

TN.DOE.CJ2 19) Evaluate the booking and classification system involved in placing inmates in a correctional facility. Develop an understanding regarding prison life and daily operations in a correctional facility then create an informational artifact as a guide for civilians.

20) Review the Public Safety Act of 2016. Differentiate parole, probation, intermediate sanctions, graduated sanctions, and community corrections. Define each term and explain the interrelationship of the concepts, addressing both law enforcement and social issues in criminal justice. Debate contemporary issues in the field including prison over-crowding, growing caseloads for probation officers, use of evidence-based practices, and the changing landscape of community corrections.

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Prison Culture

- 1. Any institution has an organizational culture; that is, the set of values that help people in the organization understand what actions are acceptable and what actions are unacceptable.
- 2. According to a theory put forth by influential sociologist Erving Goffman, prison cultures are unique because prisons are total institutions that encompass every aspect of an inmate's life.

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Prison Culture

3. A prisoner cannot leave the institution or have any meaningful interaction with outside communities. Others arrange every aspect of daily life, and all prisoners are required to follow the schedule in exactly the same manner.
4. Prisoners develop their own argot or language

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Prison Culture

5. Prisoners create their own economy, which, in the absence of currency, is based on the barter of valued items such as food, contraband, and sexual favors.
6. They establish methods of determining power, many of which involve violence.

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Prison Culture

7. The culture of any prison is heavily influenced by its inmates; their values, beliefs, and experiences in the outside world will be reflected in the social order that exist behind bars.
8. The prison population is not static. The past two decades have seen the incarceration rates of women and minority groups rise sharply.

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Prison Culture

9. Inmates are increasingly likely to have been convicted on drug charges, and less likely to have been convicted of a violent or property crime.
10. Among age groups, persons aged 25 to 34 account for the highest percentage of inmates, approximately 40%.

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Prison Culture

11. The median age of the prison population is 29, though that number is expected to rise in the near future.
12. Education also appears to be a determinant in who goes to prison. Nearly 70% of inmates have not earned a high school diploma, and only about one in 10 has attended college.
13. On arriving in prison, each convict attends an orientation session and receives a residence handbook.
14. The norms and values of the prison society cannot be communicated by the staff or learned from a handbook.

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Prison Culture

- 15. The process of prisonization, or adaptation to the prison culture, advances as the inmate gradually understands what constitutes acceptable behavior in the institution, as defined not by the prison officials but by other inmates.
- 16. In studying prisonization, criminologists have focused on two areas:
 - a) how prisoners change their behavior to adapt to life behind bars
 - b) how life behind bars has changed because the inmate behavior

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Prison Culture

17. Sociologists John Irwin has identified several patterns of inmate behavior, each one driven by the inmates personality and values:
 - a) professional criminals adapt to prison by "doing time". They follow the rules and generally do whatever is necessary to speed up their release so they can continue their chosen careers.
 - b) some convicts, mostly state raised youths or those frequently incarcerated in juvenile detention centers, are more comfortable inside prison than outside. These inmates serve time by "jailing" or establishing themselves in the power structure of the prison culture.

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Prison Culture

- c) other inmates take advantage of prison resources such as libraries or drug treatment programs by "gleaning" or working to improve themselves for a return to society.
- d) finally, "disorganized" criminals exist on the fringes of prison society. These inmates may have mental impairments or low levels of intelligence and find it impossible to adapt to prison culture on any level.

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Prison Culture

18. An inmate who is doing time generally does not present the same security risk as one who is jailing.
20. The best evidence of prison culture has changed can be found in the shifts that have taken place in the traditional prison code.

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The Changing Prison Code

21. In the early studies of prisoner culture, researchers found that an unwritten set of rules guided inmate conduct.
22. A prisoner standing among his or her peers was determined by whether he or she followed the prison code; those who failed to do so were rejected by the institutional society.
23. The two most important tenets of the code were:
 - a) never rat on a con - never inform on another inmate
 - b) do your own time - don't interfere in another inmates affairs

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The Changing Prison Code

24. During the era when the code dominated prison culture, generally encompassing the three decades following World War Two, prisons were repressive but relatively safe.

25. In contrast, one observer calls the modern institution an unstable and violence social jungle.

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The Changing Prison Code

26. There has been an influx of youthful inmates and drug offenders who were seen as being only out for themselves and unwilling to follow any code that preaches collective values.

