. [Alexander S. by and through Bowers v. Boyd, 876 F. Supp. 773, 781 (D.S.C. 1995).]

A juvenile is accorded all due process rights at a juvenile hearing which includes the right to contest the value of the evidence offered by the government. [Kent v. United States, 383 U.S. 541, 563, 86 S. Ct. 1045, 1058, 16 L. Ed. 2d 84 (1966).] Although juvenile adjudications are adjudications of status rather than criminal liability, the government must still prove beyond a reasonable doubt that a juvenile is a delinquent. [In re Winship, 397 U.S. 358, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970).]

Proceedings for adjudication of a juvenile as a delinquent shall be in district court. [18 U.S.C.A. § 5032 (West Supp. 1995).] The court may convene at any time and place within the district, in chambers or otherwise, to take up the proceedings of juvenile delinquency. A juvenile may consent to having a magistrate judge preside over cases involving a Class B or C misdemeanor, or an infraction. [18 U.S.C.A. § 3401(g) (West Supp. 1995).] There is a certain advantage to the juvenile in exercising this option since a magistrate judge cannot impose a term of imprisonment in these situations. Id. Proceedings in misdemeanor cases can be ordered to

be conducted before a district judge rather than a magistrate judge by the court's own motion or upon petition with good cause by the United States Attorney. [18 U.S.C.A. § 3401(f) (West 1985).]

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8.4: Arresting Juveniles

Whenever a juvenile is arrested for an act of juvenile delinquency, he must immediately be advised of his legal rights. [18 U.S.C.A. § 5033 (West 1985).] The Attorney General (United States Attorney) shall be notified. Id. The juvenile's parents, guardian or custodian must also be immediately notified of his arrest as well as his rights and of the nature of the alleged offense. This requirement is not invoked when a juvenile is arrested and placed into administrative detention, but rather is initiated by the juvenile's placement into custody after the filing of an information alleging delinquent conduct. [United States v. Juvenile Male, 74 F.3d 526, 530 (4th Cir. 1996).] Notification made after a statement has been given or made without spelling out the juvenile's right to notify a responsible adult cannot satisfy the statutory mandate. [United States v. Nash, 620 F. Supp. 1439, 1442-43 (S.D.N.Y. 1985).]

Figure 8.3 USMS-Omaha-2 by the Omaha Police Department.is used under a CC BY 2.0 license.

If the juvenile is an alien, a reasonable effort must be made to reach his parents, and if not feasible, prompt notice to his country's Consulate should be made. [United States v. Doe, 862 F. 2d 776, 780 (9th Cir. 1988).]

Figure 8.4 James G. Bowles Juvenile Hall is operated 24 hours a day, 365 days a year by the Kern County Probation Department as a secure detention facility for minors. JGB Juvenile Hall by Tabitha Raber is used under a CC BY 4.0 license.

Regarding cases of juvenile delinquency, the United States Attorney can proceed in different ways. The case can be referred to state authorities, attempts to adjudicate the juvenile as a delinquent can be made, or the United States Attorney can move to transfer the juvenile for criminal prosecution as an adult.

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8.5: Status Offender

When we look at juvenile crime and detention, we must look at several issues surrounding the unique nature of the juvenile offender. First, we must differentiate between crimes and **status offenses**. Most times when a juvenile is arrested, it is thought they must have committed a crime. However, juveniles historically could be detained (incarcerated) for “status” offenses. These are “crimes” that only juveniles can be arrested for such as curfew violations, truancy or being “incorrigible,” basically not listening to your parent. These petty infractions could get a juvenile locked in a detention facility without even a hearing. Today, this no longer happens, and our guidelines have changed in regard to these offenses. However, it is important to know the history and the reason behind the practice. While status offenses are not serious, they are often precursor to more delinquent behavior.

Figure 8.5 Groundbreaking on Future Detention Home in Richmond Virginia, Dated June 14, 1956. Image is under a CC.By 2.0 license.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) recognized this as a significant issue pertaining to juvenile and provided research into the concern in the following abstract:

Scope of the Problem Status Offending behavior is often a sign of underlying personal, familial, community, and systemic issues, similar to the risk factors that underlie general offending. Sometimes these underlying issues contribute to delinquency later in life, putting youths at a higher risk for drug use, victimization, engagement in risky behavior, and overall increased potential for physical and mental health issues, including addiction (Greenwood and Turner 2011; Chuang and Wells 2010; Buffington, Dierkhising, and Marsh 2010; Henry, Knight, and Thornberry 2012; Mersky, Topitzes, and Reynolds 2012). Ample evidence supports the notion that less serious forms of delinquency often precede the onset of more serious delinquent acts (Huizinga, Loeber, and Thornberry 1995; Elliott, 1994). However, the “precursor to delinquency” view of status offending does not take into account the normal experimentation of childhood and adolescence or the diverse developmental pathways that can lead to serious delinquency (Kelley et al. 1997). Children and adolescents commonly experiment with behaviors that are not considered positive or prosocial, such as lying, being truant, or defying parents. Such experimentation allows youths to discover the negative consequences of their behaviors and learn from their mistakes. Most youths who engage in status and other minor offenses never progress to more serious behaviors (Kelley et al. 1997). States have formulated differing approaches to defining and handling status offenders. The approaches can be broadly divided into three categories: status offenders as delinquents, status offenders as neglected/abused dependents, or status offenders as a separate legislative category. The classification of offense behaviors largely dictates the kind of treatment and services that status offenders are likely to receive. The legal definition of a status offense is critical, as it can impact the treatment and availability of services to a youth in the juvenile justice system (Kendall 2007). Relatively few states define status offenses as delinquent behavior under statute, yet many status offenders end up being treated as de facto delinquents. One such way is through the use of probation as a disposition for status offenders, which is an option in 30 states (Szymanski 2006). Often, status offenders will be placed on probation, only to be later incarcerated as the result of a

technical violation, regardless of whether the status offense was serious enough to initially warrant the use of confinement (Yeide and Cohen 2009).

Impact of Institutionalization: Research is limited with regard to the specific impacts of institutionalization on particular subgroups, such as status offenders. However, researchers have examined the general impact of institutionalization on juvenile offenders and consistently demonstrated that confinement in correctional facilities does not reduce reoffending and may increase it for certain youths (e.g., Lipsey and Cullen 2007). In some cases, status offenders are placed in the same facilities as juveniles who have committed more serious crimes, a practice that may increase deviant attitudes and behaviors among status offenders, such as the development of antisocial perspectives and gang affiliation (Levin and Cohen 2014). Juveniles experiencing confinement are eventually forced to navigate the barriers to reentry in the community, home, and school, which increases the chance of being rearrested and re-incarcerated (Levin and Cohen 2014). Further, research has shown that confinement fails to address underlying causes of status-offending behavior, and thus does not deter youths from committing future crimes (Hughes 2011; Holman and Ziedenberg 2006). Although most youths naturally "age out" of delinquency when social controls are enforced (Sweeten, Piquero, and Steinberg 2013; Tremblay et al. 2004), institutionalization can negate this type of development. When handled as delinquents and placed in juvenile facilities, status offenders may be put into environments that can lead to physical and emotional harm. Institutionalizing juveniles may negatively affect their social development by disrupting their social connectedness and support from family, school, and the community (Hughes 2011). Confinement in a secure environment can increase violent tendencies, exacerbate risk factors, and increase recidivism risk (Holman and Ziedenberg 2006). Studies done on juvenile delinquents show that community-based programming can be more effective than detention in preventing future crime (Hughes 2011; Holman and Ziedenberg 2006; Kendall 2007; Salsich and Trone 2013; Petitclerc et al. 2013). Although status offenders are noncriminal youths, they often possess many risk factors for future offending, which can be exacerbated by formal processing through the juvenile justice system. Research illustrates the need for immediate and efficacious community-based alternatives to help status-offending youths and their families. Strengthening of family relationships, social-control mechanisms, and other protective factors are integral in preventing future criminality among status offenders (Salsich and Trone 2013).

Conclusions - Currently, status-offense laws, terminology, and programs and practices vary widely across states (Hockenberry and Puzzanchera 2014). Some states choose to process juveniles formally through the system, with the idea that harsh treatment of young offenders will deter them from future criminal activity. Conversely, some research has shown that by further entangling young people and children in the juvenile justice system, they become more likely to be involved in a life of crime because of their increased exposure to other criminal peers, the justice system, and the effects of "labeling" (Petrosino et al. 2010). A meta-analysis by Petrosino and colleagues (2010) assessed 27 studies and found a small negative effect for formal system processing of juveniles, meaning that juveniles who were formally processed through the juvenile justice system were more likely to recidivate, compared with youths who were diverted from the system (although the difference was not statistically significant). As a result, more states are exploring alternative strategies to divert status offenders from the juvenile court process altogether (Coalition for Juvenile Justice 2012). Some resources have been developed for jurisdictions looking for specific information about options in the treatment of status-offending youths. For example, through its participation in the MacArthur Foundation's Models for Change Resource Center Partnership, the Status Offense Reform Center (SORC) provides tools and techniques to improve the juvenile justice system in support of the equitable, rational, and effective treatment of status offenders. The SORC, operated by the Vera Institute of Justice (n.d.), serves as an information base for juvenile justice stakeholders and is available to provide information, guidance, and assistance to policymakers and practitioners who are interested in preventing the confinement of status offenders (Salsich and Trone 2013). Jurisdictions can make use of this information to consider options to the processing and treatment of status offenders and ensure that they are deinstitutionalized.

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8.6: Dual Status / Dependency vs Delinquency

It is important to understand the concept of "**dual status**" in juvenile law and detention. It may be shocking to learn that a majority of juvenile "delinquents" entered the juvenile justice system through dependency. As a result of parental abuse, neglect or incarceration, a child can enter the system at any point in their life as a **dependent**. This means their parent can no longer care for them. A majority of dependents are placed with another relative, but not all. Those children often end up in foster homes or group homes.

When a juvenile enters the juvenile justice system as a result of parental neglect or abuse it is called dependency. The area of law that governs how we treat juveniles in California falls under the Welfare and Institutions Code section 300:

Note

ARTICLE 6. Dependent Children—Jurisdiction [300 - 304.7]

(Article 6 added by Stats. 1976, Ch. 1068.)

300.

A child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court.

When we look at juvenile delinquency, these are juveniles that have committed a crime. In juvenile courts, this is called wardship and is also guided by the Welfare and Institutions Codes but falls under section 602 in California.

Note

ARTICLE 14. Wards—Jurisdiction [601 - 608]

(Heading of Article 14 renumbered from Article 5 by Stats. 1976, Ch. 1068.)

602.

Except as provided in Section 707, any person who is under 18 years of age when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

(Amended November 8, 2016, by initiative Proposition 57, Sec. 4.1.)

The concerning part of this distinction is many "juvenile delinquents" who commit crimes began in the juvenile dependency court as a result of abuse or neglect. We refer to these juveniles who fall under both dependency as an abused or neglected child and as a ward after committing a crime as "Dual Status" because they fall under both conditions in the Welfare and Institutions Code.

Note

Pin It! Dual Status

For further research:

- Family and Juvenile Law Advisory Committee: Dual-Status
- Youth Data Standards Working Group
- Podcast on Dual Status

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8.7: Foster Home Placement

Foster care, a part of the state child welfare system designed to protect abused and neglected children, provides a 24-hour state supervised living arrangement for children who need temporary substitute care because of abuse or neglect. The foster care system in California is a state supervised, county administered system. The California Department of Social Services provides oversight to 58 county child welfare agencies that provide direct administration and supervision of children in the foster care system.

Children are most often placed in foster care after they have been removed from their home by a county child welfare agency, and a juvenile court has found their parents cannot care for them. A child who has been declared a “ward” of the court for committing a violation of law may also be placed in foster care if the court finds that returning the child home would be contrary to the child’s welfare.

Overview of the Juvenile Justice System. Every county child welfare agency must maintain a 24-hour response system to receive and investigate reports of suspected child abuse or neglect. Once a call is received, the agency pursuant to the Emergency Response Protocol must determine if the allegations require an in-person investigation and, if so, whether that investigation must be immediate.

Upon completion of the investigation, the agency must determine whether the allegations are substantiated, inconclusive or unfounded. Based on the risk posed to the child, the agency in all three cases may close the case with or without providing the family with referrals to community organizations for services. If the allegations are substantiated or inconclusive, the agency may keep the case open and offer the family voluntary services to remedy and prevent future abuse or neglect without court intervention. Voluntary services include in home emergency services for up to thirty days or family maintenance services for up to 6 months without removing the child, or voluntary foster care placement services for up to 6 months.

If the allegations are substantiated, the agency may seek court intervention and either:

1) Keep the child in the home, file a petition in juvenile court to declare the child dependent, and provide the family with court supervised family maintenance services; or
2) Remove the child from the home and file a petition in juvenile court (within 48 hours of the child’s removal excluding non-judicial days) to declare the child dependent.

Dependency proceedings may also be initiated by any person through an application to the county child welfare agency. The agency must immediately investigate to determine whether a dependency petition should be filed in juvenile court and notify the applicant within three weeks after the application of its filing decision and the reasons for the decision. If the agency fails to file a petition, the applicant may, within one month after the initial application, seek review of the decision by the juvenile court.

If the child is removed from his or her parents’ home, the social worker will file a petition with the juvenile court requesting that the court become involved in the child’s life because the child is alleged to be abused or neglected.9 The parents must be given notice of the removal, a telephone contact for the child, and the date, time and place of the detention hearing upon filing of the petition in juvenile court.10 The child will be placed in a foster care setting until the court determines whether the child should remain in placement or should be returned to the parent’s home.

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8.8: Special care placement

Special Education in Juvenile Delinquency Cases Individual Disability Education Act's (IDEA) comprehensive system of identification, evaluation, service delivery, and review has special relevance for juvenile justice professionals. The purpose of the special education system, like the juvenile justice system, is to provide individualized services designed to meet the needs of a particular youth. The enhanced behavioral intervention and transition service needs requirements in the 1997 IDEA amendments bring special education goals even closer to those of the juvenile court. Moreover, the careful documentation of service needs and ongoing assessment of progress required by IDEA bring valuable informational resources to juvenile justice professionals. This section presents a brief overview of how special education information may be helpful as cases make their way through juvenile court.

Some of the issues discussed, such as insanity or incompetence, arise only occasionally. Others, such as the impact on disposition of whether a child has a disability, are relevant in every case in which a delinquent youth is eligible for special education services.

Figure 8.6 Law enforcement transport juveniles to detention facilities such as this to be booked. Security is a concern and officers must enter through a sally port. This is a secure area where the first door is locked before the second door can be opened into the facility. Booking photo by Tabitha Raber is used under a CC BY 4.0 license.

Intake and Initial Interviews

The short time frame for juvenile court proceedings leaves little room for missed opportunities. Juvenile justice professionals must be alert from the earliest moment for clues to the youth's special education status or existing unidentified disabilities. This process, which should become part of the standard operating procedure, includes carefully interviewing the youth and his or her parents, routinely gathering educational records, procuring examinations by educational and mental health experts, investigating educational services at potential placement facilities, and coordinating juvenile court proceedings with the youth's IEP team.

Under the 1997 IDEA amendments, whenever a school reports a crime allegedly committed by a youth with a disability, school officials must provide copies of the youth's special education and disciplinary records to the appropriate authorities to whom the school reports the crime, but only to the extent that the Family Educational Rights and Privacy Act (FERPA) permits the transmission. FERPA allows school officials to transmit school records to law enforcement officials only if parents' consent in writing to the transmission and in certain other narrowly tailored situations (see 34 C.F.R. § 99.30). This requirement should help ensure that, at least in appropriate school-related cases, special education history, assessments, and service information are readily available early in the court process.

Juvenile justice professionals can learn to recognize disabilities by carefully reading the legal definitions of disability. It is important to understand that youth may have a variety of impairments that are not immediately apparent. Numerous checklists and screening instruments are available to help recognize signs of disabilities and to determine eligibility for special education services (National Council of Juvenile and Family Court Judges, 1991).

