

OLA PUBLIC SAFETY

Essentials of Criminal Justice

Unit 12 “Corrections



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What is the difference between.....

Corrections, Probation, Rehabilitation and Parole



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Why Do We Need To Know This?

- Ola Police Officers should be knowledgeable about the corrections system and overall process, so they can understand what happens to individuals which are arrested, convicted and sentenced to serve time. This helps to ensure police officers are aware of experiences individuals that have served time in prison, may demonstrate if they interact with law enforcement after being released.



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Essential Question

What punishment and corrections concepts, methods and history should all police officers know?



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Learning Targets

- What are the various types of correctional facilities and their levels of security classifications?
- What is capital punishment and what states impose it?
- What is the goal of capital punishment and how is it carried out?
- What procedures are required to complete the intake process of prisoners in corrections facilities?
- What procedures are required to complete intake process of detainees in county jail?
- What is the difference between a jail and a prison?



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SCOPE

- This Standard Operating Procedure is applicable to all members of the Ola Police Department. All members, especially those that interact with individuals while on patrol or who conduct investigations need to have a clear understanding of this procedure.



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PRE-REQUISITES

- This Standard Operating Procedure shall be part of recruit basic training. It shall also be reviewed annually by all personnel.



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RESPONSIBILITIES

- This Standard Operating Procedure shall be maintained, reviewed annually and updated as necessary by the Standards and Training Division within the Ola Police Department.
- All Supervisors should ensure their personnel review this annually and maintain a working knowledge of its contents.



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PROCEDURES

- You as an officer for the Ola Police Department are often the first person to begin the criminal justice process when someone has committed a crime. You are also the first step in the system that is intended to bring justice to victims, their families and the community.
- In order to carry out this duty to the best of your ability, you must be familiar with the key processes, procedures, terms, facilities and goals of the criminal justice system as it impacts criminals from arrest to the service of punishment, which in some cases can include being put to death.



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Difference Between a Jail and Prison?

- Although the terms “jail” and “prison” are sometimes used interchangeably, most members of law enforcement distinguish between the two. Primarily, the difference is that a jail is used by local jurisdictions such as counties and cities to confine people for short periods of time. A prison, or penitentiary, is administered by the state, and is used to house convicted criminals for periods of much longer duration. Both are part of a larger penal system which includes other aspects of criminal justice such as courts, law enforcement, and crime labs.



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Difference Between a Jail and Prison?

- Because a jail is designed for short time periods only, it tends to have fewer amenities than a prison. Individuals who are being housed in a jail have access to bathrooms and are provided with food and water, and in a low security jail, they may be able to socialize in common areas during certain periods of the day. Most jails are designed to hold a very small number of criminals, and have relatively lax security when compared to prisons, although in areas prone to violence, a jail may be run along very strict lines.



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Difference Between a Jail and Prison?

- A jail houses people who have been convicted to serve a short sentence, individuals awaiting trial, people who have not yet paid bail, and detainees who have just been picked up on suspicion of committing a crime. The criminals are processed through a booking procedure, and the criminal justice system decides what to do with them after that.



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Jails and Lockups

- Suspects usually stay in a lockup for only 24 to 48 hours. A suspect may later be transferred from the lockup to the jail.
- Jail: A facility, usually operated at the local level, that holds convicted offenders and unconvicted persons for relatively short periods.



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Essential Question: What issues effect the courts' decisions when sentencing defendants?

Jail Functions

In practice, a jail serves a catchall function in criminal justice and corrections. Jails also:

- Readmit probation, parole, and bail bond violators and absconders.
- Temporarily detain juveniles pending transfer to juvenile authorities.
- Hold mentally ill persons.
- Hold individuals for the military.
- Hold individuals for protective custody.



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Essential Question: What issues effect the courts' decisions
when sentencing defendants?

Jail Functions

- Hold individuals for contempt.
- Hold witnesses for the courts.
- Release convicted inmates to the community upon completion of sentence.
- Transfer inmates to other authorities.
- House inmates for federal, state or other authorities.
- Sometimes operate community-based programs.
- Hold inmates sentenced to short terms.



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Essential Question: What issues effect the courts' decisions
when sentencing defendants?

Jails and Lockups

- Jails represent one of the most problematic aspects of criminal justice.
- Many jails are:
 - Old.
 - Overcrowded.
 - Lack services and programs.
 - Inadequately staffed.
 - Unsanitary and have hazardous living conditions.



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Essential Question: What issues effect the courts' decisions when sentencing defendants?

Jails and Lockups

- With increasing pressure from courts to reform jail conditions and management practices, efforts at jail reform continue.
- One strategy has been a new generation jail.
- These feature cells that open into a common living area. Inmates can interact with each other and staff.
- Preliminary analyses suggest these facilities may provide a less stressful environment.



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Sentencing

If a criminal defendant pleads guilty or is found guilty by a judge or jury, then the judge (or sometimes a jury) must impose a sentence.

Judges are limited by and guided by:

- statutory provisions
- prevailing philosophical rationales.
- organizational considerations.
- presentence investigation reports.
- their own personal characteristics.



