

# Corrections in the 21st Century

## Learning Objectives

- Learn what decarceration is and what is causing it
  - Understand why we might be entering an age of Penal Help and exiting a period of Penal Harm
  - Comprehend the value of relationships in corrections
  - Be aware of the potential problems with privatization
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Alex DeLarge is the product of a society in which no one takes personal responsibility for his or her actions and of a culture that panders to our basest human instincts. He is the leader of a gang that is into what they call “ultraviolence,” and Alex engages in all kinds of crime, especially sadomasochistic rape. Betrayed by his associates, he is eventually caught by police after raping and murdering a woman. Two years into his sentence for murder, Alex volunteers as a test subject for an experimental treatment based on aversion therapy. Alex is given drugs and forced to watch violent images while the drugs make him nauseous. After 2 weeks of “therapy,” Alex has become incapable of fighting back against a man who attacks him. The mere thought of violence and sex now make him retch violently. He is then released from prison as “successfully cured” in order to reduce the financial burden of imprisonment. Only when he finally freely chooses to desist from crime does he do so.

Some of you may recognize that this is the story line of the dystopian futuristic novel *A Clockwork Orange*. The book is about an effort to “cure” criminality and its ultimate failure since Alex reverted to his former self after the “cure” wore off. Another book, *Walden Two* (this time based on a futuristic utopian society), contains a similar theme. One of the characters in the book explains the goal of such a society:

You see, we want to do something—we want to find out what’s the matter with people, why they can’t live together without fighting all the time. We want to find out what people really want, what they need in order to be happy, and how they can get it without stealing it from somebody else.

Efforts to “do something” this time were based on the principles of behaviorist psychology—principally on positive reinforcement instead of aversion therapy.

Both books resonate with the perpetual problem of corrections: effectively identifying and treating the sources of criminality. We still need to “allot a portion of the virgin soil . . . as the site of a prison,” as Nathaniel Hawthorne predicted in the opening vignette in Section I. The financial cost of prisons is prohibitive, but we will always need them, barring some “miracle cure” awaiting us in the distant future. The great physicist Niels Bohr once said, “Prediction is very difficult, especially about the future,” so we do not speculate about that here. And as Bill Clinton said in his successful campaign for the presidency, “It’s the economy, stupid.” Economic considerations have and always will drive corrections policy. We enact mandatory sentencing laws that imprison people who perhaps should not be imprisoned when state budgets allow, and then we release prisoners early who should not be released when state coffers are low. This generates public anger as victims’ tormentors are released, thus renewing calls to “get tough” on crime, and the whole process recycles. Perhaps legalizing drugs and saving the prisons for folks like Alex is the only solution at present. These are some of the things to think about as you read this last section.

## Introduction: Learning From the Past So That We Have Hope for the Future

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Americans have a tendency to revisit old themes, efforts, and programming every generation or so, even when such endeavors were clear failures and rejected by generations past. Perhaps this is because we are a relatively new nation and are seemingly remade as new generations of immigrants flood our shores, bringing histories and cultures that do not include memories of past reform efforts made in this country. Perhaps we keep retrying old endeavors because of the media influence that reduces very complex problems to brief and simplistic messages, and consequently we do not understand that despite the new packaging and marketing, we have been there and done that before. Or maybe it is a hand-and-glove collusion by the media and politicians in this reductionism of complex topics and collective memory loss.

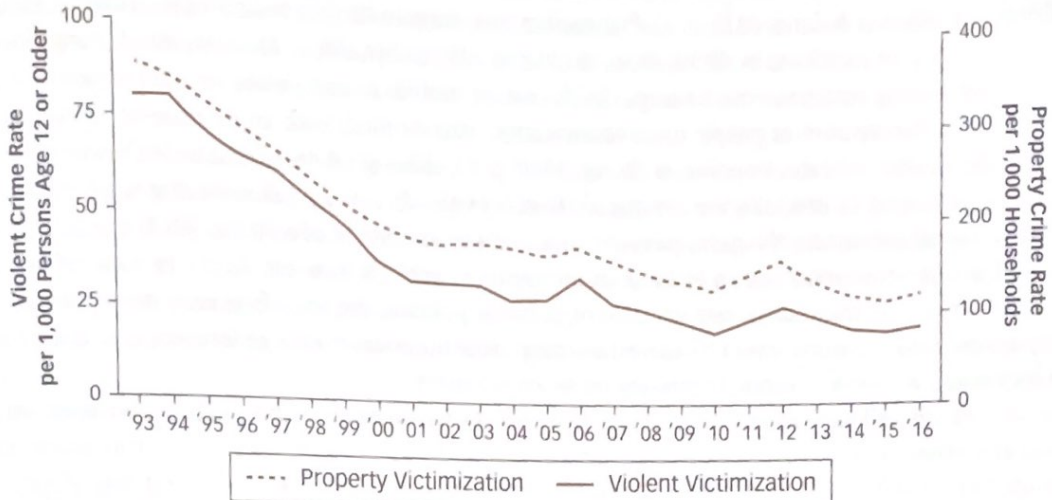
Whatever the reason, we do not seem to learn much from the experience of those who have come before us, at least as that is related to correctional practice. Or, more accurately, we certainly could learn more from our past than we have! It is an oft-cited truism, courtesy of the philosopher Santayana, that those who do not know their history are doomed to repeat it. This adage bears repeating as it clearly applies here regarding correctional programs, operation, and practice.