If circumstances suggest the need for an eligibility evaluation, modification of a previously existing IEP, or some other exercise of the youth's rights under special education law, juvenile justice professionals should ensure that appropriate action is expeditiously

taken. They should request that parents give written consent for the release of records and should submit a written request for information, evaluation, or review to the LEA.

Juvenile justice professionals could start by contacting the LEA to obtain its policies and procedures for providing special education services to youth in the juvenile justice system. Some districts have designated an individual to deal with compliance issues, and that person may be helpful in expediting or forwarding requests to the right person or agency. Most jurisdictions have a number of other groups that can provide advocacy or other assistance in navigating the special education system. Protection and advocacy offices, special education advocacy groups, learning disabilities associations, and other groups providing support or advocacy for particular disabilities may greatly assist juvenile justice professionals.

Determination of Whether Formal Juvenile Proceedings Should Go Forward

Nothing in IDEA prohibits an agency from "reporting a crime committed by a child with a disability to appropriate authorities" or prevents law enforcement and judicial authorities from "exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability. These provisions, outlined in the 1997 amendments, were made in response to concerns that IDEA's procedural protections could be interpreted to preclude juvenile court jurisdiction over school-related crimes committed by youth with disabilities. In the past, at least one court ruled under State law that a school could not initiate a juvenile court prosecution as a means of evading the procedural requirements of IDEA. Other courts found the juvenile court lacked jurisdiction in cases involving noncriminal school related misconduct in which special education procedures had not been followed.

In at least one case decided after the 1997 amendments, the court confirmed that IDEA does not prevent juvenile courts from exercising jurisdiction over students with disabilities, even if the school is attempting to evade its special education responsibilities. Nonetheless, intake officers and prosecutors should scrutinize whether such evasion has occurred in determining whether a particular case belongs in the juvenile justice system and how it should be processed. Courts and hearing officers have stressed that the school's responsibility to comply with IDEA procedural requirements does not end when a youth with a disability enters the juvenile justice system.

Even if courts have the power to act, that does not mean the power should be exercised in every case. Long before the 1997 IDEA amendments, a number of courts found that the best course was to dismiss the juvenile court case or defer it until special education proceedings stemming from the misbehavior could be completed.

Many juvenile justice professionals have encountered cases in which a youth enters the juvenile justice system for a relatively minor offense and his or her stay escalates into long-term incarceration because of the youth's inability to succeed in programs developed for low-risk delinquent youth. This may happen either because the disability-related behavior makes it difficult for the youth to understand or comply with program demands or because his or her behavior is misinterpreted as showing a poor attitude, lack of remorse, or disrespect for authority.

If the juvenile court petition involves a youth with an identified or suspected disability, juvenile justice professionals should first consider whether school-based special education proceedings could provide services or other interventions that would obviate the need for juvenile court proceedings. This is particularly true for incidents occurring at school. The 1997 IDEA amendments require thorough scrutiny of behavioral needs and implementation of appropriate interventions that may far exceed what most juvenile courts are able to provide. In appropriate cases, the juvenile court may wish to consider:

- Continuing or deferring the formal prosecution pending the outcome of special education due process and disciplinary proceedings that may alleviate the need for juvenile court intervention.
- Placing first-time offenders and/or youth alleged to have committed offenses that are not considered too serious for informal handling into diversion or informal supervision programs. Through such programs, the court imposes specific conditions on the youth's behavior, such as regular school attendance, participation in counseling, observation of specified curfews, or involvement in community service programs. If the youth successfully complies with these conditions, the case is dismissed at the end of a specified period—usually 6 months to 1 year. Allowing the youth to remain in the community, subject to such conditions, may facilitate the completion of special education proceedings while ensuring heightened supervision of the youth. Through IEP development or modification, the youth might be determined eligible for services that supplant the need for formal juvenile court proceedings.

- Dismissing the case in the interest of justice. This option should be considered in cases in which the disability is so severe that it may be difficult or impossible for the youth to comply with court orders. This may occur, for example, if the offense is relatively minor; the youth suffers from mental illness, emotional disturbance, or mental retardation; and/ or services are forthcoming through the special education system.

Note

Think about it . . . Mental health treatment

Many young people in South Carolina have better access to mental health care in juvenile jail than they do outside the fence, back in their own communities. Read these personal interviews of youth in the system in treatment centers. Do you think this approach to treating juvenile delinquents with mental illness instead of jailing them is effective? Why or why not?

Detention

Youth taken into secure custody at the time of arrest are entitled to judicial review of the detention decision within a statutory time period. Depending on the jurisdiction and characteristics of the case, the length of detention may range from several hours to several months. Many professionals view the detention decision as the most significant point in a case. Detention subjects the youth to potential physical and emotional harm. It also restricts the youth's ability to assist in his or her defense and to demonstrate an ability to act appropriately in the community.

Unfortunately, youth with disabilities are detained disproportionately (Leone et al., 1995). Experts posit that one reason for this is that many youths with disabilities lack the communication and social skills to make a good presentation to arresting officers or intake probation officers. Behavior interpreted as hostile, impulsive, unconcerned, or otherwise inappropriate may reflect the youth's disability. This is another reason why it is important to establish the existence of special education needs or suspected disabilities early in the proceedings. Juvenile justice professionals must be sensitive to the impact of disabilities on case presentation at this initial stage and work to dispel inaccurate first impressions at the detention hearing.

In some cases, it may be appropriate for the court to order the youth's release to avoid disrupting special education services. This is particularly true if adjustments in supervision (e.g., modification of the IEP or behavioral intervention plans) may reduce the likelihood of further misbehavior pending the jurisdictional hearing. Similarly, if there are early indications that a special education evaluation is needed, it may be important for the youth to remain in the community to facilitate the evaluation. Many jurisdictions have home detention programs that facilitate this type of release by imposing curfews or other restrictions on liberty that allow the youth to live at home and attend school pending the outcome of the delinquency proceedings.

Education

Education may be the single most important service the juvenile justice system can offer young offenders in its efforts to rehabilitate them and equip them for success. School success alone may not stop delinquency, but without it, troubled youth have a much harder time (Beyer, Opalack, and Puritz, 1988). When special education needs are evident, they should be an essential part of the social study report prepared by the probation department to guide the court in making its disposition order. Moreover, juvenile justice professionals should coordinate disposition planning with education professionals to avoid conflict and to take advantage of the rich evaluation resources and services available through IDEA.

The resulting disposition order should reflect the court's review of special education evaluations and the goals, objectives, and services to be provided under the IEP. If the youth is to be placed out of the home, the court should demand specific assurance that the facility will meet the youth's educational needs under IDEA. The juvenile court should also use its disposition powers to ensure special education evaluation and placement for previously unidentified youth who show indications of having a disability.

In deciding whether or where to place a youth with a disability, it is also important for the court to understand the impact of the disability on behavior. Youth with attention deficit disorder (ADD), for example, commonly act impulsively, fail to anticipate consequences, engage in dangerous activities, have difficulty with delayed gratification, have a low frustration threshold, and have difficulty listening to or following instructions. They may begin to associate with delinquents or self-medicate through drugs and alcohol because they are rejected by others. Proper medication has a dramatic effect in helping many of these youth control their behavior, and a variety of professionals are skilled in treating ADD in medical, psychiatric, or educational settings (Logan, 1992).

Unless the characteristics of ADD and the existence of effective interventions are recognized, youth with this disability stand a good chance of being treated harshly, often through incarceration, based on the outward manifestations of their disability. Juvenile justice professionals should respond appropriately to evidence of such disabilities by ensuring that appropriate medical, mental health, and other services are provided.

Juvenile justice professionals also must learn to recognize potential problems for youth with certain disabilities in particular settings, so as not to set the youth up for failure. This does not mean that juvenile justice professionals need to become diagnosticians or clinicians. However, they should consult with education, mental health, and medical professionals. It is important to seek professional advice about the kinds of settings in which the youth can function best and the kinds of settings most likely to lead to negative behavior. For example, a youth with an emotional disturbance may not be able to function in the large dormitory setting typical of some institutions. Such youth may feel especially vulnerable because of past physical or sexual abuse or may simply suffer from over stimulation in an open setting. They may require a setting in which external stimuli are reduced to the greatest extent possible and intensive one-on-one supervision is provided. Youth with other disabilities may need programs that minimize isolation and emphasize participation in group activities.

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8.9: Foster Homes

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Figure 8.9.1: Copy and Paste Caption here. (Copyright; author via source)

Learning Objectives

- Objective 1
- Objective 2

Definition: Term

Definition text

Exercise 8.9.1

Why is the sky blue?

Answer

Rayleigh scattering

Exercise 8.9.2

Why is the sky blue?

Answer

Rayleigh scattering

Example 8.9.1

Why is the sky blue?

Solution

Rayleigh scattering

Figure 8.9.1: Paste Caption Here

Figure 8.9.2: Paste Caption Here

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CHAPTER OVERVIEW

9: Special Populations in a Correctional Setting

Key Terms:

LGBTQ Population	Discrimination/Prejudice Issues
Non-citizen populations	Immigration Policy
Criminal Alien Program	Detention and Removal Policy (ICE)
Women in Prison	Aged and Elderly Populations

9.1: LGBTQ Populations

9.2: Non-Citizen Populations

9.3: Women

9.4: Aged and Elderly Populations

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9.1: LGBTQ Populations

Throughout history, prisons have reflected the society they are intended to protect-sometimes the most troubling aspects, sometimes the most difficult and intractable aspects, and often the tensions and conflicts that exist within a society. The present California prison crisis is no different.' The crisis is a product of policy decisions made by the state legislature and the people - including determinate sentencing, the abolishment of discretionary parole, and the three-strikes law - and the popular law-and-order rhetoric of "tough on crime" and the "war on drugs.", The prison crisis is also a reflection of society's attitudes towards prisoners as the focus of programs has shifted away from rehabilitation to deterrence and punishment, and as many in prison go without necessary mental health or medical treatment. Special populations fare no differently in the California prison system.

Their treatment in the criminal justice system generally reflects not only society's view of prisoners, but also mirrors government policies concerning these groups and the discrimination or prejudices that these groups face. This mirroring happens through deliberate actions, as exemplified by the cooperation between county jails and Immigration Customs Enforcement ("ICE"), or through willful ignorance, as illustrated by the prevalent policy of anatomically classifying transgender prisoners for housing purposes with the result being high instances of sexual assault and rape among this population. The criminal justice system is not only a reflection of our society; the system and its policies shape other institutions and the attitudes of the society.

Given time constraints, the conference limited its panel on special populations to three groups: transgender, immigrant, and women prisoners. Thus, this piece is limited accordingly. In discussing these populations, certain commonalities arose. Receipt of appropriate medical care was discussed, including concerns regarding inadequate medical care because of language difficulties and reluctance to provide hormone treatment to transgender individuals. In addition, housing assignments and facilities placement was a shared concern. Given the increased collaboration between the Department of Homeland Security and local and state governments, immigrants face the possibility of out-of-state placement or deportation. Women and transgender individuals are particularly vulnerable to sexual violence in correctional institutions, thus, housing assignment is key in preventing these occurrences. Although this issue has been addressed to a large extent for the non-transgender female population, the transgender population continues to face high risks of violence, and the state is now considering legislation that would ostensibly provide some protection. Of course, there are specific differences among these special populations that arose as well, such as the intersection between the federal and state government policies concerning the immigrant population in prison. In addition, in examining these three populations, it is important to note that there are some prisoners who belong to more than one of these communities and, thus, may face further dangers and difficulties in prison.

Figure 9.1 A rally in Washington, DC in support of the equal health and livelihood of trans people, that included basic information about trans health issues and stories of denied / inappropriate care, as well as hope for the future. Taken March 30, 2013. Image is under a CC.By 2.0 license.

For many decades, the treatment of transgender individuals in prison was largely ignored in California. However, in the past decade, there has been a growing awareness and focus on this issue as illustrated by research studies highlighting the high incidence of sexual assault and rape against transgender prisoners, a series of legal cases against the California Department of Corrections and Rehabilitation ("CDCR"), and recently introduced legislation regarding housing assignments intended to protect transgender prisoners. Although there has been no official count of the number of transgender prisoners within the California correctional system, Alexander Li-Hua Lee, the founder and former Legal Director of the Transgender, Gender Variant, and

Intersex Justice Project and a panelist at the conference, has estimated that there are probably two hundred transgender prisoners and at least another thousand that are gender variant. The incarceration rate among transgender individuals is disproportionately high. A study by the San Francisco Department of Health found that close to two-thirds of male-to female transgender individuals in San Francisco had previously been incarcerated.

The high incarceration rate has been attributed to exclusion of this population from the legal economy, which forces many of its members to turn to illegal activities and thus greatly increases their risk of arrest.

The transgender community is particularly vulnerable to sexual assault and rape within prison. The number of individuals who have been victims of sexual violence in prison is staggering. A recent CDCR study showed that sixty-seven percent of lesbian, gay, bisexual, and transgender ("LGBT") prisoners report having experienced sexual assault - a rate that is fifteen times higher than the rate for overall population.

A CDCR-UC Irvine study revealed that fifty-nine percent of transgender women were sexually assaulted while in California correctional facilities, translating to the disturbing fact that transgender women are thirteen times more likely to be sexually assaulted while in prison. While two or three percent of general population in correctional facilities reported rape, forty-one or fifty percent of transgender individuals reported rape. In contrast to non-transgender prisoners, who reported general awareness and responsiveness from prison officials when sexual assault incidents occurred, transgender prisoners reported that officials were generally unaware of the incidents, and no medical attention was provided most of the time.

The vulnerability of the transgender population to sexual assault and rape in prison is caused in large part by the prison system's classification of transgender individuals and the repercussions of that classification on their housing placements. The prison system relies heavily on a dichotomous, sex-based means of classification. Prisoners are classified by their biological attributes rather than their gender identification. As described by William ("Joe") Sullivan, Associate Secretary of the CDCR in December 2008, "the classification process is gender-neutral .... We really don't distinguish between transgender and non-transgender inmates." Thus, preoperative, male-to-female transgender prisoners are often placed in men's facilities. Although CDCR recently amended its Department Operations Manual in April of 2009, to require consideration of whether the prisoner has been a victim of sexual assault in initial and subsequent assignments to double-cell housing, this consideration does not affect the classification of prisoners as male or female for purposes of facilities assignment.

Recent legislation may help address this issue. Assembly Member Tom Ammiano introduced AB 382 in the California Assembly in February of 2009. AB 382, entitled the LGBT Prisoner Safety Reform Act, would amend the Sexual Abuse in Detention Elimination Act of 2005 by adding self-reported safety concerns related to sexual orientation and gender identity" to a list of factors to be considered for purposes of classification and housing assignments of prisoners.

Note

Think about it . . .Transgender Prisoners

In 2015 California became the first state in the nation to agree to pay for transgender prison inmates to receive sexual reassignment surgery. Prison officials released specific guidelines in the wake of several lawsuits. Follow the link above to understand why some people feel that this is an important issue and why others believe it is unnecessary.

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9.2: Non-Citizen Populations

Non-Citizens represent approximately seventeen percent of the adult prison population in California. In addition to those who are undocumented (i.e., without legal status in the United States), others are non-citizens who are legally within the United States as long-term permanent residents or on visas. Strikingly, the institutionalization rates for these non-citizen populations are significantly lower than their U.S.-born counterpart. However, given the large number of non-citizen (immigrants) in California and the complex intersections between federal immigration law and the criminal justice system, the immigrant experience in California prisons is truly distinctive. Moreover, the laws and policies discussed in this section affect not only non-citizens (whether illegal or legal) but can at times affect U.S. citizens who are perceived to be noncitizens due to their race, appearance, name, or birth abroad.

Figure 9.2 Immigration/Deportation Demonstration in San Francisco April 4, 2014. Image is under a CC.By 2.0 license.

Note

Think about it . . . Non-Citizen Inmates

"About one in five inmates in federal prison are foreign-born, and more than 90 percent of those are in the United States illegally, according to a report compiled by the Department of Homeland Security and the Department of Justice in 2017. Some immigration experts claims that the Trump administration has inflated these number to justify a firmer stance on immigration issues. What do you think? Consult this NYT article for more information and sources and this topic.