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I. Statutory Provisions

State and federal legislative bodies enact penal codes that specify appropriate punishments.

Five types of punishments:

- Fines.
- Probation.
- Intermediate punishments
- Imprisonment.
- Death.



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I. Statutory Provisions

- Within limits, judges tailor the punishment to fit the crime and the offender.
- Judges can combine punishments, or suspend a punishment if the offender:
 - stays out of trouble.
 - makes restitution, or
 - seeks medical treatment.



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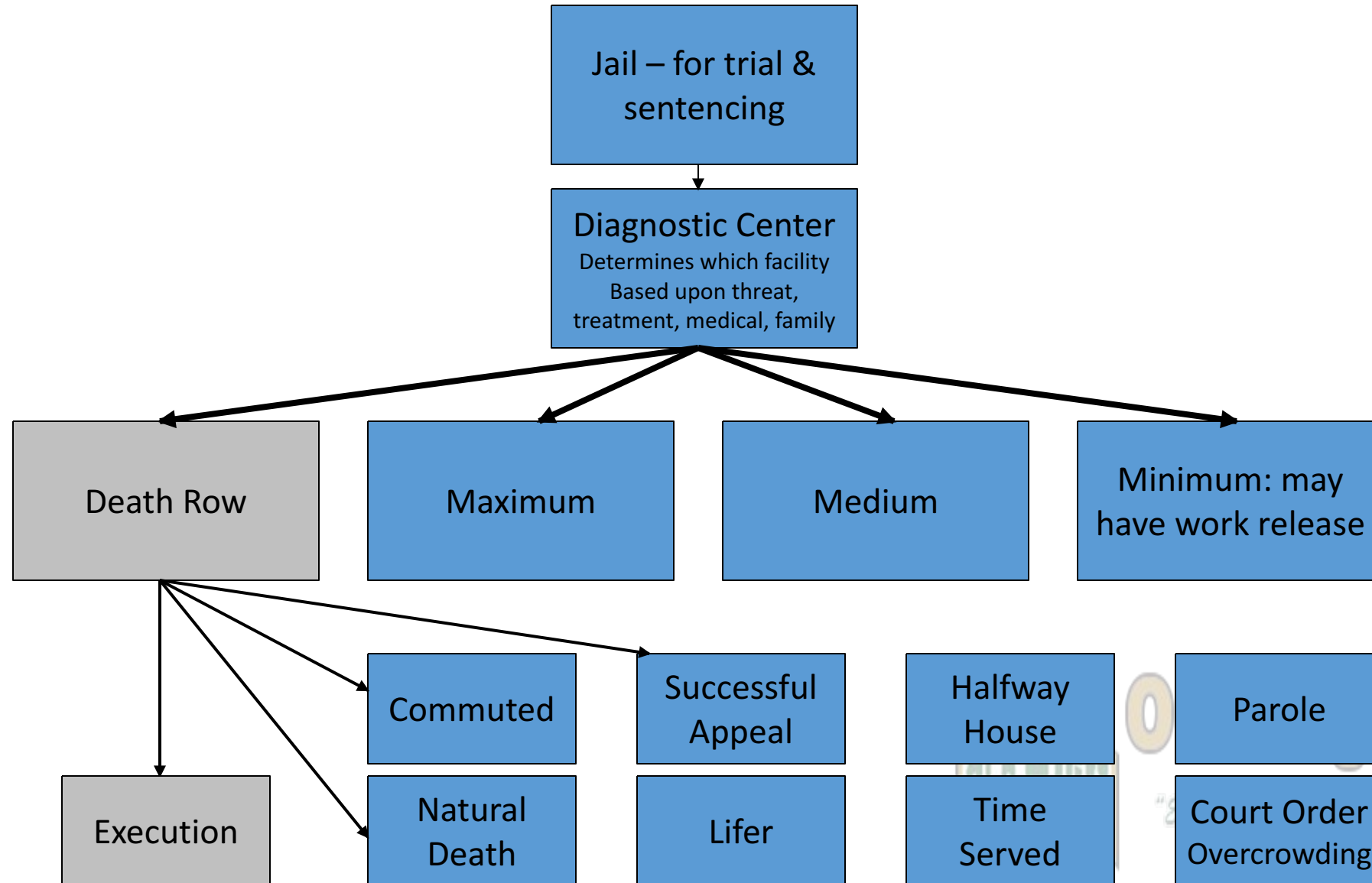
From Arrest to Punishment to Release



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Georgia: Trial to Release



2 Types of Sentencing

- Indeterminate Sentencing: a fixed minimum and maximum term of incarceration, rather than a set period. Judges have more discretion with these.
- Determinate Sentencing: a fixed period of incarceration, which eliminates the decision-making responsibility of parole boards.