27. With the formation of a racial gangs in prison, the traditional prison code has been replaced by one in which the shared values of gang loyalties are preeminent. Inmate on inmate violence has risen accordingly.

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Prison Violence

- 28. Prison culture is predicated on violence. Prison guards use the threat of violence to control the inmate population. Among the prisoners, violence is used to establish power and dominance.
- 29. Often this violence leads to death. About 100 inmates are murdered by a fellow inmates each year, and about 26,000 inmate on inmate assaults take place annually.

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Prison Violence

- 30. In the prison code era, with its emphasis on non interference, the prison culture did not support inmate on inmate violence.
- 31. Prison elders themselves punished any of their peers who showed a proclivity for assaulting fellow inmates. Today violence is used to establish a prisoner hierarchy by separating the powerful from weak.

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Prison Violence

- Professor Lee H. Bowker has identified several other reasons for violent behavior.
- a) It provides a deterrent against being victimized, as a reputation for violence may eliminate an inmate as a target of assault.

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Prison Violence

- b) It enhances self-image in an environment that does not respect other attributes, such as intelligence.
- c) In the case of rape, it gives sexual relief.
- d) It serves as a means of acquiring material goods through extortion or out right robbery.

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Prison Violence

- 32. The deprivation model can be used to explain the high level of prison violence. According to this model, the stressful and oppressive conditions of prison life lead to aggressive behavior on the part of inmates.
- 33. When conditions such as overcrowding worsen, inmate misconduct often increases.
- 34. The deprivation model is helpful though less convincing in searching for the roots of collective violence.

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Prison Violence

- 35. Living conditions in prisons are fairly constant, however, so how can the seemingly spontaneous outbreak of prison riots be explained? Researchers have addressed these inconsistencies with the concept of relative deprivation, a theory that focuses on the gap between what is expected in a certain situation and what is achieved
- 36. A number of criminologists have noted that collective violence occurs in response to a heightened measures of security at a correction facilities. Thus, the violence occurs in response to an additional reduction in freedom for inmates, who enjoyed very low freedom to begin with.

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Prison Violence

- 37. Riots, which have been defined as situations in which a number of prisoners are beyond institutional control for a significant amount of time, are relatively rare.
- 38. Because of their explosive nature and potential for high casualties, riots have a unique ability to focus public attention on prison conditions.
- 39. The Attica Prison riot lasted five days in September 1971.
- 40. The they took 38 prison guards as hostages

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Prison Violence

- 41. The riot leaders, mostly members of the Black Muslims, presented prison administrators with a list of demands modeled after the United Nations Standards for Imprisoned Persons, that included better food, more programs, and due process for disciplinary action.
- 42. The negotiations ended abruptly when New York State troopers raided the prison grounds, killing 39 inmates and wounding 88 others.
- 43. In the wake of the riot, New York's governor called for radical reforms and 24 of the prisoner's 28 original demands are met.

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Prison Violence

- 44. In 2000, declaring that they've been treated like garbage, a Federal judge awarded more than 500 of the inmates involved in the violence and their relatives eight million dollars from the state for the abuse they had suffered.
- 45. The Attica riot has proved to be the exception rather than the rule. Most riots are disorganized and have no political agenda.
- 46. Some observers see poor management, rather than levels of deprivation, as the primary cause of riots.

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Prison Violence

- 47. As early as the 1950s, researchers were noticing different group structures in inmate life.
- Leo Carroll, a professor of sociology, has written extensively on how today's prisoners are balkanized, with race determining nearly every aspect of all prisoners life, including friends, job assignments, and cell location.
- 48. In many instances, racial and ethnic identification is the primary focus of prison gangs, or clicks of inmates linked to illegal and violent activities.

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Prison Violence

- 49. In contrast to riots, the problem of sexual assault in prisons receives very little attention from media sources.
- 50. Prison rape, like all rape, is considered primarily an act of violence rather than sex.
- 51. Corrections officials are rarely held liable for inmate on inmate violence.
- 52. There are more than 1000 Federal and state facilities for male inmates only, fewer than 100 women's institutions.