The ongoing debate concerning immigration policy - combined with the public's fear about immigrant involvement in criminal activity and the current correctional crisis in California have led to the blending of federal immigration and national security policies with state and local correctional policies. The result is a unique set of policies and procedures that are applied to noncitizens or perceived noncitizens who enter the criminal justice system. Federal immigration enforcement programs such as the Criminal Alien Program, Secure Communities, and the 287(g) programs in most cases encourage and often rely on local authorities to work with ICE from the time of arrest throughout the criminal justice process to identify all suspected noncitizens who may be removable from the United States. In California, the Criminal Alien Program is the most extensively employed.

The Criminal Alien Program focuses on identifying "criminal aliens, who are detained in federal, state, and local facilities and seeks their removal prior to their release from criminal custody. This program begins with local police and jails collecting place-of-birth information from individuals at arrest or upon booking into jail. This information is shared with ICE's Office of Detention and Removal Operation ("DRO"), whose officers screen and interview the identified individuals. Upon the initial suspicion that an individual may be a noncitizen, including a lawful permanent resident who may be subject to removal from the United States, a "detainer" or immigration "hold" is placed on the individual, preventing his or her release until custody is transferred ICE. A person can be transferred to ICE at any point in the criminal process, even if they are not charged or convicted of an offense. In California, individuals who are convicted and sentenced and have an ICE hold placed on him or her are transferred to ICE custody after

completion of their California sentence. Upon taking of custody, ICE either transports the prisoner to a detention center pending immigration proceedings or immediately removes them from the country.

In addition to these programs designed to identify "criminal aliens" for purposes of deportation, states and counties receive federal reimbursements for housing undocumented immigrants through the State Criminal Alien Assistance Program ("SCAAP"). The State of California is the largest recipient of SCAAP funds, having received upwards of $85 million through this program in recent years.

Immigrant and civil rights advocates have voiced multiple concerns regarding the increased coordination between federal agencies and state and local authorities, arguing that the blending of immigration enforcement with the criminal justice system is problematic and fraught with error. From the outset, there has been much criticism that the process of identifying potential noncitizens is laden with racial and ethnic bias, and that appearance and last names are used as proxies for citizenship to determine who should be scrutinized. In addition, critics argue that given the complexity of immigration law there is much room for error in the process of identifying potential noncitizens, and that many individuals who are actually U.S. citizens have had ICE holds placed on them. In one poignant example, Mark Lyttle, an American citizen who is bipolar, was deported after signing statements that he was a Mexican citizen, although he had a valid Social Security number. On a broader scale, immigrant and civil rights advocates contend that these federal and state partnerships have fueled anti-immigrant sentiment and the criminalization of immigrants in the media and the public at large.

Immigrant prisoners continue to be at the forefront of the political debate about the California corrections crisis. State politicians and CDCR have specifically identified the immigrant population as a way to ameliorate the overcrowding crisis facing state prisons. Following the Governor's Prison Overcrowding State of Emergency Proclamation in 2006, CDCR has prioritized the involuntary transfer of noncitizens, including those who are legal residents, to out-of-state facilities. Recently, CDCR implemented a new policy to discharge criminal aliens from state parole once deported, ensuring that should they reenter the country, they are taken into federal rather than state custody. As the immigration reform debate continues nationwide and as California continues to grapple with the overcrowding crisis in its prisons, the fate of immigrant prisoners in the California correctional system remains to be seen.

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9.3: Women

There are over 11,000 women in prison in California, constituting approximately seven percent of the overall prison population. Although a seemingly small percentage, the female prison population has been growing more rapidly than its male counterpart since the mid-1980s. Since the 1970s, the female prison population in California has increased more than ten-fold. In 1977, California penal institutions housed 671 female prisoners; in 1987, there were 4,152 women incarcerated in CDCR facilities; in 2007, there were 11,416. As with the general prison population, experts have attributed the increase in the numbers of incarcerated females to California's shift away from the indeterminate sentencing regime in the 1970s, various "tough on crime" policies, legislation enacted as part of the "war on drugs," and other developments in law enforcement and parole policy generally, including a policy shift from reform and rehabilitation to punishment and deterrence.

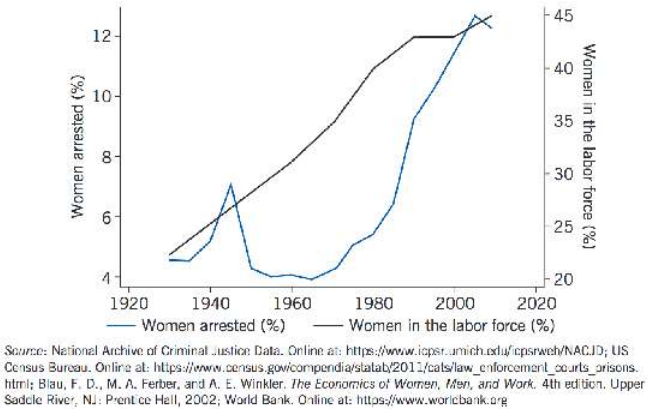


Figure 9.3 Graph of Women Arrested vs. Women in the labor force. Image is in the public domain.

Most incarcerated women have been convicted of nonviolent offenses. In 2007, only 32.1% of women prisoners were convicted of crimes against persons; the remaining 67.9% were convicted for nonviolent property crimes, drug crimes, and other nonviolent crimes. In contrast, 53.5% of the men incarcerated in 2007 were convicted of crimes against persons. Because of the nature of the crimes for which they are convicted, females tend to have sentences that are far shorter than their male counterparts. The median sentence for women prisoners in CDCR institutions in 2007 was nine months. Similar to the male population, formerly incarcerated females have a high rate of recidivism. A recent study by CDCR found that forty-six percent of women released in 2003 returned to prison within three years; another CDCR study indicated that between twenty-seven to thirty-three percent of female parolees recidivate within a year.

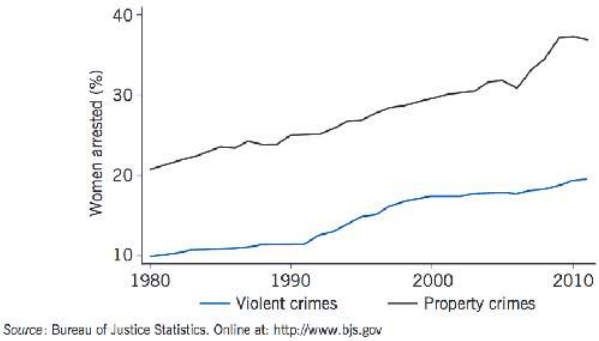


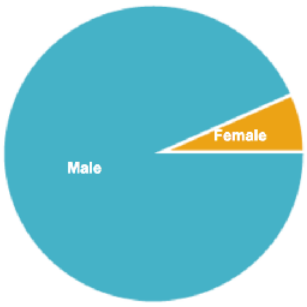
Figure 9.4 Graph of Women arrested (%) for Violent crimes vs. Property crimes. Image is in the public domain.

Although sharing some characteristics with their male counterparts, certain differences in the profile of incarcerated women reveal gendered causes for their imprisonment, and unsurprisingly, their incarceration has certain gendered effects. As with the prison population generally, the majority of women prisoners are women of color; many come from neighborhoods entrenched in poverty; and many have substance abuse issues. However, a disproportionately greater percentage of women prisoners have experienced physical and sexual abuse prior to admission into prison. There are also higher levels of physical and mental health issues among

female prisoners. In addition, almost half of incarcerated women are the sole caregivers for their children. Thus, incarceration has an immediate effect on the children who often end up in foster care, as well as a fragmenting effect on their families generally and their communities.

Given the relatively unique characteristics of this population - including the nonviolent nature of the offenses, the shorter sentences, socio-economic factors, and motherhood - advocates, academics, and community members have strongly criticized the placement and treatment of incarcerated women in the existing institutions and programs and have strongly urged for the adoption of gender responsive approaches. These sentiments were echoed by the Little Hoover Commission, an independent state oversight agency in 2004.

Statistics based on prior month's data -- -- Last Updated: Saturday, 26 November 2016



	Gender	# of Inmates	% of Inmates
	Female	12,758	6.7%
	Male	177,418	93.3%

Figure 9.5 Pie Chart of numbers and percentages of inmates by gender.

Since the Commission's findings in 2004, California has undertaken various reform measures to address some of these concerns. In 2005, CDCR established the office of Female Offender Programs and Services within the Division of Adult Institutions and created the Gender Responsive Strategies Commission ("GRSC") as an advisory committee. In addition, CDCR developed a phased housing plan to shift Level I and II women prisoners to community based facilities and generally has begun a new gender-responsive classification system for women. In 2007, the legislature enacted California Penal Code section 3430 that required CDCR to develop a "Female Offender Reform Master Plan" and to create policies, operational practices, and programs designed "to ensure a safe and productive institutional environment for female offenders, as well as gender-responsive rehabilitative programs and needs-based case and risk assessment.

Despite these efforts, Women's prisons still remain at over two hundred percent overcrowding levels. Many of the rehabilitative programs have yet to be implemented, and the construction of many of the community-based facilities have been delayed.

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9.4: Aged and Elderly Populations

Over the past two decades, the number of state prisoners age 55 or older sentenced to more than 1 year increased from 26,300 to 131,500 prisoners. This represented an increased from 3% of the state prison population in 1993 to 10% in 2013. Between 1993 and 2013, the median age of prisoners increased from 30 to 36 years. The prison population's changing age structure has implications for the management and care of inmates. Two main factors contributed to the aging of state prisoners between 1993 and 2013: a greater proportion of older prisoners were serving longer sentences, predominantly for violent offenses, and the number of admissions of older persons increased. Both the admission rate and yearend imprisonment rate for state prisoners age 55 or older increased from 1993 to 2013, which indicates that the aging U.S. resident population was not solely responsible for the growth in older offenders in prison.

The imprisonment rate for prisoners age 55 or older sentenced to more than 1 year in state prison increased from 49 per 100,000 U.S. residents of the same age in 1993 to 154 per 100,000 in 2013. Forty percent of state prisoners who were age 55 or older on December 31, 2013, had been admitted to prison when they were at least age 55, and 60% turned age 55 while serving time in prison. Additionally, 40% of state prisoners age 55 or older on December 31, 2013, had been imprisoned for at least 10 years, compared to 9% in 1993.

The growth in state prison admissions from 1993 to 2003 was driven by people ages 40 to 54 (up 162%) and those age 55 or older (up 124%). Admission to prison of people age 55 or older increased 82% between 2003 and 2013. During the same period, state prison admissions declined 12% for those age 39 or younger and 11% for those ages 40 to 54. People age 55 or older accounted for 1% of state prison admissions in 1993, 2% in 2003, and 4% in 2013. The mean age at admission also increased, from 30 years in 1993 to nearly 34 years in 2013.

Prisoners age 55 or older had consistently higher mean sentence lengths, increasing from 76 months in 1993 to 82 months in 2013 across all offenses. In comparison, prisoners ages 18 to 39 were sentenced to a mean of 64 months in 1993 and 69 months in 2013. The mean sentence length for new inmates ages 40 to 54 increased from 65 months in 1993 to 71 months in 2013. Across all age groups and offense types, the mean time prisoners expected to serve on a new court commitment when entering state prison increased from 29 months in 1993 to 39 months in 2013. Prisoners age 55 or older convicted of new violent crimes received longer sentences and could be expected to serve a higher proportion of their sentences than younger offenders. Prisoners admitted in 2013 when they were age 55 or older could expect to serve an average of more than 182 months (15 years) for new violent offenses, compared to 116 months (10 years) for those admitted at ages 40 to 54 and 55 months (almost in 5 years) for those ages 18 to 39.

Figure 9.6 Two elderly & disabled prisoners walking down 'A' wing of HMP & Young Offenders Institute 'Littlehey'. Image is used under a Creative Commons Attribution-Share Alike 4.0 International license.

Many older prisoners in the past two decades were serving long sentences for violent crimes. More than 65% of state prisoners age 55 or older were serving time for violent offenses between 1993 and 2013, compared to a maximum of 58% of other age groups. In 2013, 48% of state prisoners age 55 or older were serving sentences for murder or non-negligent manslaughter or sexual assault, compared to 31% of those ages 45 to 54 and 27% of those ages 35 to 44.

Although the rapid rise in the aging prison population is often attributed to the overall rise in the U.S. aging population, researchers attribute several factors to the recent growth. The Bureau of Justice Statistics cites two primary reasons in the Aging of the State Prison Population 1993–2013 Report. First, data indicate there has been an increase in the number of older adults who commit crimes and enter the prison system at an older age. While there were 2 million fewer arrests in 2012 than in 1993, arrests of people age 55 and older increased by 77 percent in the same time period. Another factor contributing to the growth of the older prison population is longer prison terms. The number of prisoners aged 55 and older who were sentenced to more than one year in prison increased from 26,300 in 1993 to 131,500 in 2013—a 400 percent increase. Older people may have longer criminal histories and therefore be more likely to be affected by multiple strike laws. Additionally, individuals who entered the system in young or middle age are aging in place in the prison setting. For example, between 1993 and 2003, prisoners aged 45–49 were the fastest-growing age bracket in the prison population. Thus, by 2013, many had aged into the category of older prisoner.

The aging of the prison population has implications for the quality and type of services they receive in the correctional system, as well as for reentry services since the vast majority of prisoners return to the community at some point. In terms of care for aging prisoners within the correctional systems, considerations include the need for a physical infrastructure within the prison facility that supports people as they age (accessible cells, grab bars, alternatives to bunk beds), programming geared for older inmates (employment, skills training, recreation), health needs (addressing physical and mental health conditions, medication management), prison workforce needs (additional staff may be needed to provide personal care assistance with bathing, dressing and moving around the institution). There is also support needed when older inmates are paroled or prepare to return to the community to ensure successful reentry into society and prevent recidivism. Access to services such as transportation and housing, assistance finding employment, connection with a social support system, access to physical and mental health care, and help with signing up for benefits are important factors in a successful reentry.

With the Bureau of Prisons' changes to the compassionate release program in 2013, prison systems have given greater attention to compassionate release programs. The concept behind compassionate release is that it provides a community-based option for prisoners who have an "extraordinary or compelling" reason for release, such as a terminal illness, progressive illness or debilitating injury from which they will not recover. Compassionate release may also be a factor in helping to address prison overcrowding, particularly since older prisoners are less likely to recommit crimes. However, compassionate release options are not always well-utilized due to eligibility limitations, the bureaucracy of navigating the compassionate release process, and lack of public support for these programs. When compassionate release is utilized, it can present different challenges. For example, finding an appropriate placement for individuals who are terminally ill and setting up appropriate benefits in advance to ensure that the released individual has resources to pay for care can be challenging. As a result, nursing homes have reported situations where older prisoners have been "dumped" in their facilities with little or no resources or services in place for the person to live successfully. Lack of social acceptance and fear of this population returning to the community or entering a community-based long-term care setting is an ongoing challenge.

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CHAPTER OVERVIEW

10: Correction as a Career Field

Key Terms:

Duties of Corrections Officers	Education/Training/Qualities
Private Prisons	Work Related Dangers
Infectious Diseases	Prison Gangs
Contraband	Riots
Role Conflict/Role Ambiguity	Work/Family Conflict
Public Misconception	Political Scrutiny
Specialized Personnel	Correctional Officer Wellness Programs

10.1: Public agencies

10.2: Private sector

10.3: Correctional Officer Safety and Wellness (National Institute of Justice)

10.4: Specialized Personnel

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10.1: Public agencies

Correctional officers are responsible for overseeing individuals who have been arrested and are awaiting trial or who have been sentenced to serve time in jail or prison. Bailiffs, also known as *marshals* or *court officers*, are law enforcement officers who maintain safety and order in courtrooms. Their duties, which vary by court, include enforcing courtroom rules, assisting judges, guarding juries, delivering court documents, and providing general security for courthouses.

Figure 10.1 Superior Court County of Kern by Tabitha Raber is used under a CC BY 4.0 license.