## Punitive Policies Yield Overuse of Corrections

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To illustrate this point, all we need to do is consider the efforts of the last 2 decades that are declining in popularity—namely, the drug war, mandatory sentencing, supermax prisons, and abandonment of treatment programming. Spurred by punitive sentiments that swept the political, social, and economic systems, the statutes, declarations, and practices that derived from these efforts profoundly changed corrections as Americans experienced it (Cullen, Jonson, & Stohr, 2014; Whitman, 2003). First, they vastly increased the use of all forms of corrections in this country. Our imprisonment rate (just for prisons, not including jails) was stabilized at about 125 persons per 100,000 residents for 50 years (1920 to 1970) until the drug war, mandatory sentences, and other punitive policies increased it (Ruddell, 2004). At the end of 2009, this number had risen to 502 persons per 100,000 residents, or more than 4 times the imprisonment rate of that 50-year period. In raw numbers, the offenders sentenced to prison increased more than 500%, from 319,598 in 1980 to 1,613,740 in 2009 (West, Sabol, & Greenman, 2010, p. 1). Notably, the number of people held in prison had decreased by 2013 to 1,574,700, but this still yielded a roughly 492% increase from 1980 to 2013 (Carson, 2014, p. 2).

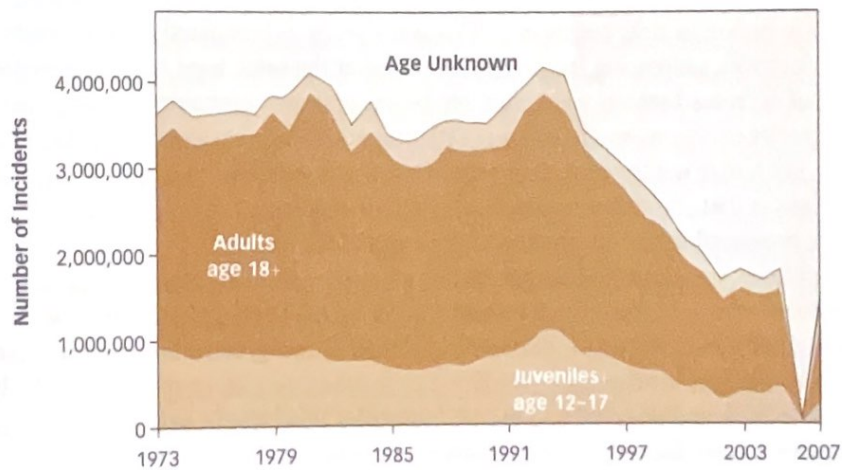
**Figure 17.1 • Decline of Violent Crime Rates Since 1993**



*Source:* Bureau of Justice Statistics (2017).

*Note:* Victimization rate trends exclude NCVS (National Crime Victimization Survey) estimates for 2006 because of methodological inconsistencies between the data for that year and the data for other years.

**Figure 17.2 • Serious Violent Crime by Perceived Age of Offender**



*Source:* Bureau of Justice Statistics (2010).

*Note:* Victimization rate trends exclude NCVS estimates for 2006 because of methodological inconsistencies between the data for that year and the data for other years.

A comparable steady and swift increase in the use of jails has occurred since punitive policies were put in place. In 1986 the incarceration rate for jails in the United States was 108 persons per 100,000 residents, and by 2009 it was 250, or nearly a 250% increase in the use of jails during more recent years, although it had decreased to 234 by 2014 (Minton, 2010, p. 4; Minton & Zeng, 2015, p. 1). Put another way, the number of persons incarcerated in America's jails more than quadrupled, or increased by 405%, from 183,988 in 1980 to 744,600 in 2014 (Minton & Zeng, 2015, p. 2).

Similarly astounding increases can be found in the use of probation and parole because of punitive practices. From 1980 to 2009, the number of people on probation more than tripled, with an increase of 376% (1,118,097 in 1980 to 4,203,967 in 2009) (Glaze, Bonczar, & Zhang, 2010, p. 2), although it decreased to 345% when the 1980 and 2014 figures for probation (3,864,100) are compared (Kaeble et al., 2015, p. 2). Likewise, the number of persons on parole nearly quadrupled during this time period (from 220,438 in 1980 to 856,900 in 2014) because most people in prisons and jails do eventually return to their communities (Kaeble & Bonczar, 2017). In sum, what all of these numbers and Figure 17.1 indicate is that because of punitive policies, the use of corrections—prisons, jails, and community corrections—has increased by almost unimaginable numbers from a generation ago, and although it is no longer increasing as much, it is not decreasing by much yet either.