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3 Types of Determinate Sentences:

- Flat-time: Sentencing in which judges may choose between probation and imprisonment but have little discretion in setting the length of a prison sentence. Once an offender is imprisoned, there is no possibility of reduction in the length of the sentence.
 - No good time, no parole



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3 Types of Determinate Sentences:

- Mandatory: Sentencing in which a specified number of years of imprisonment (usually within a range) is provided for particular crimes
 - No parole
- Presumptive: Sentencing that allows a judge to retain some sentencing discretion. A compromise between legislatively mandated determinate and indeterminate sentences.



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Statutory Provisions

- In today's "law and order" climate, state legislatures are increasingly replacing indeterminate sentences with determinate ones.
- Some argue that determinate sentences result in longer prison sentences and overcrowded prisons.
- Prisons have become harsher, giving up on rehabilitation.
- The abolition of good time and parole makes discipline and control more difficult, because inmates have little incentive to behave.
- Some judges ignore guidelines they see as too harsh.



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II. Philosophical Rationales

Historically, four major rationales have been given for the punishment imposed by the criminal courts:

- Retribution.
- Incapacitation.
- Deterrence.
- Rehabilitation.
- Restoration has been gaining more attention as a punishment rationale.



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Restitution

Money paid or services provided by a convicted offender to victims, their survivors, or the community to make up for the injury inflicted.



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Retribution

- Increasingly popular
- Revenge: The punishment rationale expressed by the biblical phrase, "An eye for an eye, and a tooth for a tooth." – Lex Talionis
- People who seek revenge want to pay back offenders by making them suffer for what they have done.



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Retribution

- Just Desserts: offenders should be punished automatically, simply because they have committed a crime they “deserve” it and the idea that the punishment should fit the crime.
- If offenders are not punished for their crimes, other people will lose respect for the law.
- Retribution is the only rationale for criminal punishment that addresses the past, paying back offenders for their crimes.



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Incapacitation: “Removing the head”

- Incapacitation makes it virtually impossible for offenders to commit crimes during the period of restraint.
- Incapacitation was done historically through exile, banishment, or death.
- Today, incapacitation is done through imprisonment or death.
- The removal or restriction of the freedom of those found to have violated criminal laws



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Deterrence

There are two forms of deterrence:

- Special or specific deterrence: The prevention of individuals from committing crimes again by punishing them.
- General deterrence: The prevention of people in general from engaging in crime by punishing specific individuals and making examples of them.
- Deterrence makes intuitive sense, but social science is unable to measure its effects.



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Rehabilitation

- The attempt to “correct” the personality and behavior of convicted offenders through educational, vocational, or therapeutic treatment and to return them to society as law-abiding citizens.
- For much of the 20th century, the primary rationale for punishing criminal offenders has been rehabilitation.
- Unfortunately, because the causes of crime are not fully understood, we don’t know how to correct or cure criminal offenders.



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Restoration and Victims' Rights

- Restoration places equal emphasis on victims' rights and needs, and the successful reintegration of offenders into the community.
- Restitution and community service are sometimes used.
- Today, at least in some jurisdictions, a greater effort is being made to do something for victims and their survivors – to restore them, as much as possible, to their previous state and to make them “whole” again.



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Restoration and Victims' Rights

- Every state has laws that protect the basic rights of crime victims in the criminal justice system.
- In the sentencing process, the United States Supreme court ruled in 1991, in *Payne v. Tennessee*, that judges and juries may consider victim-impact statements in their sentencing decisions.



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Probation

- **John Augustus**, the "Father of Probation," is recognized as the first true probation officer. **Augustus** was born in Woburn, Massachusetts in 1785. By 1829, he was a permanent resident of Boston and the owner of a successful boot-making business.



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History of Probation

- **English Roots:**

- By the fourteenth century, English courts began the practice of “binding over for good behavior,” in which offenders were placed in the custody of willing citizens.



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History of Probation

- **In the U.S.:**

- The first probation officer was John Augustus (1784-1859), a Boston shoemaker who observed court proceedings and volunteered to take home drunkards. He supervised over 2,000 offenders.
- In 1878 Massachusetts enacted a statute that provided for the first paid probation officer. By 1925, all states and the federal government had similar legislation.



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The Extent of Probation

- Probation is the most commonly used form of sentencing.
- 20-60% of guilty individuals are placed on probation.
- The number of offenders supervised yearly on probation increased from slightly more than 1 million people to over 4 million today.
- States vary with regard to extent of use.
- Even violent offenders may receive probation.



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Probation Conditions

- **Probationers must abide by court-mandated conditions or risk probation revocation.**
- **There are two types of conditions: general and specific.**



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Probation Conditions

- **General Conditions**

- Apply to all probationers within the jurisdiction.

- **Examples:**

- Obey laws
- Maintain employment
- Remain within jurisdiction
- Allow probation officer to visit home or work place
- Pay court ordered fines

- **Specific Conditions**

- Judge-mandated for the specific probationer.

- **Examples:**

- Surrender driver's license
- Pass GED test
- Do community service
- Curfew
- Complete a treatment plan



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Federal Probation Officers

- **There are approximately 7,750 federal probation officers, also called *community corrections officers*.**
 - They have the statutory authority to arrest probationers for a violation, but are encouraged to get an arrest warrant and have it executed by the U.S. Marshals.
 - Some carry weapons.