Note

Think about It . . . Serving 9 to 5: A Correctional Officer's Diary (NPR)

"To work in a prison you have to be a special type of person"

Sergeant Furman Camel spent 27 years in a North Carolina Prison, that's as many years as Nelson Mandela spent behind bars. But Camel did his time, as he likes to say, in 8 hour shifts.

"I wear this uniform with pride. Every day that I come in here I'm creased down. My shoes are shined. And I smell good. The uniform is 90% of the job. Looking the part."

Listen to Camel's story and more audio diaries from officers who work behind bars at the Polk Youth Institution in North Carolina.

Duties

Correctional officers typically do the following:

- Enforce rules and keep order within jails or prisons
- Supervise activities of inmates
- Inspect facilities to ensure that they meet security and safety standards
- Search inmates for contraband items
- Report on inmate conduct
- Escort and transport inmates

Bailiffs typically do the following:

- Ensure the security of the courtroom
- Enforce courtroom rules
- Follow court procedures
- Escort judges, jurors, witnesses, and prisoners
- Handle evidence and court documents

Figure 10.2 Probation Officer in the Court by Tabitha Raber is used under a CC BY 4.0 license.

Inside the prison or jail, correctional officers enforce rules and regulations. They maintain security by preventing disturbances, assaults, and escapes, and by inspecting facilities. They check cells and other areas for unsanitary conditions, contraband, signs of a security breach (such as tampering with window bars and doors), and other rule violations. Officers also inspect mail and visitors for prohibited items. They write reports and fill out daily logs detailing inmate behavior and anything else of note that occurred during their shift.

Correctional officers may have to restrain inmates in handcuffs and leg irons to escort them safely to and from cells and to see authorized visitors. Officers also escort prisoners to courtrooms, medical facilities, and other destinations.

Bailiffs' specific duties vary by court, but their primary duty is to maintain order and security in courts of law. They enforce courtroom procedures that protect the integrity of the legal process. For example, they ensure that attorneys and witnesses do not influence juries outside of the courtroom, and they also may isolate juries from the public in some circumstances. As a neutral party, they may handle evidence during court hearings to ensure that only permitted evidence is displayed.

Bailiffs held about 18,600 jobs in 2016. The largest employers of bailiffs were as follows:

	71%
	29.00%

Table 10.1 Bailiff Employment

Correctional officers and jailers held about 450,000 jobs in 2016. The largest employers of correctional officers and jailers were as follows:

State government, excluding education and hospitals	54%
Local government, excluding education and hospitals	37%
Facilities support services	5%
Federal government	4%

Table 10.2. Correctional Officers

Correctional officers may work indoors or outdoors, and bailiffs generally work in courtrooms. They both may be required to stand for long periods. Correctional officers usually work full time on rotating shifts. Because jail and prison security must be provided around the clock, officers work all hours of the day and night, including weekends and holidays. Many officers are required to work overtime. Bailiffs' hours are determined by when court is in session.

Working in a correctional institution can be stressful and dangerous. Correctional officers may become injured in confrontations with inmates, and they have one of the highest rates of injuries and illnesses of all occupations. The job demands that officers be alert and ready to react throughout their entire shift.

Correctional officers and bailiffs typically attend a training academy. Although qualifications vary by state and agency, all agencies require a high school diploma. Federal agencies may also require some college education or previous work experience. Many agencies establish a minimum age for correctional officers, which is typically between 18 and 21 years of age.

Note

California Department of Corrections Recruitment Video

Select Link Below to Launch Video

https://youtu.be/04UNMqu1Ucc

Education

Correctional officers and bailiffs must have at least a high school diploma or equivalent.

For employment in federal prisons, the Federal Bureau of Prisons requires entry-level correctional officers to have at least a bachelor's degree or 1 to 3 years of full-time experience in a field providing counseling, assistance, or supervision to individuals.

Training

Correctional officers and bailiffs complete training at an academy. Training typically lasts several months, but this varies by state. The International Association of Directors of Law Enforcement Standards and Training maintains links to states' Peace Officer Standards and Training (POST) programs. Academy trainees receive instruction in several subjects, including self-defense, institutional policies, regulations, operations, and security procedures.

Note

Pin It! Correctional Officer Entry Exam Example

Click here for an example of an employment entry exam utilized by the California Department of Corrections and Rehabilitation.

Important Qualities

- Decision making skills. Correctional officers and bailiffs must use both their training and common sense to quickly determine the best course of action and to take the necessary steps to achieve a desired outcome.
- Detail oriented. Correctional officers and bailiffs follow and enforce strict procedures in correctional facilities and courts to ensure everyone's safety.
- Interpersonal skills. Correctional officers and bailiffs must be able to interact and communicate effectively with inmates and others to maintain order in correctional facilities and courtrooms.
- Negotiating skills. Correctional officers must be able to assist others in resolving differences to avoid conflict.
- Physical strength. Correctional officers and bailiffs must have the strength to physically subdue inmates or others.
- Self-discipline. Correctional officers must control their emotions when confronted with hostile situations.

Note

California Department of Correction - Physical Fitness Test Video

Select Link for Video

https://youtu.be/hVRBfDfH6n0

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10.2: Private sector

Staffing and Employment Private facilities reported a total of 13,344 regular and non-payroll support staff. The number of full-time, or regular, staff ranged from as low as 19 at the smallest institution to 532 at the largest. Correctional officers accounted for 63.2 percent of employees at private facilities in 2015; a similar percentage were employed as security staff at public correctional facilities. Professional treatment staff accounted for 12 percent of private correctional employees, followed by clerical (7.9 percent), educational (5.8 percent), and maintenance and food service (5.5 percent).

Private state prisons have higher proportions of minority employees compared with public prisons. Fifty-three percent of the staff at private facilities were white (table 11), whereas 31.7 percent (table 8) of the inmate population was white. At public facilities, the corresponding figures in 1995 were 71.3 percent (table 11) and 35.5 percent (table 8), respectively. The racial composition of staff to inmates was similar for blacks at both types of facilities. Blacks comprise 22.4 percent of the staff and 43.9 percent of inmates at private state prisons versus 20 percent of staff and 47.7 percent of inmates at public facilities. Hispanics, on the other hand, comprise 14.4 percent of the inmate population at federal and state public facilities but only 6.3 percent of the correctional staff. Among the 65 private state facilities surveyed, Hispanics made up 20.7 percent of the inmate population and 18 percent of the staff.

When the three facilities located in Puerto Rico were excluded from the analysis, the private facilities still had a larger percentage of Hispanic staff (13 percent staff and 17 percent inmate population) than those employed at public facilities.

According to the United States Bureau of Labor, the average starting salary for correctional officers in 2016 was $32,290. The number of staff hired and terminated is largely driven by the number of facilities in operation and facility size—large and medium-sized institutions tend to have higher staff turnover rates. Only one private facility in the United States is unionized.

Correctional officers in privately operated prison facilities are becoming increasingly more available as growth in the private prison industry continues year after year. Regardless how you feel about private interests getting involved in the housing of prisoners and the building of detention facilities for profit, the fact remains that for those seeking employment as a corrections officer, this is a solid way to go.

Figure 10.3 Rise of Private Prison Stock Prices from 2002 to 2012. Creative Commons CC0 1.0 Universal Public Domain Dedication.

The privately-owned prison industry accounts for approximately 10% of the 2.3million prisoners currently being held in the United States at a cost of 55 million dollars per year.

There are a number of private prison operators in the United States but the two top companies are **Corrections Corporation of America** or (**CCA**) and **The Geo Group**, (**GEO**). Forty percent of the revenue that these companies receive is from the government for the housing of inmates and the operation of their private prison facilities. CCA is the largest private prison operator with about 67 facilities in the USA while The GEO Group has facilities both in the USA and internationally.

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10.3: Correctional Officer Safety and Wellness (National Institute of Justice)

Correctional Officer Job Responsibilities

Correctional officers (COs) play a pivotal role within the wider prison system as they are tasked with numerous responsibilities designed to ensure that their respective facilities are operating efficiently. As the front-line bureaucrats of the prison institution (Lipsky, 2010), COs are charged with supervising the activities of inmates, enforcing rules and regulations, affording offenders access to social services, and perhaps most importantly, maintaining order (Crawley, 2004; Kauffmann, 1989). They are also tasked with responding to administrative demands; searching cells for drugs, weapons, and other contraband; and intervening to resolve potentially violent disputes among inmates (Bureau of Labor Statistics, 2013). COs play such a fundamental role in the functioning of any prison system that Archambeault and Archambeault (1982) remarked that officers "represent the single most important resource available to any correctional agency" (p. 72).

Figure 10.4 Example of prison contraband. This is commonly referred to in the prison as a "shiv" and it's a sharp-edged weapon that inmates' fashion out of common prison items. These are very dangerous, and a significant amount of effort is made by correctional officers to search, find and destroy these items before they are used by inmates. Creative Commons CC0 1.0 Universal Public Domain Dedication.

Recent scholarship has suggested that COs work under dangerous conditions that can threaten their general safety and wellness. Following several legislative reforms that started in the 1970s and included "get tough on crime" policies such as mandatory minimum sentences and habitual offender laws (Mackenzie, 2001), correctional institutions experienced dramatic changes in the composition of the inmate population. Not only did the total number of incarcerated offenders skyrocket from roughly 300,000 to more than 1.5 million between 1975 and 2013, but the percentage of offenders imprisoned for violent crimes increased from about 40 percent in 1985 to more than 60 percent by 2013 (Walmsley, 2013). Although incarceration rates have declined in recent years, the modern-day CO is still required to interact with and supervise individuals in a dangerous environment (Glaze & Kaeble, 2014).

Officers are further responsible for maintaining safety in a setting with significant numbers of gang members (Lombardo, 1989), offenders with mental illness (Kupers, 1999; Turner, 1975), drug addicts (Ross, 1981), and even terrorists (Crawley, 2004), all of whom pose elevated safety and health risks to COs. Further compounding these issues is that prisons have long been described as "total institutions," defined as places "where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an … enclosed life" (Goffman, 1961, p. xiii). As a result, officers are required to interact with and supervise potentially dangerous offenders in relatively unsafe and secluded surroundings. Collectively, these observations have prompted correctional scholars and practitioners to characterize prisons as dangerous environments that carry increased risk of harm to the people working in them (Beck, Harrison, & Adams, 2007; Crawley, 2004; Hensley, Koscheski, & Tewksbury, 2005).

Correctional Officer Health Outcomes

The position of CO carries with it the intrinsic danger of physical injury and mental stress. In terms of the former, figures from Harrell (2011) revealed that between 2005 and 2009, the rate of sustained nonfatal workplace injuries per 1,000 COs was 33.0, which, among 26 different professions, ranked third only to police officers and security guards (77.8 and 65.0, respectively). Harrell (2011) further found that in 2011, COs experienced 544 work-related injuries or illnesses that required absences from work

per 10,000 full-time officers — the third highest rate of nonfatal workplace injuries, again surpassed only by police officers and security guards. Additional reports from Brower (2013) and the Bureau of Labor Statistics (2013) noted that between 1999 and 2008, a total of 113 U.S. COs lost their lives in the line of duty — a fatality rate of 2.7 per 100,000 full-time employees — the 22nd highest among 115 professions.

Concerning mental health, there is evidence that COs experience high levels of stress, burnout, and a variety of other mental health-related consequences as a result of their employment (Brower, 2013; Stack & Tsoudis, 1997). According to the Management and Training Corporation (2011), between 22 percent and 33 percent of COs report high stress levels. Other studies (Lambert et al., 2005; Ferdik, Smith, & Applegate, 2014a) found that more than 35 percent of officers in the sample recorded high stress levels. Together, the impact of negative physical and mental health outcomes for COs can have deleterious effects on the wider prison institution. Staff shortages and officer absences from work can create a cycle whereby low officer-to-inmate ratios and high turnover in officer staffing threaten the effective implementation of a correctional facility's security mandates (Brower, 2013; Crawley, 2004; Ferdik, Smith, & Applegate, 2014a).

Literature Search Strategy

As previously mentioned, the intent of this report is to offer a comprehensive synthesis of the literature so as to highlight any inherent limitations and offer recommendations for future research and policies designed to enhance the overall well-being of COs. Information from published and peer-reviewed journal articles, state and federal government reports, university and academic thinktank reports, and commercially published books was retrieved and summarized. Emphasis was placed on collecting research conducted since 2000 to account for current safety and wellness concerns confronting COs, although some earlier research is referenced to provide a baseline understanding of the various issues related to CO safety and wellness. The search phrase "correctional officer" was cross-referenced with the words "safety," "wellness," "risk," "stress," "burnout," "depression," "danger," "health," "wellbeing," "injury," and "fatality" in the following literature search engines: JSTOR, Social Services Abstracts, Sociological Abstracts, Criminal Justice Abstracts, EBSCOHost, Academic Search Complete, MEDLINE with full text, Applied Social Sciences Index and Abstracts, Hein On-Line, ProQuest Dissertations and Theses, and Google Scholar.

This initial search led to the dual findings that (1) COs are exposed to unique workplace dangers that can jeopardize their general welfare and (2) exploring CO perceptions of workplace safety and risk is an important and emerging area of research. Using the same search engines, a specialized literary search of specific dangers to which COs are exposed as well as officer judgments of workplace safety and risk was conducted by cross-referencing the search phrase "correctional officer" with "gang," "disruptive inmate," "riot," "mentally ill inmate," "contraband," "disease," "risk perception," and "safety perception." Each resulting citation was reviewed by both authors to determine its eligibility for the literature synthesis. Reference pages of all obtained reports were scanned to exhaust all pertinent literature related to the topic of CO safety and wellness.

Several themes emerged that form the basis of discussion for this synthesis. These themes include the dangers and risks confronting COs, CO perceptions of workplace safety and wellness as well as the consequences of their exposure to risk, the policies designed to enhance officer wellbeing, and finally considerations for future research. This report will conclude with a discussion of how the safety and wellness issues of law enforcement personnel compare with those of COs and an overview of the salient findings from this literature synthesis and how they can be used to inform decisions regarding CO well-being.

Dangers and Risks Confronting Correctional Officers

Before proceeding to a discussion of the unique workplace dangers and risks that COs face, it is important to note conceptual differences between these terms. Reichman (1986) distinguished risks from dangers in the following manner: "The concept of risk should not be confused with that of danger; dangers are the causes of risk" (p. 151). Reichman added that risks entail the "uncertainty of loss, or the probability that loss will occur," and that "dangers are those conditions which contribute to the probability of loss" (p. 152). This is a key distinction as this report identifies the risks confronting COs and the dangers that contribute to them. COs are exposed to a number of safety and wellness-related risks. Most notable are the risks of death or physical injury, but of equal concern are mental health-related risks such as stress and burnout (Dowden & Tellier, 2004; Lambert et al., 2005). These risks can accumulate and place significant pressure on a correctional administration, particularly when a fatigued staff and high turnover rates limit the degree to which officers can effectively engage in the surveillance of inmates. Expanding on Brower's (2013) typology, the categories of dangers contributing to officer safety and wellness-related risks can be broadly described as work-related, institution related, and psycho-social. Using this tripartite schema, this report examines the most

salient workplace dangers that threaten CO safety and well-being and their consequences. Exhibit 1 summarizes the identified dangers under their respective categories and the multiple mental and physical health-related risks connected to each danger as identified in extant literature.

Work-Related Dangers

Work-related dangers are directly connected to officer safety and well-being. Under the work-related category are the dangers of infectious and communicable diseases (Macalino et al., 2004); the presence of prison gangs, disruptive inmates, and contraband (Bouchard & Winnicki, 2000; Fleisher & Decker, 2001; Garcia, 2008); working alongside inmates with mental illness (Adams & Ferrandino, 2008); and riots (Carrabine, 2005). Each of these dangers presents an elevated risk of harm to COs in terms of both physical and mental health issues. These dangers are examined in greater detail below.

Figure 10.5 Correction officers have many responsibilities such as keeping track of inmate location, medications, security levels and scheduling activities during the day. Additionally, they must be aware of the surroundings due to acts of violence by inmates. These many responsibilities can create higher stress levels for officers. Image is under a CC.By 2.0 license.