Yet as best we can tell (and as was mentioned in Section I), we do not have proportionately more crime these days than at any other period in our history (see Figures 17.1 and 17.2). In fact, based on victimization and police reports, it appears that by 2015 (the latest year for which we have data), we had the lowest rate of victimization since the National Victimization Survey began in 1973. As indicated in Figures 17.1 and 17.2, violent crime by adults and juveniles did increase in the 1970s and through the early 1990s, but it has since dropped precipitously, though clearly the use of incarceration has not mirrored this decrease. Moreover, property crimes have dropped just as consistently and sharply (Bureau of Justice Statistics, 2010; Bureau of Justice Statistics, 2016).

In addition, our use of corrections is not in sync with what other countries are doing. We have similar crime rates (Farrington, Langan, & Tonry, 2004), yet our incarceration rate is more than 14 times that of Japan; 5 to 7 times that of France, Canada, China, England, and Wales; and 3 to 4 times that of Saudi Arabia and Chile (Walmsley, 2013). Russia is the only other developed nation that gets close to our incarceration rate, and the United States still outpaces that nation with 1.5 times its incarceration rate.

Second, interestingly enough, these punitive policies have not had the effect of increasing sentencing length. The average sentence to prison in state courts in 1992 was 6.5 years, as compared with 5.5 years in 2009 (Bonczar, 2011, p. 1). It is not clear why sentencing length has decreased at the same time that more punitive policies are in effect. It is possible that decreased sentence length might be one of those unintended consequences of the overuse of incarceration. The capacity of prisons and jails, along with probation and parole caseloads, has been vastly increased over the last 20 years, but it may not have increased enough to accommodate the numbers of processed felons in the courts. What this means is that courts are forced to adjust their sentences to the lower relative capacity of prisons, and parole boards are pressured to release inmates as prisons and jails fill up.

Third, punitive policies, as discussed in other sections, have led to an explosion in the number of women and minority group members who are incarcerated or under some form of correctional supervision (Bureau of Justice Statistics, 2006; Irwin, 2005; Irwin & Austin, 2001; Pollock, 2004; Zimring, Hawkins, & Kamin, 2001). Until the current version of the drug war was resurrected—yes, there were others in American history (Abadinsky, 1993)—the proportion of women to men and of racial and ethnic minorities to whites in prisons, in jails, and on parole and probation was somewhat stable (Bureau of Justice Statistics, 2006).

Fourth, such policies have favored the use of more isolation, “punishment,” and warehousing to deal with both bulging correctional populations and recalcitrant inmates. The number of supermax facilities has exploded, as has the number of supermax inmates, as management of the number of inmates turned to favoring punishment and warehousing over treatment (Irwin, 2005).

As a result of such policies, a fifth outcome has been the abandonment of a core principle of some correctional institutions and practices (e.g., probation, parole, minimum security institutions, work releases)—namely,

treatment—based on insufficient evidence. Some correctional programs and institutions were formulated on the premise that treatment is a major goal of corrections. Though the public has continued to believe this (Applegate, Cullen, & Fisher, 2001), for all intents and purposes, real efforts at treatment—beyond basic Alcoholics Anonymous/Narcotics Anonymous, religious, and GED programs—in prisons, jails, and community corrections received little funding and virtually disappeared in many places from the mid-1970s to the mid-1990s.

Although some of these endeavors and efforts, such as the drug war and mandatory sentencing, continue and even grow in some communities, for the most part scholars and some policymakers have deemed the former a failure and the latter a spectacular waste of money. Furthermore, though the number of supermaxes has grown in the recent past, there is far less hype about their promise of eliciting inmate reform as in previous years. Finally, all indications are that the belief in and embrace of treatment programming—albeit primarily programs that can demonstrate their worth—is on the upswing both in correctional institutions and in the communities. Although all of these changes in attitudes and perceptions are positive, it is frustrating to realize that we knew—or should have known from our own past—that drug wars, mandatory sentencing, isolation, and pure punishment in the form of warehousing are not likely to reduce crime in this country, let alone reform those under correctional control. The long and the short of it is that we should have known better because it had all been tried before.