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Prison Violence

- 53. Just as in men's institutions, sexual assault occurs in women's facilities, but the reported aggressor is much more likely to be a male correctional officer than an inmate.
- 54. The prison experience may be more difficult for women than men because of the family disintegration that often accompanies incarceration.
- 55. Without correctional officers the prison would be a place of anarchy.
- 56. But in the highly regulated, oppressive environment of the prison, correctional officers must use the threat of violence, if not actual violence, to instill discipline and keep order.

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Correctional Officers and Discipline

- 57. The relationship between prison staff and inmates is marked by mutual distrust.
- 58. The custodial staff and most prisons is organized according to a four general ranks:
 - a) captain
 - b) lieutenant
 - c) sergeant
 - d) officer

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Correctional Officers and Discipline

- 59. Captains are primarily administrators who deal directly with the warden on custodial issues.
- 60. Lieutenants are the disciplinarians of the prison, responsible for policing and transporting the inmates.
- 61. Sergeant's oversee platoons of officers and specific parts of the prison, such as various cell blocks or workspaces

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Correctional Officers and Discipline

- 62. Six general job categories among correctional officers are:
 - a) **block officers** - the most demanding job assignment as that of the block officer. In general, the block officers responsible for the well-being of the inmates. Because the block officer comes and daily close contact with the prisoners, she or he is most likely to be the target of inmate violence when it erupts.
 - b) **work detail supervisors** - work detail supervisors oversee small groups of inmates as they perform their jobs. The atmosphere in these workgroups is more relaxed than in the cell blocks.

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Correctional Officers and Discipline

- c) **industrial shop and school officer** - these officers perform maintenance and security functions in educational and workshop programs. Their primary responsibility is to make sure that the inmates are on time for these programs and that attendance requirements are followed.

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Correctional Officers and Discipline

d) yard officers - your officers must be constantly on alert for breaches in prison discipline or regulations. If collective violence occurs, yard officers run the highest chance of being injured, taken hostage, or even killed.

e) tower guards - tower guards spend their entire shift, which usually last 8 hours, in their isolated, silent post above the grounds of the facility. As prison violence has become more commonplace, the tower guard, being above any real danger, has become a more coveted position. Correctional officers now feel the benefits of safety outweigh the loneliness that comes with job.

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Correctional Officers and Discipline

- f) administrative building assignments - these officer provide security a prison gates, oversee visitation procedures, act as liaison for civilians, and handle administrative tasks such as processing the paperwork when an inmate is transferred to another institution.
- 63. In general society adults are rarely placed in a position where they are punished as a child would be. Therefore, the strict disciplinary measures imposed on prisoners, something of a shock and can provoke strong defensive reactions.
- 64. Correctional officers who must deal with these responses often find that disciplining inmates is the most difficult and stressful aspect of the job.

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Correctional Officers and Discipline

- 65. The prisoners manual lists the types of behavior that can result in disciplinary action.
- 66. The most severe sanction is punitive segregation, also known as solitary confinement or sensory deprivation, in which the inmate is isolated in a cell known as the hole.
- 67. This punishment is considered so debilitating that most facilities have placed a 20 day limit on the length of the confinement.
- 68. For the most part, correctional officers are given the same discretionary powers as police officers to use their experience to determine when force is warranted.

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Correctional Officers and Discipline

- 69. The general attitude of the law toward inmates is summed up by the 13th Amendment to the U.S. Constitution:
- " neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States."

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Correctional Officers and Discipline

- 70. Inmates do not have the same guaranteed rights as other Americans.
- 71. For most of the nation's history, courts follow the spirit of this amendment by applying the hands off doctrine of prisoner law.

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Correctional Officers and Discipline

- 72. This unwritten doctrine assumes that the care of inmates should be left the prison officials and that is not the place of judges to intervene in penal administrative matters.
- 73. The prison code flourished during the hands off period.

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Correctional Officers and Discipline

- 74. In the 1960s, as disenfranchised groups from all parts of society began to insist on their constitutional rights, prisoners did so as well.
- 75. The end of the hands off period can be dated to the Supreme Court's decision in Cooper v. Pate 1964.
- This decision effectively allow inmates to file civil suits under Title 42 of the United States Code, section 1983, if they felt a prison or jail was denying are civil rights.