Inmates with Infectious Diseases

There is ample evidence that inmates disproportionately suffer from infectious and communicable diseases (e.g., Hepatitis B and C; Human Immunodeficiency Virus, or HIV; and tuberculosis) (Alaird & Marquart, 2009; Bick, 2007). For example, Ruiz and colleagues (2002) found that in 2000, of the 5,730 inmates from a random sample of California prisons who received intake physical examinations during a two month period, 1.4 percent tested positive for HIV, 3.5 percent tested positive for Hepatitis B, 33 percent tested positive for Hepatitis C, and 7 percent tested positive for tuberculosis. According to a report from the World Health Organization (2013), these estimates far surpass those for the general population. Moreover, Alaird and Marquart (2009) noted that, as of 2008, 1.7 percent of the total U.S. custody population was infected with HIV and that between 12 percent and 35 percent had either Hepatitis B or C. Similarly, a 2006 report issued by the Bureau of Justice Statistics found that the rate of confirmed Acquired Immunodeficiency Syndrome (AIDS) cases was between three and five times higher for prisoners than for the general population, with 0.55 percent of inmates and 0.10 percent of the general public having contracted the disease. This represents a serious challenge to daily operations for COs.

COs are susceptible to the risk of contracting potentially fatal diseases on account of occupational mandates that require them to routinely perform pat-down and cell searches, intervene in offender altercations, and respond to medical emergencies, accidents, and other “situations where they may encounter sharp objects, blood, and bodily fluids” (Alaird & Marquart, 2009, p. 441). High risk behaviors engaged in by inmates, such as unprotected sex, intravenous drug use, and tattooing, make officers particularly vulnerable to risk. Although there are little empirical data on the rates at which COs contract any of the above-noted illnesses,

practitioners and scholars consider infectious and communicable diseases among inmates to be a significant threat to the health and safety of COs.

Work Related Dangers	Institution Related Dangers	Psycho-Social Related Dangers	Mental Health Risks	Physical Health Risks
Riots	Understaffing	Media / Political scrutiny	Burnout	Death

Table 3. Summary of Dangers and Risks Confronting Correctional Officers

Prison Gangs

Across correctional institutions, officers must interact with noncompliant and potentially violent inmates on a one-to-one basis to ensure adherence to institutional regulations. When inmates merge into groups, such as prison gangs, the threat to security can become even more severe. Fleisher and Decker (2001) opined that "prison gangs are a … prison manager's biggest nightmare" (p. 2). A report from the FBI's National Gang Intelligence Center (2011) further stressed that gangs are increasing in number across correctional facilities (particularly those found in the southeastern U.S.), and that gang affiliates are escalating in their level of violence and criminal sophistication. Lyman (1989) defined a prison gang as "a violent organization that operates within the prison system as a self-perpetuating criminally oriented entity, consisting of a select group of inmates who have established an organized chain of command and are governed by a code of conduct" (p. 48). Prison gangs share many similarities with their counterparts on the outside, as one person is usually designated as a leader, and that person oversees the other members and their criminal operations. Gangs have been described as violent, secretive, and abiding by a creed, motto, or constitution that dictates member behavior, and further as organizations that adopt unique symbols to define membership status (Fleisher & Decker, 2001). Several major gangs have been identified as being most problematic or influential in the prison system, including the Mexican Mafia (La Eme), the Aryan Brotherhood, Black Panther groups (e.g., the Black Liberation Army), the Symbionese Liberation Army, the Weatherman Underground Organization, the La Nuestra Family, and the Texas Syndicate (Skarbek, 2014). These groups are motivated by a desire to earn money and exploit often overcrowded and understaffed prisons, thereby further threatening the safety of COs (Fleisher & Decker, 2001).

Disruptive Inmate Behavior

Disruptive inmate behavior is viewed as violent conduct against staff or other inmates (Rocheleau, 2014). Examples of this type of behavior include, but are not limited to, successful or attempted physical and sexual assault, murder, suicide, and even rape (Byrne, Hummer, & Taxman, 2008). Disruptive inmate behavior has been shown to increase the rate of CO turnover (Patenaude, 2001), the rate of injury and death sustained by COs (Crawley, 2004), and the prevalence of self-destructive behavior, such as officers resorting to drugs and alcohol as coping mechanisms (Crawley, 2004).

Although Byrne and colleagues (2008) noticed a decline in the national rate of inmate-on-inmate fatalities from 3.2 to 2.4 per every 1,000 offenders between 1995 and 2000, they noted that these rates of violent death remained a major concern for correctional institutions. Between 1995 and 2000, these researchers noted an increase from 27.0 to 28.0 in the national rate of inmate-on-inmate assault per every 1,000 incarcerated offenders. Rates of inmate assault against COs also increased during this period, from 14.1 to 15.6 per every 1,000 officers (Byrne, Hummer, & Taxman, 2008). More recent figures from Wolff and colleagues (2007) showed that across a nationally representative sample of U.S. prisons, the rate of inmate-on-inmate assault ranged from 129 to 346 per 1,000 offenders, and inmate-on-officer assault ranged from 83 to 321 per 1,000 COs. Variability in these rates was largely attributed to variance in institutional characteristics (i.e., some prisons housed more violent offenders than others) and to differences in reporting systems across correctional facilities.

Prison sexual assault has been a topic of considerable importance for correctional administrators and researchers over the past few decades. In their study of a maximum-security prison in the southern U.S., Hensley, Koscheski, & Tewksbury (2005) found that 18 percent of inmates reported inmate-on-inmate sexual threats and 8.5 percent reported that they had been sexually assaulted by another inmate while incarcerated. Moreover, Beck and colleagues (2007) documented 3.75 alleged inmate-on-inmate sexual assaults per every 1,000 inmates in state-run prisons. Younger inmates and offenders serving longer sentences initiated the majority of these assaults (Beck, Harrison, & Adams, 2007).

The role of place is also important to inmate behavior, suggesting that there are important differences both between and within prisons. Garcia (2008) noted that maximum-security facilities and facilities populated by a higher percentage of younger offenders are more likely to report higher rates of disruptive inmate behavior. Hensley and colleagues (2005) echoed some of these findings by revealing that maximum-security facilities are statistically more likely to report higher levels of inmate sexual assault than are lower security agencies. Since COs are responsible for controlling any type of disruptive inmate behavior and for ensuring that all individuals within the prison are protected, they become more susceptible to the violence in these facilities, thus elevating their risk for physical and mental harm. They must also intervene in incidents that involve disruptive inmate behavior, noncompliance, physical and sexual violence, and aggression. Combined, these issues further compromise the safety and wellness of COs and increase their risk of victimization.

Contraband Presence

Although prison administrators attempt to remove or reduce the presence of contraband, a system of illicit contraband circulation has developed in many institutional facilities, which has led to increased concern among correctional practitioners about the potential for harm associated with this illegal enterprise. Contraband can include weapons, fermented alcoholic beverages, drugs, narcotics, restricted medications, and state-owned equipment, tools, and other supplies (Burke & Owen, 2010). Cellular telephones, a more modern form of contraband in U.S. prisons, have also raised safety concerns for correctional officers and practitioners (Fitzgerald, 2010). In recent years, inmates have even coordinated the use of drones to import contraband into prisons (Fitzgerald, 2010). Somewhat surprisingly, especially considering the potential for harm associated with contraband, some COs have been found to import contraband items into the prison in the form of cigarettes, drugs, and weapons (Jurik, 1985; Tracy, 2004). According to nationally representative data from 101 U.S. prisons, contraband distribution was connected with more than 200 inmate injuries and 30 CO injuries (Biermann, 2007), further reinforcing the point that contraband circulation represents a considerable health risk to COs.

Inmates with Mental Illnesses

A notable rise in the incarceration rate of people with mental illnesses has been observed across the U.S. over the past several decades. As early as 1972, Abramson coined the phrase “criminalization of the mentally ill” (p. 101) to describe the growing number of individuals with mental illnesses serving time in custody. McLearen and Ryba (2003) attributed much of that increase to the deinstitutionalization movement of the 1970s, which saw large numbers of patients released from psychiatric facilities. Upon their release back into the community, many former patients found themselves under the control of the criminal justice system. These authors commented that this occurred because individuals afflicted with mental illnesses such as bipolar disorder or schizophrenia often suffer an inability to restrain their behaviors and practice self-control. Sometimes, they unknowingly perpetrate acts such as assaults that are classified as legal transgressions, thereby landing them under criminal justice system supervision. Combined with widespread closures of mental health institutions and inadequate services to address the needs of this particular population, this has contributed to a drastic explosion of the number of individuals with mental illness under custodial control (McLearen & Ryba, 2003; Robertson, 2013). Significant growth in the population of inmates with mental illness made the Los Angeles County Jail (15,000/23,000), New York Rikers Island (5,500/10,000), and Cook County Jail in Chicago (5,000/10,000) the “three largest psychiatric institutions in the country” in 2007 (Adams & Ferrandino, 2008, p. 913). Parenthetical figures reflect the average daily number of diagnosed mentally ill inmates per the average total daily inmate population of all three jail facilities. James and Glaze (2006) further noted that in 2005, 56 percent of state prisoners, 45 percent of federal prisoners, and 64 percent of those in jail reported symptoms of at least one mental health problem.

COs are often ill prepared to address the complex symptomology presented by inmates with mental illness. These vulnerable inmates require expensive medical services such as therapy, detoxification, and medication. They are more likely than other inmates to have histories of drug and alcohol dependency and to suffer from a chronic physical health condition. Research has found that inmates suffering from mental illnesses are more susceptible to physical and sexual assault (Robertson, 2013), present a greater physical threat to themselves and others (McLearen & Ryba, 2003), and are more likely to recidivate than inmates who do not experience mental illness (Robertson, 2013).

Prison administrators and staff are severely limited in their ability to meet the needs of these inmates because of budgetary constraints and insufficient resources (McLearen & Ryba, 2003). COs will typically assist inmates with mental illness when

possible; however, officers rarely receive specific training in this area. These inmates may be considered a challenge to the safety and wellness of officers because of the multiplicity and complexity of their needs.

Riots

A prison riot is the most serious threat to the safety and well-being of COs. Fortunately, they are relatively rare occurrences. From 1774 to 1990, the United States witnessed 300 prison riots, 90 percent of which took place during the mid-to-late 20th century (Martin & Zimmerman, 1990). Two of the most notorious examples of inmate rioting in the United States are the 1971 Attica (New York) and 1980 New Mexico prison riots (Carrabine, 2005). Together, those riots resulted in more than 100 officer and inmate casualties, numerous reported physical injuries, and a complete breakdown of state control. The riots also resulted in more than $30 million in structural damage to the prisons themselves (Carrabine, 2005).

Figure 10.6 Correction officers may have to deal with high risk offenders. Prison have specially trained officers to deal with these situations. Image is under a CC.By 2.0 license.

Adams (1992) described a prison riot as "part of a continuum of practices … that involves dissenting and/or protesting activities by individuals or groups of prisoners that interrupt their imprisonment by means of which they take over all or part of the prison resources and either express one or more grievances or a demand for change, or both" (pp. 13-14). Post-hoc analyses of prison riots typically find similar causes, such as retaliation against inhumane conditions, prison overcrowding, economic factors, racial tensions, the disproportionate presence of young, violent offenders, and poor building design (Carrabine, 2005). Although prison riots are rare, they can quickly become highly consequential and produce numerous physical and mental health concerns for COs.

Institution-Related Dangers

Institution-related dangers pose greater mental health-related risks than physical risks. Many of the institution-related dangers discussed here have been linked to increases in officer stress and burnout, with the former conceptualized as "a particular relationship between a person and an environment that is appraised by the individual as taxing … and … endangering his/her well-being" (Lazarus & Folkman, 1984, p. 19). Job burnout has been defined as a "gradual loss of caring or emotional exhaustion about a job, co-workers, or clients" (Thompson & Prottas, 2006, p. 100). Included in the list of institution-related dangers are role conflict and role ambiguity (Lambert et al., 2005); demanding workloads, a lack of administrative leadership and officer input into institutional decision-making, and inadequate benefits and resources (Brower, 2013; Finney et al., 2013); prolonged work hours, understaffing, and poor recruitment, selection, and training of officers (Hessl, 2001; Lambert, Hogan, & Allen, 2006); and finally co-worker conflict (Morgan, 2009; Morse et al., 2011; Swenson, 2008).

Role Conflict and Role Ambiguity

Lambert and colleagues (2005) defined role stress as "the degree of incongruity of expectations associated with the role of the employee and the results from work roles" (p. 35). Two variations of CO stress analyzed in this report are role conflict and role ambiguity. Lambert and colleagues (2005) explain role conflict as a situation in which "compliance with one set of pressures makes compliance with another set difficult" and define role ambiguity as "uncertainty or a lack of information in carrying out the duties

and responsibilities of a given position" (p. 35). For several decades, prisons across the United States have shifted among correctional philosophies, including treatment/rehabilitation, retribution, deterrence, and incapacitation (Lambert et al., 2005).

Figure 10.7 Correctional officers are often faced with conflicting roles in their jobs. In one capacity, they are responsible for the safety and security of the institution, inmates and co-workers. And they are also tasked to provide inmates with treatment and rehabilitation. The conflicting nature of this profession can cause stress and conflict. Image is under a CC.By 2.0 license.

Fluctuations in punishment ideologies have been shown to negatively impact COs, as they are frequently left questioning their occupational role. Literature has shown that role conflict and ambiguity significantly impact several outcomes. Lambert and colleagues (2013) found that higher levels of role conflict significantly and negatively affect correctional staff job commitment, which, in turn, increases officer stress. Occupational and general stress measures were significantly increased by higher levels of both role conflict and ambiguity in Castle and Martin's (2006) study. Researchers have linked heightened stress as a result of role conflict and ambiguity to increased officer turnover (Leip & Stinchcomb, 2013; Matz et al., 2013; Minor et al., 2010). Magnified officer stress levels as well as elevated rates of turnover, in turn, can jeopardize the security of correctional facilities by resulting in higher inmate-to-officer ratios and a reduced sense of safety for COs (Leip & Stinchcomb, 2013).

Other Occupational Dangers

A National Institute of Justice (NIJ) study (Finn and Kuck, 2005) reported that high caseloads, combined with demanding paperwork and deadlines, constituted the greatest institution-related dangers affecting CO stress levels. Scholars have found that demanding shift work, extended work hours, poor pay and benefits, elevated perceptions of workplace danger and risk, and insufficient staffing and resources each contributed to increased stress levels (Armstrong & Griffin, 2004; Garcia, 2008; Keinan & Malach-Pines, 2007; Lambert, Hogan, & Barton, 2002; Morgan, 2009; Morse et al., 2011; Swenson, 2008). Many officers are asked to perform additional tasks with limited resources, mostly because of widespread budget constraints that have financially handcuffed correctional administrative officials. As reported by Summerlin and colleagues (2010) and Brower (2013), hiring freezes and terminations have forced many COs to work with outdated equipment and limited training.

These problems have subsequently contributed to higher officer stress and burnout levels as well as low morale. According to Brower (2013), budgetary problems can also lead to strained relationships between COs and correctional administrators. Adding to these issues, Paoline and colleagues (2006) found that officers who perceived American Correctional Association (ACA) directives as confusing, and those who believed that inmates were afforded more social services than COs, were significantly more likely to report higher levels of job-related stress. COs' negative perceptions about managerial decision-making practices can create friction between both sides and contribute to higher levels of CO stress and burnout (Finney et al., 2013; Lambert, Hogan, & Allen, 2006). Lambert and colleagues (2012) found that officer stress and burnout could be predicted by their distrust of the prison administration.

Other institution-related dangers include a lack of administrative leadership and an absence of officer input into decision making (Lambert, Cluse-Tolar, & Hogan, 2007; Tewksbury & Higgins, 2006a, 2006b). Brower (2013) explained that mistrust can have deleterious effects on the wider prison system, as officers may become more disengaged from their jobs, which can, in turn, increase inmate violence levels as well as the general level of danger in a facility. If administrative officials desire to maintain harmony with correctional staff, it is imperative, according to Brower (2013), that they forge trusting and long-lasting partnerships with their subordinates.