## Decarceration

As indicated in the foregoing, the numbers of persons incarcerated in jails and prisons and supervised on community corrections has been declining recently. By 2015, we had seen 8 years of declines of about 1% per year (with many of the declines being in probation populations), but for 5 of those years there were either decreases in incarceration at the state or federal level or only relatively small increases (Kaeble et al., 2016, p. 2). These declines were generally at the state level, not the federal (we should caution that Attorney General Jeff Sessions called for harsher sentences at the federal level in the spring of 2017, so we may see more incarceration there in the immediate future). In most states, by 2014 a greater proportion of their correctional population was on community supervision than had been the case previously. From 2000 to 2014, there was a decline in the number of people on probation and decreases in the numbers of people in jails and prisons, although the steepest decline was in probation populations (Kaeble et al., 2016). But these decreases in correctional populations came during the second half of that time period (from 2007 to 2014), whereas from 2000 to 2007 there were just increases. Parole populations have been the exception to these decreases in correctional populations; they only increased from 2000 to 2014. These more recent decreases (and increases in parole) have not been uniform across the states or by region (Glaze & Herberman, 2013). Only in three northeastern states—New York, New Jersey, and Maryland—were these declines a discernable trend over the last decade, though in Illinois, Michigan, Delaware, and Texas, the 2009 declines were preceded by anemic growth rates earlier in the decade (West et al., 2010). Nor have all states experienced such declines. The difference about the time period we are in, however, is that for the first time in a long time, we are seeing some steady, if not dramatic, declines in the use of corrections.

## Explanations for the Decline in the Use of Incarceration

What might these declines in the use of incarceration be attributed to? Is it possible that declining crime, particularly violent crime, has actually begun to affect the use of prisons in some states? Is it possible that enforcement of the drug war has waned as states have legalized medical marijuana? (Nine states—Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Vermont, and Washington State—and the District of Columbia had legalized recreational marijuana as of 2018.) Has the drug hype as tied to criminality (e.g., the crack mothers producing crack babies hysteria) receded in the minds of the public, politicians, and criminal justice practitioners? Is it possible, in the case of the northeastern states, that declines are tied to reduced state populations—particularly the reduction of

young people, who are the most engaged in street crimes? Could it be that the reduced use of incarceration for some of these states is a consequence of the recession that hit the United States in 2007 and the resultant declining tax revenues and increased debts faced by states and localities that can no longer afford the bill for spiraling imprisonment?

We think it is possible that all of these scenarios have some value in explaining the decreased use of incarceration in some states in the last few years and for a few states for the last several years. We know that overall the number of admissions and parole violators returned to state prisons declined in 2010, signaling a change in the number of people before the courts, a change in sentencing by court actors, a change in parole agents' behavior, or some combination of these (West et al., 2010).

We also know that about 60% of the increase in the use of prison by the states was due to the increased imprisonment of violent offenders, perhaps signaling greater attention being paid to them rather than to drug offenders (West et al., 2010, p. 7). Finally, we know that despite their greater contribution to the composition of prisons, these violent offenders were actually "doing" less time. In 2000, the mean length of stay for violent offenders was 46 months, but by 2008 this mean had declined to 44 months—a seemingly small effect, but when multiplied by hundreds of thousands of people, this lower mean can have a huge impact on some prison systems (West et al., 2010, p. 8). Reduced length of stay may be related to the effect of declining state revenues on state prisons.

### The Recession and Decreased Use of Incarceration

In 2009, the Pew Center on the States published a report subtitled *The Long Reach of American Corrections* in which the authors made the case that "more prison spending brings lower public safety returns" (Saylor & Iwazsko, 2009, p. 17). The authors argued that over the last 20 years, we have incarcerated too many first-time and nonviolent offenders who never needed to be incarcerated. Doing so has cost us billions of dollars with no collateral decrease in crime since most of these people either would not reoffend or could have been handled in a much less expensive and intrusive way in the community. Moreover, the more we incarcerate, the less we achieve the ideal of incarcerating the serious repeat offenders (as there are far fewer of these); the more the lower-level offenders are "replaced," leading to greater involvement of more people in crime; and the less likely we are to deter current criminals given that research does not show that longer sentences deter more effectively. Though Saylor and Iwazsko (2009) acknowledged that the huge incarceration increase was likely responsible for somewhere between 10% and 35% of the decrease in violent crime since the mid-1990s (depending on

which researcher you listen to and which model and assumptions he or she adopts), the authors noted that most of the drop in crime was likely attributable to factors outside of incarceration. It makes no sense financially, they argued, to continue to incarcerate low-level, aging, and less criminogenic offenders.

There are some recent examples from the news that indicate some states and localities have come to the same conclusion. For instance, Washington State in April 2011 closed the 135-year-old McNeil Island Prison because of the need to cut the state's budget; the cut was projected to save \$12.7 million (Mulick, 2010, p. 1). Likewise, for the first time in state history, Oregon in October 2010 closed a minimum security facility in order to save the state a projected



▲ Photo 17.1 An empty hallway in a prison cell block.

\$33.8 million (Zaitz, 2010, p. 1). In both these instances, department of corrections officials claimed that none of the inmates would be released early because of the closures.

In another example from Washington State, this time involving the Thurston County jail and its finances, the county manager declined to open the newly built, \$45 million facility for at least a year because the county could not afford to staff it or pay for its operation (Hulings, 2010, p. A4). In addition, the county manager noted that the new jail was not needed as much because of the declining jail population in the county, which happened after the jail construction had begun.