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What is Parole?

- Parole—a prisoner reentry strategy in which inmates receive supervised conditional early release from correctional confinement.



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Parole vs. Probation

- **Parole**

- Offenders spend time incarcerated before release.
- Parole is an *administrative* decision made by paroling authority.
- Parolees must abide by conditions or risk revocation.

- **Probation**

- Probationers generally avoid prison time.
- Probation is a *sentencing* decision made by a judge.
- Probationers must abide by conditions or risk revocation.



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Parole Decision-Making Mechanisms: Two Approaches

- **Parole Boards**

- Grant *discretionary parole* based on judgment and assessment by parole board.

- **Statutory Decrees**

- Produce *mandatory parole*, with release date set near sentence end, minus good time.
- * More common



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Extent of Parole

- There's a growing reluctance to use parole.
- Only 25% of parolees are released via discretionary parole.
- Mandatory parole releases have increased 91% since 1991.



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Extent of Parole

- Of all parolees:
 - 44% successfully complete parole.
 - 26% return to prison for parole violations.
 - 11% return to prison for new violations. (Recidivism)



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Parole Conditions

- **In discretionary parole jurisdictions, the conditions of parole are similar to probation conditions.**
 - Violations may result in parole revocation.
 - Examples of conditions include:
 - Periodically reporting to parole officer
 - Maintaining employment
 - Paying fines and restitution
 - Sometimes paying a “parole supervisory fee”



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Federal Parole

- Federal parole decisions are made by the U.S. Parole Commission.
- Commissioners consider an inmate's readiness for parole.
- The U.S. Parole Commission must be periodically recertified by Congress.



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Advantages and Disadvantages of Probation and Parole

- **Advantages**

- Low cost
- Increased employment
- Restitution
- Community support
- Reduced risk of criminal sanctions
- Increased use of community services
- Better rehabilitation opportunities

- **Disadvantages**

- Relative lack of punishment
- Increased risk to community
- Higher social costs
- Discriminatory and unequal effects



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Griffin v. Wisconsin (1987)

- Supreme Court ruled that probation officers may conduct searches of a probationer's residence without a search warrant or probable cause.
- Though the 4th Amendment normally provides for privacy, probation “presents special needs beyond normal law enforcement that may justify departures.”



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Pennsylvania Board of Probation and Parole v. Scott (1998)

- **Supreme Court declined to extend the exclusionary rule to searches done by parole officers.**



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U.S. v. Knights (2001)

- **Expanded the search authority normally reserved for probation and parole officers to police officers under certain circumstances.**



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Sampson v. California (2006)

- **The U.S. Supreme Court found that the Fourth Amendment does not prohibit *police officers* from conducting a warrantless search of a person who is subject to a parole search condition, even when there is no suspicion of criminal wrongdoing and the sole reason for the search is because the person is on parole.**



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Revocation Hearings

- **Revocation hearing**—a hearing used to determine whether a parolee or probationer has violated the conditions and requirements of his or her parole or probation.



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Outcomes of Revocation Hearings

- **Annually, about 25% of parolees and of probationers have their conditional release revoked.**
- **Most are for:**
 - Failure to report to probation or parole officer
 - Failure to participate in a stipulated treatment program
 - Alcohol or drug abuse while under supervision.



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Greenholtz v. Nebraska Penal Inmates (1979)

- **Parole boards do not have to specify the evidence used in deciding to deny parole.**



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Bearden v. Georgia (1983)

- **Probation cannot be revoked for failure to pay a fine and make restitution if it could not be shown that the defendant was responsible for the failure...alternative forms of punishment must be considered before imposing a prison sentence.**



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Minnesota v. Murphy (1984)

- **A probationer's incriminating statements to a probation officer may be used as evidence if the probationer does not specifically claim a right against self-incrimination.**



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The Job of Probation and Parole Officers

- **Job Functions**
 - Presentence investigations
 - Intake procedures
 - Needs assessment/diagnosis
 - Supervision of clients
- **Job Challenges**
 - Balancing conflicting roles
 - Large caseloads
 - Frequent lack of opportunities for upward mobility
 - Stress



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Split Sentencing

- Split sentencing involves a combination of brief incarceration followed by probation.
- Frequently used for minor drug offenders.



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Shock Probation/Parole

- With shock probation, offender is sentenced to prison and is allowed to apply for probationary release.
- Offender usually does not know if he will be released and expects to serve a long prison term.
- Shock parole is similar, but the decision is administrative rather than judicial.



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Shock Incarceration

- **Shock incarceration programs use “boot camps” to demonstrate reality of prison life.**
 - Mainly used for first time offenders.
 - Involves strict discipline and physical training.
 - Programs typically last from 90-180 days.
 - “Failures” return to general prison population.
 - Appear “tough on crime,” but research shows negligible impact on recidivism



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Mixed Sentencing

- **Mixed sentencing**—a sentence that required that a convicted offender serve weekends in a confinement facilities while undergoing probationary supervision in the community.