One final institution-related danger that can contribute to CO stress involves the relationships they forge with co-workers. Paoline and colleagues (2006) found that positive relationships with co-workers significantly reduced officer stress and improved officer evaluations of job satisfaction. Dowden and Tellier's (2004) meta-analysis of CO stress found that strained co-worker relations predict increased stress, and their aggregated findings support many of the results reported in this section.

Psycho-Social Dangers

Psycho-social dangers are issues and challenges that COs encounter as they move between work and community surroundings, including their home environments. These dangers include work-family conflict, public misperceptions, and political scrutiny from individuals possessing limited knowledge of the daily challenges faced by officers.

Work-Family Conflict

The most pressing issue related to work family conflict for COs is the fact they must balance what is termed "dual role conflict" (Brower, 2013, p. 13). In their professional lives, COs are surrounded by and required to supervise potentially violent individuals as well as people with special needs (e.g., mental and physical health care and drug rehabilitation). Few other professionals work under such demanding conditions. Officers' daily tasks include using unique communication strategies designed to reinforce behavioral boundaries and compliance when interacting with inmates. The communication style required by the prison environment may be described as assertive, direct, and unemotional. However, this communication style may have no effect or a negative effect on family members at home. What works for communicating in prison may not work at home.

When COs experience dissonance between work and family environments, their level of well-being decreases dramatically (Brower, 2013). This can manifest in the form of "chronic fatigue, cynicism, pessimism, sarcasm, flattened drama/stress response and exposure to trauma and other disturbing behaviors" (Brower, 2013, p. 8). Finn (1998) suggested that this pattern can be cyclical, as at-risk COs may direct their frustrations at family members who, in turn, redirect more frustration toward the CO. Obidoa and colleagues (2011) add that work-family conflict can also manifest as depressive symptoms.

Figure 10.8 Officers conducting an active shooter simulation. Correctional officers, like many law enforcement officers are always in heightened state of awareness based on the nature of their work. This leads to many issues such as stress, cynicism, and pessimism. This can affect those the officer lives with and their home life. Creative Commons CC0 1.0 Universal Public Domain Dedication.

Of course, the challenge for COs is to balance family demands with the stressors of working in a correctional facility. This requires adaptation to two often incompatible milieus — the prison context versus the family. One of COs' most common reactions to this incompatibility is to become withdrawn and isolated (Brower, 2013). COs may experience difficulties in discussing daily work events with spouses and loved ones (Crawley, 2004). Devoid of outlets for expressing their work-related frustrations and concerns, COs may experience elevated levels of emotional stress and burnout (Brower, 2013; Crawley, 2004). These issues can contribute to days missed from work, job-related apathy, and increased security risks in their work environments (Crawley, 2004; Lambert et al., 2005).

Public Misperceptions and Political Scrutiny

Apart from an inability to discuss work experiences with loved ones, COs are also often reluctant to discuss their work with the general public because of misconceptions about their profession. The misconceptions are often rooted in the frequently negative characterizations of COs by the news media (Crawley, 2004; Moon & Maxwell, 2004), which often involve negative events such as inmate escapes, inappropriate staff-inmate relationships, and violations of inmate rights. The portrayals of COs in other forms of media, such as movies and music, can be even more damaging. COs are often depicted as brutal, cruel, racist, and educationally deficient. Moreover, because the general public has very little experience with corrections and correctional employees, they are apt to believe these stereotypes (Schaufeli & Peeters, 2000). These misguided characterizations of COs can influence political figures who are responsible to the public and its concerns. If the public typecasts COs in a stereotypically negative way, the same political figures who are responsible for ensuring that officers conduct themselves appropriately may express little to no support for those officers (Brower, 2013). Absent public or political support, COs may experience a lack of respect and appreciation for their important work, resulting in higher stress levels, isolation, and reduced self-esteem (Brower, 2013). The isolated nature of prisons and jails may exacerbate this negative state of affairs by reinforcing the stereotypes and further amplifying mental health-related consequences for COs.

Correctional Officers' Perceptions of Workplace Safety and Wellness

Given the harms to which COs are exposed, it is surprising that little research has been conducted on their perceptions of workplace safety and wellness. Scholars have discovered that employee perceptions of the work environment can fundamentally shape outcomes such as job performance, co-worker and supervisor treatment, and the intention to voluntarily resign (Ferdik, Smith, & Applegate, 2014a; Konovsky & Pugh, 1994; Schein, 1990). Since COs play such a crucial role in establishing and maintaining order in their institutions, it is vital to understand how they perceive safety. A literature search produced eight studies on this topic. A detailed discussion of each study is provided below, with the accompanying table in the appendix providing a comprehensive breakdown of each study's methodology and findings.

COs were surveyed on a variety of safety related issues, including their general perceptions of danger (Garcia, 2008), the risk of contracting an infectious disease (Alaird & Marquart, 2009; Dillon & Allwright, 2005; Hartley et al., 2012), their risk of injury from specific prison-based dangers (Ferdik, 2014), and their fear and risk of victimization by both inmates and co-workers (Gordon, Moriarty, & Grant, 2003; Gordon, Proulx, & Grant, 2013; Lai, Wang, & Kellar, 2012). The officers surveyed worked in a variety of correctional institutions, including juvenile detention facilities and minimum-, medium-, and maximum-security adult prisons. In the studies that surveyed officers' perceptions of their risk of contracting an infectious disease, respondents perceived those risks as moderate to high. Specifically, Alaird and Marquart (2009) reported that 54 percent of respondents believed that they were at risk of contracting HIV/AIDS, and Dillon and Allwright (2005) found that an overwhelming 92.2 percent to 95.2 percent of their sample believed that they were at risk of contracting either Hepatitis B or C, or HIV/AIDS. Another study found that a majority of COs judged their entire work environment to be dangerous, with many officers reporting that they felt physically threatened by both inmates and co-workers (Hartley et al., 2012). Hartley and colleagues (2012) also found that more than half of their respondents perceived an elevated risk of contracting an infectious disease while on the job. Several statistically significant covariates of officer risk perceptions surfaced among the studies, including findings that greater knowledge levels about HIV/AIDS and additional years of formal education reduced perceived risk (Alarid & Marquart, 2009), and older and male officers perceived statistically significant increased levels of risk as compared to their counterparts (Dillon & Allwright, 2005).

Other studies examined COs' perceptions of either fear or risk of victimization by inmates and co-workers but found lower levels of perceived risk when compared to the aforementioned investigations. For example, Gordon and colleagues (2003) and Lai and colleagues (2012) found that less than half of the officers sampled feared victimization by either inmates or co-workers. Furthermore, only a few officers in Gordon and colleagues' (2003) study perceived a risk of such victimization. Authors of both studies attributed these comparatively lower rates of perceived risk and fear to the types of inmates that officers were responsible for supervising. For example, whereas officers in Alaird and Marquart's (2009) and Dillon and Allwright's (2005) examinations were employed in higher-security facilities, COs in the latter studies worked in juvenile detention and minimum-security, adult prisons. Those officers worked among inmates who posed reduced health and safety threats as opposed to officers employed in higher-security facilities populated by more dangerous offenders. Even considering this point, however, Gordon and colleagues (2003) and Lai and colleagues (2012) argued that despite being employed in lower-security facilities, officers were still cognizant of the fact that health risks were a part of their job.

In Gordon and colleagues' (2013) investigation, for which COs employed across predominantly medium- and maximum-security facilities were surveyed, between 57 and 73 percent of respondents expressed moderate to high degrees of risk of victimization by inmates. Gordon and colleagues (2003, 2013) and Lai and colleagues (2012) found that statistically significant predictors of officers' risk perceptions held across gender, race, and education levels. Women perceived additional risk, as did non-white COs and those with more formal education.

Two final studies examined COs' perceptions of job-related danger and risk (Garcia, 2008; Ferdik, 2014). Garcia (2008) used multi-level modeling techniques and secondary data from the Prison Social Climate Survey to assess federal COs' perceived levels of danger using an inventory measure of this outcome. Roughly half of all officers across Garcia's sample expressed some perceived job-related danger. Statistically significant predictors of this outcome, at both the individual and institutional levels, included race, gender, and security level, with non-white, female, and officers employed in higher-security facilities perceiving greater danger levels than their counterparts.

Ferdik (2014) asked a statewide population of COs in maximum-security facilities to rate their risk of injury from six specific workplace dangers, which included the presence of gangs and contraband. Not only did a majority of the sample perceive a high degree of injury risk from each danger, but additional years of job-related employment positively predicted officers' perceived risk of injury.

Assessments of COs and their general perceptions of workplace safety and risk carry a number of important considerations. When COs perceive high levels of any type of risk in their work environments, this perception can adversely influence their job performance and even contribute to high levels of turnover and a poorly managed prison facility (Ferdik, Smith, & Applegate, 2014a). COs' heightened risk perceptions can also elevate their stress and job dissatisfaction levels (Garcia, 2008), which may, in turn, engender hostile interactions between officers and offenders, thereby leading to mismanagement of the inmate population (Gordon, Moriarty, & Grant, 2003; Gordon, Proulx, & Grant, 2013). Since COs play perhaps the most important role in successful prison management, gathering insight into their levels of perceived workplace risk can aid interested audiences in better

understanding the specific threats to officer safety and wellness which, in turn, can lead to policies and programs directly related to enhancing the overall well-being of COs.

Consequences of Risks to Correctional Officer Safety and Wellness

Numerous consequences have been linked to the safety and wellness risks confronting COs. For example, contentious relationships between officers and their co-workers and supervisors as a result of increased stress levels were revealed in various studies (Finney et al., 2013; Lambert, 2004). This, in turn, led to many COs reporting decreased work performance and even being distracted while on the job (Brower, 2013; Finn, 2000). Griffin and colleagues (2009) found that higher levels of stress were significant predictors of three variations of officer burnout: depersonalization, emotional exhaustion, and job ineffectiveness. Lambert and colleagues (2002) and Hogan and colleagues (2006) found that stress adversely and significantly impacted the level of commitment of officers to their work. In a rare study that evaluated the influence of stress levels on perceived danger, Garcia (2008) found that higher individual and institutional stress levels significantly increased perceptions of danger in a sample of federal COs.

Many studies have found safety and wellness risks within the correctional environment to significantly influence officers' desire to use administrative sick leave (Lambert et al., 2005; Lambert, Hogan, & Altheimer, 2010), as well as their desire to resign (Ferdik, Smith, & Applegate, 2014b; Patenaude, 2001; Udochukwu et al., 2007). The Management and Training Corporation (2011) estimated that between 2000 and 2008, 16.2 percent of all American COs resigned from their posts after only three years on the job. More troubling figures were reported in individual corrections departments, most notably those of Vermont and South Carolina, where each respectively reported that 35 percent of their COs voluntarily resigned in 2009 alone (South Carolina Department of Corrections (SCDC), 2013; Vermont Department of Corrections (VDC), 2013). Fiscal problems have been recorded by various correctional administrative officials as a result of losing so many officers, with the SCDC operating at a $45.5 million deficit in 2009. Budget constraints subsequently forced remaining officers to work with inoperable weapons, radios, and other necessary equipment (SCDC, 2013). Deprived of the most essential resources with which to successfully perform their jobs, COs often find that their health and safety come under additional threat. Elevated rates of officer turnover and absenteeism can lead to higher inmate-to-officer ratios and greater numbers of inmate-on-inmate and inmate-on-staff assault (Lambert, 2004; Steiner, 2008).

Researchers have also found that COs experience disproportionately higher rates of physical health problems such as chronic neck, back, and knee injuries, heart disease, diabetes, high cholesterol, and hypertension, as compared with other professionals such as crisis counselors, teachers, and law enforcement personnel (Dowden & Tellier, 2004; Morgan, 2009). Much of this can be attributed to the demanding nature of this line of work, including prolonged work hours, irregular sleep patterns due to constantly changing shift assignments, and being tasked with extra duties that extend beyond their traditional responsibilities (Brower, 2013). Previously referenced dangers such as role conflict and ambiguity, public misconceptions about the CO's job, and work-family conflict also exacerbate physical health problems for COs (Morgan, 2009; Swenson, 2008). Even life expectancy rates are lower for officers. One seminal study (Cheek, 1984) noted that the average lifespan of individuals in this line of work was 59 years, some 16 years below the national average of 75. A more recent study by the New Jersey Police Suicide Task Force (2009) also found an average 59-year lifespan among COs.

Figure 10.9 Correctional officers may suffer from Post-traumatic Stress Disorder after being placed in dangerous and stressful situation in their line of work. Correctional officers suffer from PTSD at a higher rate than the general public. Pixaby license Free

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Crawley (2004) and Swenson (2008) expanded on the above findings, noting that the physical demands of this profession can disrupt officers' biological clocks and sleeping patterns; impair their cognitive, emotional, and motor functions; and compromise their eating habits. These problems can manifest as multiple psychological and emotional disorders. For example, Morse and colleagues (2011) found that 31 percent of COs reported serious psychological distress, twice the rate of the general public. Spinaris and colleagues (2012) found in a study of more than 3,000 corrections professionals that 27 percent of officers reported symptoms of post-traumatic stress disorder (PTSD), which surpassed rates of PTSD experienced by combat veterans, who reported just 14 percent. PTSD symptoms among COs have been further linked to memory impairment, depression, obesity, and a higher prevalence of substance abuse (Spinaris, Denhof, & Kellaway, 2012).

Intensive interviews with COs conducted by Crawley (2004) revealed that high levels of stress led more than half of interviewees to resort to self-destructive behaviors such as alcohol and drug consumption to cope with their jobs. The effects spilled over to families, as many officers brought work-related problems home. This led to increased levels of tension between domestic partners and, in some cases, officer suicide. Stack and Tsoudis (1997) found the suicide rate for COs to be 39 percent higher than that of the general working-age population. This finding was supported by research by the New Jersey Police Suicide Task Force (2009), which found the rate of suicide for COs to be double that of police officers and the general population.

Health and safety concerns, as demonstrated by the empirical literature referenced thus far, appear to be attendant consequences of employment as a CO. Officers are tasked with demanding and often conflicting work responsibilities that increase their risk for physical and mental health problems such as injuries, stress, and even death. Officers must interact with and supervise potentially dangerous individuals such as gang members, inmates with mental illness, and those with communicable diseases, which further complicates officers' health issues. According to the research cited above, officers, regardless of security assignment, recognize the danger to which they are subject as a result of their profession. Many scholars conclude that employment as a CO is among the most dangerous and life threatening of all professions, including law enforcement. Given how COs are heavily relied upon to supervise inmate behavior, establish order in their facilities, and maintain wider institutional security, it is paramount that correctional practitioners, researchers, administrative officials, and other interested stakeholders begin developing more effective and widely used strategies for enhancing the general well-being of this critically important workforce.

Fortunately, changes have begun. Policies that include employee assistance and peer support programs have been implemented across some prison systems. Despite the well-intentioned purposes of these programs, few have come under scientific scrutiny, meaning little evidence attesting to their effectiveness exists. These programs are few and far between, implemented in only a few prisons. Although for several years' researchers have extensively documented the numerous dangers and health risks associated with CO employment, relatively little is known about how to best address these problems. Moreover, with the exception of a handful of studies, little is also known about how COs judge the dangerousness of their jobs and the steps they take to protect themselves from workplace dangers and risks.

The next section of this report describes the policies and programs designed to assist officers from a wellness standpoint, the empirical literature (or lack thereof) related to their effectiveness, and an argument for why more research on CO safety and wellness is needed. Although much is known about why and how the CO's job is dangerous, we still do not have a foundational understanding of what can be done to enhance their safety — a critical area of research, given the essential role officers play in the functioning of any prison system.