Moreover, in a report by The Sentencing Project (Porter, 2011), the author revealed that in 2010, “state legislatures in at least 23 states and the District of Columbia adopted 35 criminal justice policies that may contribute to reductions in prison populations and eliminate barriers to reentry while promoting effective approaches to public safety” (p. 3). These policies included the following: (1) medical marijuana laws (Arizona, District of Columbia), (2) drug and property offenses (Colorado, Illinois, Tennessee), (3) reduced penalties for revocations (Colorado, Indiana, Massachusetts, Michigan, New Hampshire, New Jersey, Pennsylvania), (4) policies that increased parole eligibility and reduced establishment of “ban the box” laws that delay questions regarding the criminal history of an applicant until he or she is interviewed (Connecticut, Massachusetts, New Mexico), and (5) modified policies regarding juveniles to reduce their incarceration and the severity of it (Colorado, Virginia, Wyoming), among other changes (Porter, 2011, p. 3). Porter (2011) noted that developing alternatives to prison contributed to a 20% drop in incarceration from 1999 to 2009 in both New York and New Jersey. She argued that though several of these changes in state policies were made to reduce current and future budgets, they were also made because policymakers were no longer convinced of the efficacy of mass incarceration as a public safety measure.

### Implications of Decarceration and the Need for a Plan of Action

Should these early indications of decarceration turn into a flood of releases—dare we say *mass decarceration*—there will be many positive outcomes, such as (1) less incarceration of low-level offenders, resulting in a greater sense of justice for community members; (2) less incarceration of minority men and women, also resulting in a greater sense of justice for all; (3) fewer tax dollars being devoted to incarcerating people; (4) a reduction in the growth of the corrections–industrial complex, at least at the institution level (see a discussion of the complex later in this section); and (5) more opportunities for people to age out of crime and contribute in a meaningful way to their communities. However, there are likely some negative outcomes of decarceration that could occur if policymakers and correctional officials do not plan appropriately, such as greater unemployment, more low-level crime, and increased use of drugs and alcohol by ex-inmates. There are also likely to be those working in corrections who oppose the closure of correctional institutions and programming as it will threaten their livelihoods (Garland et al., 2014). Clearly, money will be saved through decarceration, but some of these monies will likely be needed to fund reentry programs in corrections, work and training programs for the decarcerated in communities, and the expansion of drug and alcohol treatment in communities so that decarcerated people can have the opportunity to rebuild their lives.

### Penal Help Versus Penal Harm

Another explanation for the decreased use of incarceration may be the increased use of treatment programming that addresses the appropriate risk, needs, and responsivity levels and types of offenders. As indicated in Section XV, there is a well-established science behind some of the best-formulated and best-implemented programs. There is evidence that these programs may be effectuating a decrease in criminal engagement, further convincing correctional managers that expenditures on programming may be a better bet for reducing crime and costs than is the building of more institutions.

Some scholars have signaled that this shift to treatment over punishment may portend a move away from the **Penal Harm** movement of the last several decades to an age of reform embodied by the term **Penal Help** (Stohr, Jonson, & Cullen, 2014). The reform of state laws to liberalize marijuana use, the repealing of harsh sentences, and the reduction in the use of incarceration generally, coupled with the increase in the use of rehabilitation, restorative justice, and reentry programming, all signal a sea change in the nature of the justice system and in corrections in particular. Taken together they indicate that there has been a societal shift toward Penal Help over Penal Harm (Garland et al., 2014; Pollock, Hogan, Lambert, Ross, & Sundt, 2012; Stohr et al., 2014; Tucker, 2014).

## Professionalization

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As we look to the future, there are a number of problems in addition to the amount of incarceration that should preoccupy those of us concerned about correctional practice. One issue that affects almost all areas of practice is that of professionalism. As indicated in other sections in this book, the effort to professionalize corrections has not yet yielded consistent fruit around the country. Some correctional institutions and programs have moved to enforce professional standards for their new hires, such as the requirement of a college-level educational background, sufficient training, and pay that is commensurate with job requirements. However, most correctional organizations, perhaps primarily because of a lack of resources, have failed to move in a similar direction.

Yet hiring and keeping a professional staff is key to moving correctional institutions into the 21st century. When the correctional practitioner does not have the kind of education that acquaints him or her with the history, background, concepts, and research regarding corrections, then the correctional organization is simply ill prepared to meet the challenges it faces. Moreover, when turnover is high because training and pay are insufficient, the organization becomes less stable and less equipped to problem solve regarding pressing concerns. Therefore, if we ever hope to move beyond the past and its failed correctional endeavors and perspectives, the ranks of correctional practitioners need to be professionalized.

## Corrections Is a Relationship Business

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The correctional experience for clients/offenders/inmates and staff and the success of treatment and probation/parole programming all hinge on the relationships among the people in these organizations. It is often said that the greatest expense for any public service organization is its staff. A collateral expense for correctional institutions and programs is the care of their inmates and/or clients. Notably, these expenses wax and wane to some degree based on the relationships among the actors. If those relationships are characterized by respect and concern among staff and respect and care (coupled with a healthy degree of control) between staff and clients/offenders, then costly lawsuits, staff turnover, riots, and just general stress that produces discord in the workplace are all less likely.