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Community Service

- **Community service**—requires offenders to spend time working for a community agency. Services can include washing of police cars, cleaning graffiti, and refurbishing public facilities.



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Intensive Supervision

- **Intensive probation supervision (IPS) is the strictest form of probation.**
 - Frequent face-to-face contacts with probation officer
 - Mandatory curfew
 - Employment required
 - Frequent check of local arrest records
 - Unannounced drug testing



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Home Confinement and Electronic Monitoring

- **Home confinement—“house arrest”—is sometimes combined with electronic monitoring.**
 - People may be allowed to leave during work hours and in emergencies.
 - Frequently used with certain types of offenders:
 - pregnant women,
 - geriatric offenders
 - the terminally ill



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Future of Probation and Parole

- **Criticized by many citizen groups, academics, some government officials, and even some prisoners.**
- **Parole advocates caution that eliminating parole can lead to public safety issues and wasting tax dollars.**
- **Some jurisdictions are moving toward a system of reentry courts with judges acting as reentry managers.**



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Changes in Reentry Policies

- **Most inmates will be released back into society.**
- **Barriers to successful reentry need to be addressed, including:**
 - Substance abuse
 - Lack of education
 - Poverty
 - Diminished opportunities for employment
 - Physical or mental disabilities



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Changes in Reentry Policies

- **Successful reentry requires a multi-faceted, collaborative approach involving people and groups throughout the community, including:**
 - Corrections
 - Public health workers
 - State legislators
 - Housing providers
 - Workforce development staff



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The Serious Violent Offender Reentry Initiative (SVORI)

- **Funding for SVORI began in 2003, with the goal of successfully reintegrating serious and violent offenders:**
 - Phase 1—Protect and Prepare: Institution-Based Programs
 - Phase 2—Control and Restore: Community-Based Transition Programs.
 - Phase 3—Sustain and Support: Community-Based Long-Term Support Programs



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Reinventing Probation

- The “get tough” attitude of the 1990s increased funding for prisons but neglected to do the same for probation.
- Reinventing probation requires regaining public trust and reinvestment.



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III. Organizational Considerations

A judge's sentence is guided by organizational considerations:

- Plea bargains.
- Prison overcrowding.
- Costs of the sentence vs. the benefits derived from it.



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IV. Presentence Investigation Reports (PSI)

- Generally, a presentence investigation report (PSI) is prepared by a probation officer, who conducts as thorough a background check as possible on a defendant.
- Sometimes a PSI includes sentencing recommendations.
- PSIs are used in the federal system and the majority of states to help judges determine the appropriate sentence.



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IV. Presentence Investigation Reports (PSI)

- They are also used in classifying probationers, parolees, and prisoners according to their treatment needs and security risk.
- In many jurisdictions, after the PSI has been submitted a sentencing hearing is held and the defendant is allowed a procedure called allocution where they may try to defend the accusations in the PSI.



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GEORGIA SENTENCING GUIDELINES

- Georgia law addresses penalties for felony and misdemeanor convictions. Sentences imposed by the presiding judge are based on federal sentencing guidelines and laws determined by the Georgia General Assembly.



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GEORGIA SENTENCING GUIDELINES -- *MISDEMEANORS*

- Title 17, Chapter 10, Sections 3 and 4 of the Georgia Code provide penalties for misdemeanor offenses. Conviction of a misdemeanor results in up to 12 months imprisonment in a county facility and a fine of no more than \$1,000 or \$5,000 for an aggravated misdemeanor. The sentence may include probation or time served on weekends or nonworking hours of the defendant.



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GEORGIA SENTENCING GUIDELINES -- MANDATORY MINIMUM

- Georgia law identifies seven felonies, known as the "seven deadly sins," that require mandatory minimum sentences, including kidnapping, armed robbery, rape, aggravated child molestation, aggravated sodomy and aggravated sexual battery. These offenses result in 10 years without possibility of parole. The seventh offense, murder, requires life imprisonment without possibility of parole for at least 25 years. A second conviction of any of these offenses mandates life without parole.



GEORGIA SENTENCING GUIDELINES-- *REPEAT OFFENSES*

- Georgia law requires imposition of tougher sentences for repeat felony offenders. Excluding the "seven deadly sins," a second conviction of a felony offense results in the maximum possible sentence allowed with eligibility for parole. A fourth conviction of a felony offense requires imprisonment for 100 percent of the sentence and no opportunity for parole.



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Three Strikes & Mandatory Sentencing

Class Debate & Discussion



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The Death Penalty

- As a punishment for the most heinous of crimes, the death penalty, or capital punishment, differs from other criminal sanctions.
- The United States Supreme Court has acknowledged, "Death is different."



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A Brief History of the Death Penalty in the United States

- The first American settlers brought with them the English penal code, which listed 50 capital offenses. Actual practice varied from colony to colony.
- The earliest recorded lawful execution in America was in 1608 in the colony of Virginia.
- Since then, there have been nearly 19,000 legal executions in the U.S.
- Only 3% of people executed were women. 87% of those were before 1866.