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Correctional Officers and Discipline

- 76. The Supreme Court's declaration in Wolff v, McDonnell was just as significant as the Cooper ruling. The case had practical overtones as well, establishing that prisoners have a right to the following basic due process procedures when being disciplined by a penal institution:

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Correctional Officers and Discipline

- a) a fair hearing
- b) written notice at least 24 hours in advance of a hearing
- c) an opportunity to speak at the hearing, though not to be represented by counsel during.
- d) an opportunity to call witnesses, unless doing so would jeopardize prison security
- e) a written statement detailing the final decision and the reasons for that decision

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Correctional Officers and Discipline

- 77. Not all proponents of prisoners rights feel that the courts have internally abandoned the hands off doctrine. Instead, they believe that by establishing standards of deliberate indifference and identifiable human needs, court rulings have merely provided penal institutions with legally acceptable methods of denying prisoners constitutional protections.
- 78. In the 1976 case of Estelle v. Gamble, the Supreme Court established the deliberate indifference standard. Specifically, Justice Thurgood Marshall wrote that prison officials violated a convict's Eighth Amendment rights if they deliberately failed to provide him or her with necessary medical care.

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Parole and Release from Prison

- 79. An important factor remember about inmates is that almost all of them at some point will be returned to the community.
- 80. One of the greatest challenges facing prison administrators is to prepare their charges for life on the outside.

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Parole and Release from Prison

- 81. For many of these inmates, a successful adjustment following release is predicated on finding and keeping employment. Two main obstacles to achieving this goal are lack of education and a lack of employable skills.
- 82. They also offer therapy programs to help inmates overcome emotional or psychological problems that may directly impact criminal activity.
- 83. Many criminal justice experts suspect the inmates that are in prison programs not for self improvement but to secure an early release. This can be accomplished in two ways

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Parole and Release from Prison

- a) first many penal institutions to offer prisoners incentives to take part in the programs
- b) second inmates believe that by participating in prison programs they can impress parole boards and increase their chances of early release on parole.

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Parole and Release from Prison

- 84. Parole allows the corrections system to continue to supervise an offender who was no longer incarcerated. As long as parolees follow the conditions of their parole, they are allowed to finish their terms outside of the prison.

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Parole and Release from Prison

84A) Parole is based on three concepts:

- a) grace - the prisoner has no right to be given an early release, but the government has granted her or him that privilege.
- b) contract of consent - government and the parolee enter into an arrangement whereby the latter agrees to abide by certain conditions in return for continued freedom.
- c) custody - technically, though no longer incarcerated, a parolee is still the responsibility of the state. Parole is an extension of corrections.

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Parole and Release from Prison

85. Because of good time credits and parole, most prisoners do not serve their entire sentence in prison. In fact, the average felons serve only about half of that term handed down by the court.

85A. Parole, a conditional release, is the most common form of release, but it is not the only one. Prisoners received an unconditional release when they have completed the terms of their sentence and no longer require incarceration or supervision.

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Parole and Release from Prison

- 86. One form of unconditional release is mandatory release, also known as maxing out, which occurs when an inmate has served the maximum amount of time on the initial sentence, minus reductions for good time credits.
- 87. Another, quite rare unconditional release is a pardon, a form of executive clemency.
- 88. Certain temporary releases also exist. Some inmates, who qualify by exhibiting good behavior and generally providing that they do not represent a risk to society, are allowed to leave prison on furlough for a certain amount of time, usually between a day in the week.

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Parole and Release from Prison

- 89. Indeterminate sentencing occurs when the legislature sets a range of punishments for particular crimes, and the judge and parole board exercise discretion determining the actual length of the prison term. For that reason, states with indeterminate sentencing are said to have systems of discretionary release.
- 90. Under indeterminate sentencing, parole is not a right but a privilege.
- 91. A convict does not apply for parole. An inmate's case automatically comes up before the parole board a certain number of days often 90 before she or he is eligible for parole.

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Parole and Release from Prison

- 92. The board has an eligibility report prepared, which provides information on the various factors that must be taken into consideration in making the decision.
- 93. At some point before the eligibility date, the entire board or subcommittee of the board, votes on whether parole be granted.

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Parole and Release from Prison

- 94. Not all convicts are eligible for parole. In general, life without parole is reserved for those offenders who have:
 - a) committed capital, or first degree murder
 - b) committed serious offenses other than the murder
 - c) been defined by statute as habitual, or repeat offenders, such as though sentenced under the three strikes laws.