In his groundbreaking work on less explored and identified types of intelligence—emotional and social—Goleman (1995, 2006, p. 4) argued that scientific research on the brain indicates we are “wired to connect” to others, which means that every time we engage with other human beings, we affect, and are affected by, their thoughts and consequently their behavior. Those relationships that are the most prolonged and intense in our lifetime are most likely to affect us not just socially or emotionally but biologically.

To a surprising extent, then, our relationships mold not just our experience but also our biology. The brain-to-brain link allows our strongest relationships to shape us on matters as benign as whether we laugh at the same jokes or as profound as which genes are (or are not) activated in T-cells, the immune system’s foot soldiers in the constant battle against invading bacteria and viruses (Goleman, 2006, p. 5).

Goleman (2006) identified a “double-edged sword” in relationships in that those that are positive are healthful, but those that are negative can lead to stress, fear, frustration, anger, and despair, all emotions that can manifest

themselves in physical ailments (p. 5). Of course, correctional environments are chock-full of stressed, fearful, frustrated, angry, and despairing people, and we are not just referring to the inmates here! So this means that unless correctional environments can foster some positive relationships between and among staff and clients/inmates, both will suffer psychologically and physically.

Recognition of the need to provide opportunities for inmates to maturely cope while under correctional supervision (see Section VIII) would appear to be an acknowledgment that something positive can come out of the decent incapacitation of offenders. Moves to democratize workplaces and give people a voice and choice in their work (as discussed in Section IX) may serve to reduce some of the negative emotions associated with working in corrections. More recent attempts to treat rather than just warehouse inmates in institutions and offenders on probation and parole also represent a move to more positive relationships and thus a better future for corrections. As indicated by the findings from the research presented in Sections VI, VII, VIII, X, and XV, there is reason to believe that some treatment and supervision tactics can work to help offenders as they endeavor to deal with their substance and other abuse issues.

## Privatization

### The Profit Motive in Corrections

**Privatization** in corrections is not a new phenomenon. As was discussed in the first sections of this book, transportation and the convict lease system were both based on privatization. The privatization of parts of prison operations (e.g., health care, food service, or work programs) continues in many public prisons. And since the 1980s, the number of completely private prisons has grown at both the state and federal level. Several of those prisons have experienced problems with escapes, violence, staff turnover, inexperienced staff and deficient staff training, brutality and abuse by staff, and inadequate physical facilities (Camp & Gaes, 2002).

In her 1973 book, *Kind and Usual Punishment: The Prison Business*, Jessica Mitford details the misuse of public monies for prisons; instead of improving the diets and opportunities of inmates after the Attica riot (the causes of the riot), for instance, millions of dollars were used by prison officials in New York to purchase riot gear and technology and to hire more staff. Her argument is that closed-off institutions, such as prisons and jails with their relatively powerless inmates, are particularly susceptible to graft and corruption of both the legal and the illegal sort. She notes that state legislatures are particularly susceptible to contributions by private entities who want to do business with corrections.

Forms of corruption and abuse of monies—the illegal sort of graft—are easy to spot, though they are not always stopped. As Mitford (1973) complained, “Convicts will tell you about profitable deals made with local merchants for supplies in which the warden pockets a handsome rakeoff, unexplained shortages in the canteens, the disappearance of large quantities of food from the kitchen” (p. 172). It is the legally sanctioned graft in corrections, however, whereby money from state legislatures is intended for one type of purchase but is diverted to another—such as the hiring of more administrators rather than the provision of adequate food—that fascinated her and caused her to characterize the operation of public sector corrections in this country in the 1970s as a “business.” She charged that corrections in many states were out to make a profit for administrators and their supporters (among vendors and state legislatures) and not to attend to their core mission of holding people decently and securely while assisting them in their reform.

Almost 50 years later, if anything the operation of corrections in the United States has become even more business-like in the worst way, with some commentators characterizing the system as the **corrections-industrial complex** (Welch, 2005). In his last speech, President Dwight Eisenhower warned the nation about the development of the *military-industrial complex*, or the collusion among politicians, defense contractors, and leaders in the military regarding the value of war and military spending as a money-making and power-generating enterprise for all three (Mills, 1956). Similarly, Welch argued that corrections has become a similar enterprise among (1) state legislatures, governors, and city and town leaders (politicians), who receive contributions from prison/jail contractors, vendors,

and private prison corporations (businesses); (2) directors and secretaries of corrections, wardens, sheriffs; and (3) probation and parole managers (criminal justice officials), who participate in contracting with business. The criminal justice officials contract with the private sector businesses not necessarily because they provide better services or even less expensive services than the public sector but because they are pressured to do so by the politicians who appoint/select and fund them. In other instances, the officials receive kickbacks themselves in terms of remuneration or jobs when they leave public service for the private sector.