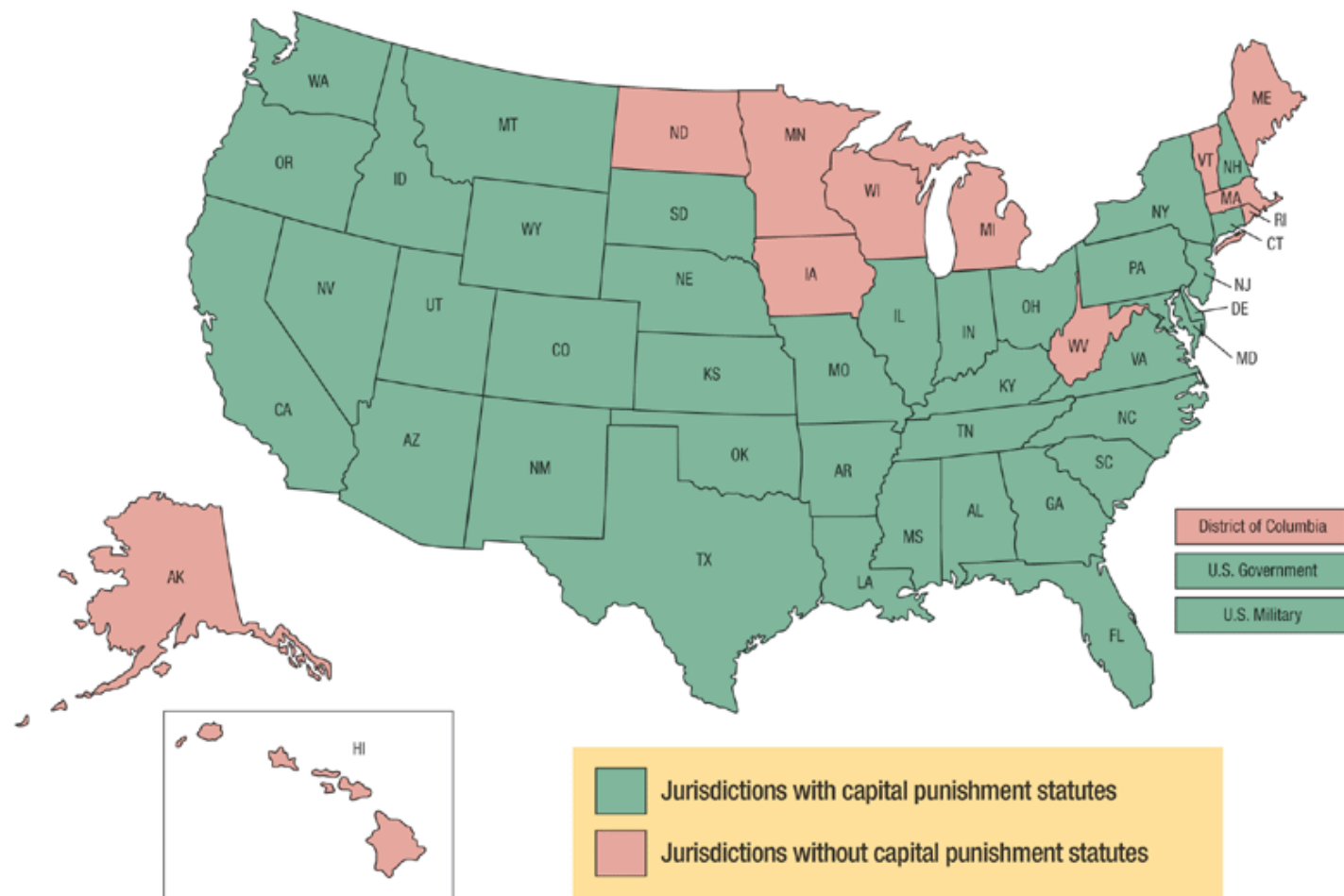
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Jurisdictions With and without Capital Punishment Statutes

FIGURE 9.4

Jurisdictions With and Without Capital Punishment Statutes



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SOURCE: Adapted from *Death Row, U.S.A.*, NAACP Legal Defense and Educational Fund (April 1, 2003).

U.S. Supreme Court Issues

- Before 1968, the only issues the Supreme Court considered in relation to capital punishment concerned the means of administering the death penalty.
- Currently there are five methods of execution in use:
 - Lethal injection.
 - Electrocution.
 - Lethal gas.
 - Hanging.
 - Firing squad.



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U.S. Supreme Court Issues

- Between 1968 and 1972, an informal moratorium on execution was observed as a series of lawsuits challenged the constitutionality of capital punishment.
- The court set aside death sentences in 1972 for the first time ever.



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U.S. Supreme Court Issues

- In the *Furman* decision, the Court held that the way the death penalty was administered was unconstitutional, but not capital punishment itself.
- The decision voided the death penalty laws of some 35 states, and the death sentences of more than 600 men and women were commuted to imprisonment.