Correctional Officer Wellness Policies and Considerations for Future Research

Policies That Support Correctional Officer Safety and Wellness

Because COs are exposed to many occupational dangers, correctional practitioners, researchers, and administrative officials must develop methods for enhancing officers' well-being. Such efforts have been slow to develop (Armstrong & Griffin, 2004; Brower, 2013). Although some prison facilities have begun to institute mental health counseling and other measures designed to improve the general welfare of COs, many of these programs are in their infancy, have not been evaluated using scientific methods, and exist in only a handful of correctional facilities (Armstrong & Griffin, 2004; Brower, 2013; Morse et al., 2011). Many pundits have remarked that to better address the safety and wellness threats to COs, it is perhaps best to examine the broader law enforcement profession and what it is doing to ensure the well-being of police officers (Armstrong & Griffin, 2004; Brower, 2013; Delprino, 2001; Finn, 1998, 2000; Roland, 2011).

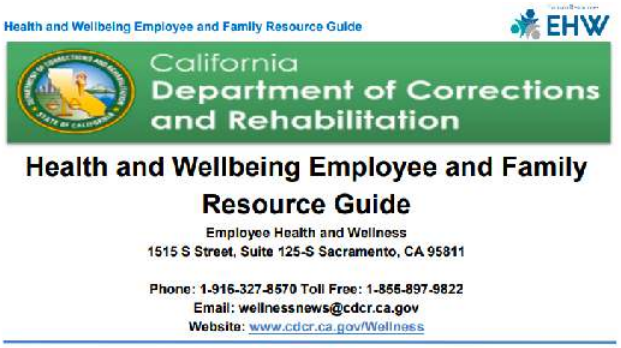

Figure 10.10 California Department of Correction has an employee portal available to employees and family to see health and wellness programs offered by the department. Creative Commons CC0 1.0 Universal Public Domain Dedication.

Some scholars have discouraged applying police research and policies to the correctional context because police officers and COs are employed in dramatically different working conditions (Brower, 2013). For example, although police officers are exposed to many occupational dangers such as gangs and physical retaliation from community members (Anson, Johnson & Anson, 1997; Jones & Newburn, 2002), when compared to the dangers confronting COs, marked contrasts exist. Brower (2013) suggests that the daily dangers and pressures "faced by COs far exceed those experienced by police officers" (p. 5). Whereas the dangers faced by law enforcement personnel are periodic, those faced by COs are constant. In fact, COs experience continued exposure to violent and dangerous offenders throughout the entirety of their work shifts. In addition, although police officers must interact with unpredictable citizens who may pose a risk of harm, they also have multiple opportunities to forge partnerships with prosocial community members who can help law enforcement maintain community harmony (Brower, 2013). For COs, these opportunities are largely absent as they are responsible for overseeing offenders who may be frustrated with their current conditions and may express those grievances against the very individuals charged with monitoring their behavior.

Other differences exist as well. Police officers are permitted to carry lethal and less-lethal devices for protection, whereas COs are not (Farkas & Manning, 1997). In addition, although there are negative portrayals of the police in mainstream media, they are often counterbalanced by positive images of law enforcement officers engaging in heroic acts (Chermak & Weiss, 2005). The same cannot be said for COs, with many media depictions stereotyping them as inhumane figures who have a fundamental disregard for human suffering (Crawley, 2004). All these issues can predispose correctional officers to greater levels of stress, injury, and even fatality when compared with law enforcement (Garland, 2002).

Specific occupational differences aside, it is widely recognized that both police officers and COs are exposed to various dangers that can threaten their welfare, and some experts have noted the potential benefits to corrections agencies of learning more about law enforcement strategies to protect their officers (Brower, 2013). Police departments are frequently staffed by psychiatrists and other mental health professionals trained to assist law enforcement personnel. Moreover, the mental health field now recognizes police psychology as a discrete area of academic study. The American Psychological Association (APA), for example, now issues board certification to individuals specializing in this field (Brower, 2013). A variety of policies specially designed to protect officers from physical and mental threats, such as peer-support programs, have also been implemented on a mass scale across police agencies (Brower, 2013; Chermak & Weiss, 2005). It appears that the broader policing profession has received the required attention from counselors and other mental health professionals who have been trained and certified to help police officers cope with the dangers inherent in the job. Unfortunately, the same cannot be said for the corrections field.

Currently, no psychological discipline focused on corrections exists. Many prison institutions lack the resources (whether monetary or otherwise) that could be used to introduce mental health counseling for COs, and no established professional organizations address the unique psychological and physical needs of COs (Brower, 2013; Delprino, 2001; Roland, 2011). Much of this deficit can be attributed to difficulties in locating adequately trained treatment providers who are knowledgeable about best practices related to correctional psychology. Additional impediments include mental health treatment providers' lack of awareness of psychological selection strategies and laws specific to corrections, PTSD treatment for COs, and how family matters interact with work problems for COs (Brower, 2013; Finn, 1998; Roland, 2011). As this white paper notes, not only is corrections a dangerous field of employment, but some studies have found that COs experience disproportionately higher levels of injury and stress as compared with other workers such as law enforcement officers (Brower, 2013; Harrell, 2011). Programs and policies designed to

address these issues are critical to improving the health conditions of COs, and perhaps lessons can be borrowed from law enforcement.

Despite the professional differences between police and COs outlined above, lessons for the corrections field can be learned from the literature on police officer well-being (Brower, 2013). Like COs, law enforcement personnel are exposed to physically demanding work conditions, constantly rotating work shifts, inconsistent sleep patterns, trauma, and a host of other dangers (Anson, Johnson, & Anson, 1997; Jones & Newburn, 2002). These problems can contribute to increased stress levels, physical problems such as heart disease and diabetes, and even the risk of suicide (Stack & Tsoudis, 1997). Because corrections and police officers experience similar problems, an argument can be made that the corrections field needs to begin to borrow ideas from the policing discipline. Brower (2013) remarked that the policing literature potentially has much to offer in terms of improving health conditions for COs, and that prison systems do not necessarily need to "reinvent the wheel in order to do this" (p. 13). This report describes some specific strategies, largely borrowed from policing, that correctional agencies can implement to improve officer safety and wellness. Also referenced are health improvement recommendations provided by correctional scholars, with critical insight into whether policies are effective and should be adopted.

Some corrections departments have begun instituting employee assistance programs (EAPs) that are borrowed directly from policing (Sauter, 2001). EAPs are designed to offer specialized services to assist organizations in addressing front-line worker productivity and in identifying and resolving the personal concerns and problems of subordinates. According to Brower (2013), essential components of EAPs include providing consultations to organizational leaders to help manage troubled employees, active promotion of assistance services, confidential and timely provision of services, and referral of employees to treatment providers. Significant numbers of law enforcement agencies across the United States have implemented EAPs for troubled officers, but this has not been observed in corrections departments. A 2013 report issued by the ACA noted that of the more than 4,000 prisons in operation across the U.S., fewer than 100 had any type of EAP. Moreover, very few of these programs have been scientifically evaluated to determine their effectiveness in improving CO well-being.

Finn (2000) identified another strategy that could be used to ameliorate officer stress and noted that a number of correctional agencies nationwide have adopted this technique, which includes the establishment of peer-support programs. Peer-support programs recruit workforce colleagues who can offer emotional and social support to those who may have undergone traumatic experiences while on the job. Peers offer counseling and recommendations to their colleagues to help them cope with the consequences of their job-related experiences. Successful implementation of peer-support programs involves the provision of social support through colleagues, experiential knowledge, trust, confidentiality, and easy access (Roland, 2011). Examples of these programs can be found in Pennsylvania, which instituted the Critical Incident Stress Management Program, and Massachusetts, which established the Peer Stress Unit Program (Finn, 2000). Military and policing organizations that have adopted this strategy reported high levels of success. Although some correctional institutions have recently incorporated peer-support programs, those programs have yet to undergo scientific evaluation. Like EAPs, little is known about whether peer-support programs work in the correctional context (Finn, 2000).

Other recommendations for improving CO health have been scientifically evaluated. Two such evaluations come from McCraty and colleagues (2009) and Farbstein and colleagues (2010), who each evaluated mental health treatment programs for officers in four correctional institutions. The first study randomized 88 officers from three prisons into either an experimental stress-reduction program (HeartMath's Power to Change Performance Program) or a waitlist control group. Following program intervention, treatment recipients experienced statistically significant reductions in stress, cholesterol, heart rate, and blood pressure levels when compared to a similarly matched control group. In the second study, after a prison installed a mural depicting a nature scene, significant reductions in CO stress and heart rate levels were observed when compared to the period before the mural was installed. With only two such studies in existence that have empirically assessed these types of stress-reduction programs, additional confirmatory research is needed.

Although limited in scope, studies by Finn (1998, 2000) noted that some prisons and jails across the U.S. have incorporated critical incident stress-reduction units that specifically address the needs of officers who have experienced traumatic events while on the job, including hostage takeovers, riots, or the murder of fellow officers and inmates. Such units provide debriefings and counseling for officers who may have mental health consequences because of these experiences. However, reports from NIJ (Finn and Kuck, 2005) and Finn (1998, 2000) noted that these programs are not seen on a massive scale across correctional facilities, largely

because of correctional administrators' failure to recognize the health concerns of officers as well as inadequate funding to support these programs.

Elliot and colleagues (2015), noting high stress levels present within corrections, recommend the following strategies to officers to improve their well-being: maintain a healthy body weight, exercise for at least 30 minutes per day, consume five servings of fruits and vegetables daily, and visit physicians twice annually. Of course, correctional administrative officials cannot oversee and regulate the dietary intake and exercise regimens of their officers, but they can recommend that officers adopt these lifestyle habits to promote health. An investigation by Triplett and Mullings (1996) that directly questioned officers about the measures they take to improve their health uncovered some interesting information: COs often use a variety of coping mechanisms in response to stress, including seeking social support from others and selectively ignoring stress-inducing stimuli. Moreover, the study found that officers who used these coping strategies reported reduced stress when compared with their counterparts. According to the ACA and Keinan and Malach-Pines (2007), prison administrative officials can follow certain recommendations to increase officer wellness. The study suggested that administrative officials promote greater teamwork among line staff, reduce role ambiguity, improve officers' job satisfaction by rotating their shifts to make them less physically taxing, screen incoming officer applicants to determine their susceptibility to stress, increase officer pay and benefits, better prepare officers to confront workforce dangers, and offer positive reinforcement to productive line staff.

Summary of Policies on Correctional Officer Safety and Wellness

Correctional researchers, administrative officials, and prison systems in general have largely neglected the health and safety concerns of COs, which is a crucial area of focus given the important role that officers play in maintaining order in correctional facilities. Recently, some programs designed to improve CO health, borrowed largely from the broader policing discipline, have been instituted in some prison facilities, but few have been systematically evaluated using social science research methods. More concerted efforts must be undertaken across the correctional field to improve CO health and safety, as a result.

An important first step is recognizing that this field of employment is perilous and accompanied by many threats to CO health. Brower (2013) remarked that policies and programs designed to improve officer health have not been instituted in many prison facilities because administrative officials fail to recognize the dangers attached to the job. Improvement of CO health starts by changing this mindset among not only administrative officials but also other relevant stakeholders in the correctional field. Keinan and Malach-Pines (2007) identified an additional impediment to successful implementation of safety and wellness programs: the widespread attitude known as "machismo" among COs. Machismo prevents officers from requesting any type of assistance because they perceive such requests as a sign of inherent weakness. It is imperative that we begin to change the cultural mindset in corrections and recognize that this is a dangerous field wherein external sources of assistance are sometimes required to improve officer well-being.

Psychiatrists, counselors, and other mental health professionals have made considerable strides in improving police officers' health, but similar efforts for COs have not been observed. Further study must be undertaken of the sources and consequences of CO stress and other harms to which these front-line prison personnel are exposed. Knowledge of these subject areas can help improve our understanding of CO health and inform policies designed to enhance their overall well-being. On this point, Brower (2013) noted that the American Board of Professional Psychology has begun to consider the idea of creating a subspecialty in correctional psychology. Such a subspecialty could contribute significantly to the development of educational and training programs that are specifically designed to address COs' physical and mental health needs.

Police agencies have incorporated a number of programs focused on improving officer health, including peer-support programs and EAPs. These programs are not seen across correctional facilities, and the few that exist have not been evaluated to determine their effectiveness, so few definitive conclusions can be drawn about whether these programs are applicable to the correctional context. Researchers are strongly encouraged to apply rigorous social science research methodologies to examine whether these programs are effective, which in turn, will help determine whether they should be adopted on a broader scale.

Although much has been written about the mental health risks associated with employment as a CO and some policies have been designed to address these concerns, very little, if any, literature exists on policies tailored to address COs' concerns about physical health. Researchers have noted that dangers such as prison gangs, the presence of contraband, and inmates with mental illness, among others, pose considerable threats to the physical health of correctional officers (Burke & Owen, 2010; Fleisher & Decker, 2001; McLearen & Ryba, 2003). Administrative officials of the correctional system are therefore encouraged to consider policy

interventions designed to minimize the injurious risks connected to such dangers. If these are the very dangers most likely to inflict harm upon correctional officers, then strategies aimed at mediating their threats must be implemented on a mass scale across penitentiaries. Policies could include heightened intake procedures to identify problematic inmates, improved communication channels between correctional line staff so they can discuss potentially threatening offenders and what can be done to handle them, separation of gang members to limit their ability to correspond with one another, ensuring officers always have back-up support when dealing with troublesome offenders, instruction/training for officers on mediation tactics that de-escalate volatile situations, and provision of additional therapeutic services, where possible, for offenders afflicted with mental disorders (Burke & Owen, 2010; Fleisher & Decker, 2001; McLearen & Ryba, 2003). Implementation of such policies targeted at decreasing and addressing correctional-based dangers could have the dual benefits of enhancing officer wellness and establishing wider institutional order. With all of this information in mind, what follows is a discussion of what scholars and researchers can do in terms of future research on the broad topic of CO safety and wellness.

Considerations for Future Research

A considerable body of research on CO safety and wellness has been amassed over the past several decades. Findings have provided important insight into the working conditions of officers and what can be done to improve their general well-being. Although this research is informative, a number of limitations restrict our ability to draw definitive conclusions regarding officer safety and wellness. This section identifies inherent weaknesses in this literature and recommends directions for future research.

A variety of sources have shown that COs frequently fall victim to workplace injuries and even fatalities (Finn, 1998; Konda et al., 2013). Largely unknown, though, are the contextual factors that influence these phenomena or the specific types of injuries befalling officers. Lacerations, cuts, bruises, and head trauma are some of the many types of harm that COs can experience while on the job, yet researchers have not specifically explored this issue.

Furthermore, officers of the prison system are forced to work alongside dangerous offenders such as gang members and inmates who create and distribute contraband. Some officers are assigned to more dangerous units of the prison (e.g., administrative segregation), which can increase their risk of physical and mental health problems (Crawley, 2004). Researchers are therefore encouraged to ask the following questions: What are the specific factors that contribute to fatal and nonfatal workplace injuries experienced by COs? Are there individual and institutional differences in the rates of injury and fatality experienced by COs? Are officers employed in more overcrowded prisons more likely to experience injury and fatality? Are officers who work alongside inmates who have infectious and communicable diseases as well as those with mental disorders more likely to fall victim to physical harm? From a broader institutional standpoint, what are the consequences of officers experiencing injury and fatality while on the job? What specific types of policies, training regimens, or programs can address these dangers? We know from the extant studies on CO safety and wellness that dangers such as the presence of contraband pose physical threats to officers, but we need to better understand how to address them. The psycho-social dangers inherent in employment as a CO have not been adequately studied. This category includes problems such as work-family conflict and public misperceptions about the CO's job (Crawley, 2004). Researchers should consider the following questions: Is this danger an actual threat to officer wellbeing? What are the potential consequences of exposure to psycho-social dangers? If this is determined to be of significant concern, what can be done to address the consequences of exposure to psycho-social dangers?

Research has noted that COs experience high rates of stress and other mental health problems because of role conflict and ambiguity, work-family conflict, poor co-worker relations, and other factors (Ferdik, 2014; Lambert et al., 2005). Less known are the strategies that correctional agencies can implement to address these mental health concerns. Future scholars should consider asking the following questions: What policies and programs work best to address the mental health consequences associated with CO employment? Although there is some information regarding the correlates of officer stress, there has not been sufficient research into what can be done to resolve this issue. Applying what is known about the correlates of stress can help answer this question.