### The Walnut Grove Correctional Facility

The perfect example of how this kind of collusion among politicians, business, and criminal justice officials in this corrections-industrial complex can lead to gross injustices can be found in a small Mississippi town. In the town of Walnut Grove, an hour's drive east of Jackson, Mississippi, was the Walnut Grove Correctional Facility for boys and young men (it incarcerated youth up to age 22 to increase the number and, thus, the profit the private corporation could make). It was the largest juvenile/young adult prison in the country, housing 1,200 juveniles and young people. The state of Mississippi paid the private corporation GEO Group and, as of 2012, the private prison company Management and Training Corporation to operate the prison, which they did for a profit. Before August 2010, the prison was operated by another private prison corporation, Cornell Companies; after this it was operated by GEO Group and finally by Management and Training Corp. The prison was under a federal consent decree for violating inmate rights beginning in 2012 (Williams, 2016) and was finally closed in 2016 (Williams, 2016).

In a two-part investigation of the Walnut Grove facility by National Public Radio (NPR), Burnett (2011) found that violence was set up and encouraged by the correctional officers. They also found that sexual abuse of the young male inmates by female officers was rife. In 2011, the prison was under investigation by the U.S. Department of Justice and was being sued on behalf of 13 inmates by the Southern Poverty Law Center (SPLC) and the ACLU. According to the NPR report,

"When we began investigating conditions inside this facility and seeing how these kids were living with the beat downs and the sexual abuse and violence and corruption, it became a no-brainer. It became something we had to do," said Sheila Bedi, the lead attorney on the case and deputy legal director for the SPLC. (Burnett, 2011, p. 1)

After 2012 the prison continued to experience problems, including two riots in 2014, rapes of inmates, denied access to medical care, and a host of other issues (Williams, 2016). According to Burnett (2011), the crux of the problem at Walnut Grove was the correctional officers: There were too few of them, there was little supervision of them, some were gang members themselves, and others were inclined to abuse the inmates either physically or sexually. The national average of officers to inmates for juveniles is 1 to 10, but the 2009 audit at Walnut Grove determined that the ratio was 1 to 60 there. As staff are the most expensive item for any correctional entity to fund, cutting staff and their salaries is one way to assure profits for a money-making enterprise like this prison (the GEO Group, for instance, is traded on the New York Stock Exchange and made \$1 billion in 2010) (Burnett, 2011, p. 1). According to the audit done in 2009, "There were three inmate injuries a day. In the first six months of 2010 there was more than one fight a day, an assault on staff at least every other day and nine attempted suicides" (Burnett, 2011, p. 1).

NPR found after a review of public records that the warden and deputy wardens at Walnut Grove were receiving supplemental checks from the federal government for administering educational grants for the juveniles in the amount of \$2,500 to \$5,000 when they were already paid by GEO (Burnett, 2011, p. 1). The town of Walnut Grove also "made money" out of the existence and growth of the prison; the mayor of Walnut Grove (who was later convicted of a sex offense for taking an inmate to a local hotel for sex) claimed that it had funded the local police department. "It's been a sweet deal for Walnut Grove," Sims [the mayor] said. Indeed, every month, the prison [paid] the town \$15,000 in lieu of taxes—which comprise[d] nearly 15 percent of its annual budget" (Burnett, 2011, p. 1).

In addition, a vending company owned by the mayor had 18 machines inside the prison. Moreover, the correctional authority that sent the Walnut Grove prison its grant money was given \$4,500 per month by GEO. Left unexplored in the investigation is the question of why the Mississippi state legislature and governor's office authorized the private operation of Walnut Grove in the first place and why they didn't shutter it until 2016 despite knowing of the abuses that had been occurring there for years (Williams, 2016).

### Idaho's Own Private Prison

One of the largest private prison corporations, the Corrections Corporation of America (CCA), which had earnings of \$1.7 billion in 2012, was voluntarily removed as the operator of a private medium security prison it had been operating near Boise, Idaho, since the 1990s (Boone, 2013a). The CCA made \$29 million from this Idaho contract alone (Boone, 2013b). The CCA stands accused of defrauding taxpayers by severely understaffing positions that it was paid for and was under investigation by the Federal Bureau of Investigation for this and the level of violence at the prison. As a result, inmates have claimed they are less safe. Counselors and case managers were used to fill security positions, thus making it difficult for them to help inmates with programming or reentry planning. The Idaho Department of Corrections reportedly knew of this understaffing for years because its own auditors reported on it. There were lawsuits from inmates claiming understaffing and excessive violence as a result. In fact, the Idaho Department of Corrections auditor found that the CCA prison had nearly 3 times the number of inmate-on-inmate assaults as other publicly operated prisons in the state. As a result of an inmate lawsuit brought by the ACLU regarding the staffing and violence, the CCA settled and promised more staff. The CCA also reported that the mandatory staff positions were filled, but it turns out it was falsifying those documents and those staff positions were vacant. This problem only came to light because an Associated Press request for staffing and payroll information from CCA spurred the company to confess the truth to the Idaho Department of Corrections. On Friday, January 3, 2014, Idaho governor Butch Otter, a big fan of prison privatization and someone who once suggested that more private prison operators should be able to operate in the state, ended the contract with CCA, saying, "We had better hopes for outcomes in privatization" (Russell, 2014, p. B1). In May 2016, a federal appellate court upheld a contempt-of-court ruling against CCA, which means that the company will need to pay "higher-than-normal" attorneys' fees to the ACLU for its defense of inmates who brought suit because of the falsified staffing reports by CCA (Boone, 2016, p. 3A).