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U.S. Supreme Court Issues

By 1974, 30 states had enacted new death penalty statutes designed to meet the Court's objections. They came in two forms:

- Mandatory statutes that mandated capital punishment for certain crimes.
 - Mandatory statutes were rejected in 1976.
- Guided-discretion statutes that provided specific guidelines for judges and juries.



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U.S. Supreme Court Issues

- In the *Gregg* decision (also in 1976), the court upheld the constitutionality of guided-discretion statutes.
- Since 1977 and as of June 2003, more than 856 people had been executed in 31 states, including 304 in Texas.
- Currently (as of April 1, 2003), 40 jurisdictions have capital punishment statutes, although New Hampshire has no death sentences imposed.
- Thirteen jurisdictions do not have capital punishment statutes.



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U.S. Supreme Court Issues

- In decisions since *Gregg*, the Supreme Court has limited the crimes for which death is considered appropriate and has further refined death penalty jurisprudence.
- The Court has generally limited the death penalty to those offenders convicted of aggravated murder.



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U.S. Supreme Court Issues

- The Court barred states from executing inmates who have developed mental illness while on death row.
- In 2002, the court banned the execution of mentally retarded offenders.
- Capital punishment is limited to offenders who are 18 or older at the time of the crime.
- Death penalty statutes are constitutional even when statistics indicate that they have been applied in racially biased ways.



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U.S. Supreme Court Issues

The 1994 federal crime bill expanded the number of federal crimes punishable by death to about 50, including:

- Treason
- Espionage
- Drug trafficking in large quantities
- Attempting, authorizing, or advising the killing of any public officer, juror, or witness in a case involving a continuing criminal enterprise—regardless of whether such a killing actually occurs.



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The Procedural Reforms Approved in *Gregg*

In *Gregg*, the Court assumed, without any evidence, that the new guided discretion statutes would eliminate the arbitrariness and discrimination that the Court found objectionable in its *Furman* decision. The Court was particularly optimistic about procedural reforms:

- Bifurcated trials.
- Guidelines for judges and juries.
- Automatic appellate review.



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Bifurcated Trials

- If a defendant is found guilty in the guilt phase, then at the penalty phase, the judge or jury must determine whether the sentence will be death or life in prison.
- Some states require the selection of two separate juries in capital trials; one for each phase.



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Guidelines for Judges and Juries

- What the court found especially appealing about the guided-discretion statutes is that judges and juries are provided with standards that presumably restrict, but do not eliminate, their sentencing discretion.
- Judges and juries in most states are provided with lists of aggravating factors and mitigating factors.



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Guidelines for Judges and Juries

- Aggravating Factors: In death sentencing, circumstances that make a crime worse than usual.
- Mitigating Factors: In death sentencing, circumstances that make a crime less severe than usual.



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Automatic Appellate Review

- Currently, 37 of the 38 states with death penalty statutes provide for automatic appellate review of all death sentences, regardless of the defendant's wishes.
- Although the Supreme Court does not require it, some states have provided a proportionality review.



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Writ of *Habeas Corpus*

- Some death row inmates whose appeals have been denied by the U.S. Supreme Court may still try to have the Supreme Court review their cases on constitutional grounds by filing a writ of *habeas corpus*.



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Appellate Review

- The Legislature and Supreme Court have significantly restricted habeas petitions recently in order to reduce long delays in executions.
- Some people argue that the appellate reviews are unnecessarily delaying tactics (at least those beyond the automatic review).



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Appellate Review

- However, between 1973 and 2001, one-third of the initial convictions or sentences in capital cases were overturned on appeal, as a result of:
 - Denial of the right to an impartial jury.
 - Problems of tainted evidence and coerced confessions.
 - Ineffective assistance of counsel.
 - Prosecutors' references to defendants who refuse to testify.



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The Death Row Population

- The death row population in the U.S. continues to grow, but more slowly than one might expect because inmates have:
 - Been removed from death row by having their convictions or sentences reversed.
 - Died of natural causes, been killed or committed suicide.
 - Received commutations.



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Commutations

Reductions in sentences,
granted by a state's governor.



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Pardon

A “forgiveness” for the crime committed.



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Capital Punishment

Class Discussion



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Look Comfortable?



doug duBois & jim goldberg NYTimes 9-22-2002



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Developments in the United States

- In colonial America, penal practice was loose, decentralized, and unsystematic, combining private retaliation with fines, banishment, harsh corporal punishments, and capital punishment.



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The Penitentiary Movement

- In 1790, the Walnut Street Jail in Philadelphia was converted from a simple holding facility to a prison and is considered the nation's first state prison.
- Inmates labored in solitary cells and received large doses of religious training.
- Pennsylvania and New York pioneered the penitentiary movement by developing two competing systems of confinement



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Pennsylvania System

- An early system of United States penology in which inmates were kept in solitary cells so that they could study religious writings, reflect on their misdeeds, and perform handicraft work.



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Auburn System

- An early system of penology, originating at Auburn Penitentiary in New York, in which inmates worked and ate together in silence during the day and were placed in solitary cells for the evening.