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Parole and Release from Prison

- 95. When should an offender be released? This is a difficult question and is often left to the parole board to answer.

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Parole and Release from Prison

- 96. The parole board has four basic roles:
 - a) to decide which offender should be placed on parole
 - b) to determine the conditions of parole and aid in the continuing supervision of the parolee
 - c) to discharge the offender when the conditions of the parole have been met
 - d) if a violation occurs, to determine whether parole privileges should be revoked

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Parole and Release from Prison

- 97. Parole boards are either affiliated with government agencies or act is independent bodies.
- 98. In a system that uses discretionary parole, the actual release decision is made at a parole grant hearing.
- 99. During this hearing, the entire board or a subcommittee reviews relevant information on the convict.
- 100. Key players in the case are often notified in advance of the parole hearing and asked to provide comments and recommendations. These participants include the Sentencing judge, the attorneys that the trial, the victims, and any law enforcement officers who may be involved.

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Parole and Release from Prison

- 101. If parole is denied, the entire process is replayed at the next action date, which depends on the nature of the offender's crime and all relevant laws.
- 102. Like judicial discretion, parole board is criticized when the decisions are seen as arbitrary and unfair and lead to rampant disparity in the release dates of similar offenders. As a result of this criticism, 27 states are now implemented determinant sentencing systems, which set minimum mandatory terms without the possibility of parole.

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Parole and Release from Prison

- 103. The Federal sentencing guidelines that one into affect in 1987 required those who were convicted in Federal courts to serve at least 85% of their terms.
- 104. Truth in sentencing is an umbrella term that covers a number of different states and Federal statutes. In general, these laws have the following goals:

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Parole and Release from Prison

- a) to restore truth to the sentencing process by eliminating situations in which offenders are released by a parole board after serving less than the minimum term to which they were sentenced.
- b) to increase the percentage of that term that is actually served in prison, with the purpose of reducing crime by keeping convicts in prison for a longer period.
- c) to control the use of prison space by giving corrections officials the benefits of predictable terms and policymakers advance notice of the impact that sentencing statutes will have on prison populations.

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Parole and Release from Prison

- 105. One of the most popular methods of insuring truth in sentencing is the use to parole guidelines.
- 106. The term parole has two meanings. The first refers to the establishment of a release date. The second relates to the continuing supervision of convicted felons after they have been released from prison.
- 107. Like probationers, when parolees are granted parole they are placed under the supervision of correctional officers and required to follow certain conditions.
- 108. The frequency of these visits, along with other terms of parole, are spelled out in the parole contract, which sets out the agreement between the state and the parole offender.

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Parole and Release from Prison

- 109. Work release programs are usually available for the low risk prisoners nearing the end of their sentences.
- 110. Inmates on work release programs must either return to the correctional facility in the evening or live in community residential facilities known as halfway houses.
- 111. The correctional agents given the responsibility to supervise parolees is the parole officer. Parole officers are required to enforce the conditions of parole and initiate revocation hearings when these conditions are not met.

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Parole and Release from Prison

- 112. A parole officer is expected to help the parolee readjust to life outside the correctional institution by helping her or him find a place to live in a job.
- 113. The major role conflict for parole officers is whether to be a law enforcement officer or a social worker.
- 114. If convicts follow the conditions of their parole until the maximum expiration date, or the date on which their sentence ends, and they are discharged from supervision.

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Parole and Release from Prison

- 115. A large number, about 40% according to the latest research, return to incarceration before their maximum expiration date, most because they were convicted of a new offense or had their parole revoked.
- 116. Parole revocations is similar in many aspects to probation revocations if the parolee commits a new crime, then a return to prison is very likely.

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Too Dangerous for Release?

- 117. Whatever its causes, recidivism has become one of the most pressing concerns in the criminal justice system. An in-depth study of recidivism release by the U.S. Dept of Justice in 2002 found that 67.5% of offenders are rearrested for a new crime within three years of release and just over half a return to prison after being convicted of a felony or for parole violations.

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Too Dangerous for Release?

- 118. Educational programs are often cited for their ability to rehabilitate participants and reduce their chances of being re-incarcerated.
- 119. Drug treatment programs have shown similar results.

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