Researchers have noted that COs experience significantly higher rates of suicide than both police officers and the general public (Morgan, 2009). Brower (2013) remarked that "much more research is needed to develop a better understanding of the prevalence and causes of suicide among correctional officers" (p. 11). Future researchers should ask: What factors lead to increased suicide rates among COs? What can be done to prevent officer suicide? What impact does officer suicide have on the wider correctional facility?

Various programs and policies designed to enhance officer well-being have been introduced by correctional systems, but few have been empirically assessed (Brower, 2013). Some prisons offer peer-support programs, EAPs, and in some cases, trained mental health professionals, but the greater scientific community still lacks a clear understanding of whether these programs are worthwhile. Rigorous social science research methods (e.g., experimental and quasi-experimental designs) should be used to better understand the efficacy of these programs. Future research questions might include: Do peer-support programs and EAPs help improve CO well-being? What other programs, policies, and larger preventive measures that can effectively address the broader health concerns of COs should be implemented?

Other areas of research that should be explored include the physiological effects of this line of work. Some scholars have noted that CO work can lead to physical health problems such as diabetes, heart disease, and chronic neck, back, and knee injuries (Dowden & Tellier, 2004; Morgan, 2009). Only a handful of studies have investigated this issue, and more research into this area is recommended. Because COs experience high rates of stress and other mental health problems, researchers should also ask whether officers hold negative outlooks on life and humanity as compared with individuals not employed in this field. These negative outlooks could have harmful effects on social relationships, and more research into this area is needed.

Although scholars have devoted considerable effort to exploring the harmful effects of correctional employment on officers (Crawley, 2004; Finn, 1998; Moon & Maxwell, 2004; Obidoa et al., 2011), little is known about the deleterious effects that this line of work can have on the family environment. Domestic partners' reactions to their spouses' employment in the prison industry and the effects such employment can have on family cohesion are just some of the many research questions that future scholars could explore as we attempt to better understand the intersection between correctional employment and the home environment.

Another area requiring additional scholarship is COs' perceptions of workplace safety and wellness. To date, only eight studies have questioned officers about their perceptions of the correctional work environment; clearly, much more research is needed in this area. For example, we do not have a fundamental understanding of the factors that contribute to the disparate levels of fear and risk reported by officers. Also absent from the correctional literature is a solid understanding of the variables that officers' risk perceptions could influence, such as the intention to voluntarily resign, stress levels, and relationships with inmates. Perceptions of the workplace have been shown to influence a variety of outcomes (Powell & Ansic, 1997); however, much of this research has been restricted to non-correctional settings. Scholars interested in these issues are encouraged to ask: What are officer judgments regarding workplace safety and wellness? What factors influence officers' perceptions of their jobs? What variables are influenced by officers' perceptions of the workplace? With the exception of one identified study (Triplett & Mullings, 1996), no researchers have asked correctional officers for their input about strategies designed to improve their welfare. Triplett and Mullings (1996) discovered that COs use coping strategies, and these strategies are quite effective at reducing stress levels. Future researchers could employ mixed methodologies of data collection in the form of surveys and structured interviews to expand our understanding about CO stress-reduction efforts.

In addition to soliciting COs' input about their jobs, it would also be beneficial to understand what correctional administrative officials believe needs to be done to address officer safety and wellness. Some scholars have noted that administrative officials have largely neglected the safety issues of their officers (Brower, 2013). Future researchers are encouraged to gather more information about and insight into the viewpoints of administrative officials about CO health. Questions might include: How do correctional administrative officials perceive the dangerousness of the CO's job? Do the officials believe that measures need to be instituted to address officer safety and wellness? If so, what strategies do they recommend for improving CO health?

Countless individual studies on the correlates of CO stress have been conducted, but only one meta-analytic synthesis of this research has been performed, and even that is somewhat dated (Dowden & Tellier, 2004). Approximately 13 years have elapsed since the publication of that study; therefore, another quantitative synthesis of this literature would be a welcome addition to the scholarship on CO safety and wellness.

Conclusion

Synthesis of the Report on Correctional Officer Safety and Wellness

COs are employed under stressful and dangerous conditions that are distinct from other occupational milieus (Ferdik, 2014). Being employed alongside inmates who may be violent, manipulative, or mentally and physically ill requires a strong focus on institutional safety and security (Crawley, 2004). However, over time, correctional employment has been shown to have negative effects on officer safety and well-being. For prison facilities to operate efficiently, it is important that they be staffed with officers

who are physically and mentally sound and able to respond to the numerous challenges that this line of work presents. This report highlighted the high rates of injury and fatality that are inherent in CO work and some strategies designed to enhance their welfare. The report concludes by summarizing its major findings and offering additional suggestions for how these results can be used to improve officer well-being. This synthesis of the literature on CO safety and well-being revealed three distinct dangers confronting officers: work-related, institution-related, and psycho-social. To date, work-related dangers have received the most attention in the research literature because these issues are intrinsic to the correctional context. These dangers include exposure to infectious and communicable diseases, prison gangs, disruptive inmate behaviors, the presence of contraband, inmates with mental illness, and riots.

The second category of dangers related to CO safety and well-being encompasses institution-related dangers, which are largely influenced by the prison administration. Examples include role conflict and ambiguity, as well as low pay, extended work hours, and insufficient staffing and resources. In today's correctional environments, as documented by the research on institution-related dangers, officers are being asked to accomplish more with fewer resources, which elevates their mental health risks.

A final category of work-related dangers threatening officer well-being comprises psycho-social dangers, which are arguably the most understudied and underappreciated aspects of correctional work. Researchers know relatively little about the impact of work family conflict on COs. Some studies have explored this phenomenon (Crawley, 2004), but there is a need for greater academic attention in this area.

Another objective of this literature synthesis was to identify studies that have questioned COs specifically about their perceptions of workplace safety and wellness. A review produced eight empirical investigations, suggesting that more research is needed in this area. Overall, this research indicates that officers of the correctional system are aware of the perils that accompany this line of work, as even low-level security and juvenile detention facility officers expressed some degree of concern about their general safety and wellness. Given that increased perceptions of harm can elevate officers' stress and burnout levels (Armstrong & Griffin, 2004; Dowden & Tellier, 2004; Ferdik, Smith, & Applegate, 2014a), it is vital that future researchers continue to expand on this body of work to contribute to a more refined understanding of how officers judge the dangerousness of their profession.

Two final objectives of this report were to evaluate the literature on CO wellness programs and identify gaps in the overall body of knowledge on officer well-being. Although some policies to enhance officer safety have been introduced, few have been subjected to empirical scrutiny. It is strongly advised that researchers begin exploring this area through the application of rigorous research methods.

Prisons function efficiently when they are staffed with healthy officers and understanding ways to improve officers' overall well-being can contribute to safer and more orderly correctional facilities. Given the gaps in the wider scholarship on CO safety and wellness, several unresolved questions remain. Researchers interested in expanding the knowledge base concerning CO safety and wellness are encouraged to explore some of the focus areas identified in this report. The policing discipline and research on law enforcement officer well-being can provide a starting point for correctional agencies. Although police and COs are employed under different occupational conditions, both are exposed to dangers that can threaten their welfare. Police departments have taken important steps to enhance officer well-being. Although these initiatives (e.g., peer support programs and EAPs) have yet to be comprehensively evaluated within the corrections context, they offer a stepping stone for better understanding how to address issues that threaten CO safety and wellness (Brower, 2013).

Only within the past few years has attention been directed at examining issues of CO safety and wellness. This report provides a comprehensive synthesis of the most recent and salient studies that explore this topic. Although this review does not constitute the final word on all issues related to officer well-being, it does offer a general perspective of the threats confronting officers and the strategies required to improve their safety. Scholars and practitioners who read this report are encouraged to learn from the research of others, institute best practices designed to enhance officer well-being, and further study the major issues related to CO safety and wellness.[38]

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10.4: Specialized Personnel

California Prison Industry Authority (CPIA) has opportunities at various locations statewide to employ many individuals with experience and expertise in specialty trades.

CPIA has more than 150 different job classifications, ranging from marketing professionals, a full cost accounting department, Human Resources, IT support, Web and graphics designers, legal services, contracts and procurement analysts, and 84 operational specific enterprises.

Figure 2. CPIA workers Replacing offensive grave markers at Mormon Island Relocation Cemetery. Image is in the Public Domain: (U.S. Army Photo/Chris Gray-Garcia)

Note

Pin It! CPIA in Action

In the above image Folsom Prison inmates are working under the California Prison Industry Authority place new grave markers at Mormon Island Relocation Cemetery in El Dorado Hills, Calif., Oct. 19, 2011, replacing original markers that contained an offensive racial epithet. The U.S. Army Corps of Engineers Sacramento District moved the 36 graves from the original Negro Hill Cemetery to the relocation cemetery during the construction of Folsom Dam in 1954, and created the offensive markers. El Dorado County, which manages the cemetery, and the California Prison Industry Authority collaborated on the project to replace the markers. Visit CALPIA's official website to discover their mission.

CALPIA hires according to civil service system rules that require that vacancies be filled using eligibility lists created as a result of civil service examinations. All current and non-state employees must compete in an examination and attain list eligibility in order to be considered for vacant positions.

Distribution and Delivery

This enterprise includes the receipt, storage, issuing and shipping of finished products, food supplies, raw materials, component parts, etc. in a CALPIA Warehouse. Employment opportunities include the following jobs:

- Heavy Equipment Mechanic (Correctional Facility)
- Heavy Truck Driver (Correctional Facility)
- Industrial Warehouse and Distribution Manager, Prison Industries
- Industrial Warehouse and Distribution Specialist, Prison Industries
- Industrial Warehouse and Distribution Supervisor, Prison Industries
- Skilled Laborer
- Warehouse Worker (Correctional Facility)

Construction Services

This enterprise is responsible for direct supervision of a wide variety of day labor/offender or ward labor construction projects at assigned State correctional facilities. Employment opportunities include the following jobs:

- Construction Supervisor I (Correctional Facility)
- Construction Supervisor II (Correctional Facility)
- Construction Supervisor III (Correctional Facility)

Facilities Maintenance

This is an all-inclusive custodial service designed to meet California Correctional Healthcare Service (CCHCS) needs statewide. The program will train offenders with the necessary knowledge and skill level needed to meet the highest possible standards for healthcare environmental standards. Employment opportunities include the following jobs:

- Custodian (Correctional Facility)
- Lead Custodian (Correctional Facility)
- Custodian Supervisor II (Correctional Facility)
- Custodian Supervisor III (Correctional Facility)

Maintenance and Repair

This enterprise involves the safe and proper preventive maintenance and repair of all industrial systems, equipment and facilities to ensure the successful, on-going operation of each industry. The maintenance and repair enterprise include the areas of welding, hydraulics, pneumatics, plumbing, boiler maintenance, electrical, electrical trouble shooting, and others. Employment opportunities include the following jobs:

- Equipment maintenance Supervisor
- Heavy Equipment Mechanic
- Industrial Supervisor, Prison Industries (Maintenance & Repair)
- Prison Industries Superintendent I (Maintenance & Repair)
- Prison Industries Superintendent II (Maintenance & Repair)
- Skilled Laborer

Fabric Products

This enterprise involves garment manufacturing on a large variety of sewn products, such as: coveralls, institutional clothing, fire protection gear, vests and more.

Knitting Mill

This enterprise involves the manufacturing and finishing of circular and tubular knitted materials in such items as T-shirts, hosiery, and underwear.

General Fabrication

This enterprise manufactures various lines of freestanding conventional furniture and modular system furniture (MSF), which is comprised of several hundred components that can be combined to create various office space configurations.

Metal Fabrication/Products

This enterprise involves the manufacturing of a variety of metal products, including but not limited to, license plates, signs, beds, chairs, tables, lockers, file cabinets, desks, shelves, and stools.

Mattress & Bedding

This enterprise involves the manufacturing of mattresses, pillows, and other bedding.

Shoe Manufacturing

This enterprise involves the shoe manufacturing process, specializing in cutting, stitching, lasting, injection molding, finishing and packing.

Tool & Die

This enterprise involves the handling of silkscreen materials and equipment such as Ink Jet Printer, Thermal Printer, Semi-Automatic Screen Printing, printing carousel, screen drying equipment, and exposing unit.

Upholstery

This enterprise involves the manufacturing of upholstery products, such as chairs and lounges

Wood Products

This enterprise involves the manufacturing of a large variety of wood furniture for dormitories, libraries, offices, recreational areas, and other fine wood specialty products.

Employment opportunities include the following jobs:

- Industrial Supervisor, Prison Industries
- Prison Industries Superintendent I
- Prison Industries Superintendent II

Enterprises:

Bindery

This enterprise manufactures heat-sealed binders, turned edge binders, polyethylene binders, mesh signs and vests using heat-sealed lettering, press-board files, diploma covers, and various other silkscreen printed specialty items.

Dental Laboratory

This enterprise provides dental services to the California Department of Corrections. The laboratory maintains a complete dental prosthesis selection ranging from custom trays, bite blocks, try-ins, night guards, partial and full dentures, and cast metal framework.

Detergent Plant

This enterprise involves working in quality control factory in a lead capacity role for a detergent/ cleaning product manufacturing organization, which produces a wide range of detergent products including California Green cleaning products.

Digital Services

This enterprise involves the production of digital mapping data used in Geographical Information Systems (GIS); Closed-Captioning services; tactile printing for the visually impaired; transcription services and more

Laundry

This enterprise involves providing laundry services for State, local governmental entities, public agencies.

Optical Products

This high-volume enterprise involves the manufacturing and assembly of plastic and poly-carbonate lenses used in safety and ophthalmic eye wear.

Printing

This enterprise involves the printing of decals, stickers, tags, forms, envelopes, business cards and other specialty printing items using digital copy, letterpress, offset web and sheet fed printing equipment.

Employment opportunities include the following jobs:

- Industrial Supervisor, Prison Industries
- Prison Industries Superintendent I
- Prison Industries Superintendent II

Enterprises:

Agriculture/Crops Farm

This enterprise involves the farming, producing, and harvesting of a large variety of crops, including corn, alfalfa, oats, sudan, small grains, and almonds, to be used for livestock or human consumption at State institutions or public sale.

Bakery

This enterprise involves the mass production of white and wheat breads.

Coffee Roasting & Grinding

This enterprise involves roasting and grinding green coffee beans for sale to State and local agencies.

Dairy

This enterprise involves multiple aspects of the dairy industry including dairy husbandry practices such as feeding, milking, medicating, breeding, and the daily operations of a dairy. In addition, it involves the processing of the milk including standardizing, pasteurizing, packaging and preparing shipments of fluid milk for delivery.

Egg Production

This enterprise involves the brooding/growing of chicks and managing mature laying hens for the purpose of shell egg production; the shell egg production is composed of grading, candling, shipping, and storage of shell eggs; this enterprise also receives and ships fresh and frozen egg products.

Food & Beverage Packaging

This enterprise, depending on the factory, involves the packaging of bread, cookies, peanut butter, and jelly; and or beverage products in gable top cartons for individual servings. It also involves coordinating bulk deliveries of various types of food and beverage products to customers.

Meat Cutting/Processing

This enterprise involves the daily operational functions of a meat processing plant involving the processing of primal cuts and box beef, which includes cutting, boning, the making of various sausage products, and packing and shipping; and inspects product for compliance with quality control under United States Department of Agriculture procedures.

Poultry Processing

This position involves the processing of poultry products.

Sausage Making/Cured Meats

This enterprise involves the mixes/blends of ground meats and condiments to make various cooked/smoked sausage products

Employment opportunities include the following jobs:

- Industrial Supervisor, Prison Industries
- Prison Industries Superintendent I
- Prison Industries Superintendent II

Note

Pin It! CALPIA Employment Opportunities

Many different types of employment opportunities are available. For information on how to apply for correctional jobs within the state federal correctional systems click on the following links.

- CAL Careers
- Federal Government Jobs

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