### The Extent of Privatization and Its Problems

According to The Sentencing Project (2017, p. 1), in 2015 about 8% of all state and federal inmates in prisons in the United States were held in private prisons; this represented a 43% increase since 2000. However, the absolute number of people housed in private prisons has decreased by 8% since 2012 when six states (Arkansas, Kentucky, Maine, Michigan, Utah, and Wisconsin) ended their contracts with private prisons because of concerns regarding "safety and cost-cutting" (The Sentencing Project, 2017, p. 2). In the last year of the Obama administration, the Justice Department indicated that it was going to gradually end the use of private prisons, which were housing almost 35,000 people by 2015. However, this decision by the Obama administration was reversed by the Trump administration in 2017.

Though private prisons do not cost less to operate—in fact, they might be more expensive when all costs are accounted for, such as lawsuits and monitoring and assistance from publicly funded police and fire departments—they are easier and faster to build since they do not require the authorization of bonds from state legislatures (Camp & Gaes, 2002; General Accounting Office, 1996; The Sentencing Project, 2017). In a study of private prisons at the state and federal level by Camp and Gaes (2002), the researchers, who were employees of the Federal Bureau of Prisons at the time, found that "the private sector experienced significant problems with staff turnover, escapes and drug use" (p. 427). For instance, in 1999, secure facility private prisons experienced 18 escapes, while out of all of the Bureau of Prison facilities, a system that was larger than all of the private secure prisons combined, there was only one escape that year (p. 433). The researchers concluded, "The failures that produce escapes or illegal drug use

can result from problems in policy and procedures, in technology, and in staff capabilities” (p. 445). As the two recent examples of private prison failures provided in this section—the Walnut Grove Facility in Florida and the CCA prison in Idaho—would indicate, when profit competes with professional staffing and the just operation of prisons and jails, profit considerations often win out, with dire consequences for inmates and staff in such facilities.

In a surprising reversal of a 30-year trend toward greater privatization of corrections, and in recognition of the recent history of abuses and scandals involving private prisons, the Department of Justice under the Obama administration released a statement in the summer of 2016 indicating that the federal government would begin the process of ending the use of private prisons, claiming that they are “less safe and effective” than public prisons (Zapotosky & Harlan, 2016, p. 1). This decision was reversed, however, by the Department of Justice under the Trump administration in February 2017 (Zapotosky, 2017). Notably, neither of these decisions to use or not use private prisons at the federal level affects what happens in the states.

## Concluding Thoughts

It is a stunning realization that much of the future looks like the past, but it is true in a way. Current trends in corrections mimic those themes we laid out in the early sections of this book. However, as has been demonstrated by the research presented throughout this book, there has also been great progress in refining how we handle correctional practice and programming.

There is little doubt that most correctional experiences for clients/inmates are not tinged with violence or brutality. The vast majority of correctional staff in both communities and institutions act professionally, whether the attributes of their work fit that designation or not. Basic health care, clean housing, and nutritious food are provided to most incarcerated persons in the United States. Probation and parole officers do provide referrals to their clients when time permits and programs are available. Despite crowded caseloads, these officers usually make every effort to carefully watch the most dangerous of their charges. Jails, though often overcrowded or, at least, overused, are generally helpful at ensuring the safety of suicide-prone or mentally disturbed inmates or people detoxing from drug- or alcohol-induced highs. Jails may not represent the best places for such people, but they are usually safer than the streets and do provide a minimum of much-needed services. There is much more programming available for those incarcerated in prisons and even jails, and to probationers and parolees, than there was even 10 years ago. In short, though we tend to repeat our past mistakes, there has been some learning from them as well, and this is manifested in improved correctional practice.

## SUMMARY

- The current decarceration trend in a few states, which is apparently catching on in others, is hopeful in that prisons can then be reserved for the truly violent and serious offenders. This can lead to increasing public safety, reducing minority community disruption, making the system fairer and more just as the punishment fits the crime, increasing the likelihood of successful reentry by offenders, and reducing the monetary costs of corrections for the public.
- A key component of this movement toward greater justice, if there is one, is the progress made in providing worthwhile treatment and programming—what might be termed the Penal Help movement in corrections. Should correctional managers and policymakers continue to support and increase funding for such initiatives, we may witness a true age of reform in this generation.
- Another currently popular movement—privatization—should give us pause, however. As a number of studies and infamous examples indicate, private prisons tend to have more problems with the humane incarceration of inmates