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The Penitentiary Movement

- By the end of the Civil War, many were questioning the value of the penitentiary movement, as prisons failed to deter crime, and became increasingly expensive to maintain. A new movement sought to improve the method of incarceration.



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The Penitentiary Movement

- The reformatory movement was based on principles adopted at the 1870 meeting of the National Prison Association. The reformatory was designed:
 - for younger, less hardened offenders.
 - based on a military model of regimentation.
 - with indeterminate terms.
 - with parole or early release for favorable progress in reformation.



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Institutions for Women

- Until the reformatory era, there was little effort to establish separate facilities for women.
- The first women's prison based on the reformatory model opened in Indiana in 1873.
- Women's prisons concentrated on molding inmates to fulfill stereotypical domestic roles.
 - Inmates were often "married off"



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Twentieth Century Prisons

John Irwin summarized imprisonment in the 20th Century into three types of institutions:

- The “big house” dominant for the first three decades.
- The “correctional institution” in the 1940s and 1950s.
- The “contemporary violent prison” in the 1960s and 1970s.



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Twentieth Century Prisons

- The “big house” was a walled prison with large cell blocks that contained stacks of three or more tiers of one- or two-man cells.
- Often, the big house exploited inmate labor through various links to the free market.
- The “correctional institution” was smaller and more modern looking. During this time, a medical model came to be used.
- Inmates were subjected to psychological assessment and diagnosis and received academic and vocational education and therapeutic counseling.



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Medical Model

A theory of institutional corrections,
popular during the 1940s and 1950s,
in which crime was seen as
symptomatic of personal illness in
need of treatment.



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Twentieth Century Prisons

- During the 1960s and 1970s, both the effectiveness and the fairness of coerced prison rehabilitation programming began to be challenged.
- The “contemporary violent prison” arose because the treatment-program control mechanisms faded or became illegal.
- The resulting power vacuum was filled with inmate gang violence and interracial hatred.



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Privatization and Shock Incarceration

- The last two decades of the 20th century are likely to be remembered for the largest incarceration boom to date and for desperate attempts to deal with prison crowding.
- One alternative to traditional confinement is the movement toward privatization.
- Although the private sector has long been involved in programs such as food services, legal aid, and medical care, modern privatization entails private companies building and even running prisons.



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Privatization and Shock Incarceration

- A second alternative is shock incarceration.
- Such facilities are often designed for young, nonviolent offenders.
- Although “boot camps” appeal to those who wish to convey a “tough on crime” message, they have not proven to affect recidivism rates.



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Cycles in History

- The history of institutional corrections has evolved in cycles.
- Developments viewed as innovative almost always contain vestiges of old practices; old practices seldom disappear when new ones are introduced.
- One example is the chain gang that had disappeared for 30 years, but returned in Alabama and Arizona.



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The Incarceration Boom

- For most of the past 65 years, the incarceration rate was fairly steady.
- Since 1973, it has risen every year.
- Between 1980 and 2002, the adult prison population in the U.S. (state and federal) more than quadrupled.
- Local jail populations saw a similar (less dramatic) trend. From 1982 to 2002, the number of jail inmates increased 213%.



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Recent Trends

- In order to compare the raw numbers of inmates to the increase in the general population, researchers use the incarceration rate.
- The United States has the highest rate of incarceration in the world.
- The United States also has a more serious crime problem than most other nations, according to James Lynch.



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Cost Estimates

- Total spending on state and federal prisons in fiscal year 2001 was budgeted at nearly \$36 billion.
- The fee to cover the average cost of incarceration for Federal inmates in Fiscal Year 2014 was \$30,619.85 (\$83.89 per day). (Please note: There were 365 days in FY 2014.) The average annual cost to confine an inmate in a Residential Re-entry Center for Fiscal Year 2014 was \$28,999.25 (\$79.45 per day).



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GEORGIA DIAGNOSTIC AND CLASSIFICATION PRISON

Guided by
Dedication,
Courage, and
Professionalism



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GDCP's Missions

- **Protect the public**
- **Complete the diagnostic process on male inmates incarcerated in State facilities**
- **Carry out court-ordered executions by means of lethal injection**



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Information Regarding GDCP

- **Opened in 1969**
- **All male population**
- **Approximately 400,000 square feet under one roof**
- **192 Bed High-Max Unit**



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Information Regarding GDCP

- **Approximately 1,000 acres of State property**
- **Approximate daily population 2,100 - 2,200 inmates**
- **Annual operating budget - in excess of \$30 million dollars**

***Just 20 miles south of Ola High School**



Georgia's Inmate Population and Probationers

- In 2010, the state's prison population was the fifth largest in the nation at 53,704 offenders, while having the ninth largest population of any state (Vera Institute of Justice; U.S. Census Bureau).¹⁷
- Over 164,000 offenders were on probation in 2013 (Georgia Department of Corrections). The average probation sentence for an offender in Georgia is almost 7 years – twice the length of the national average (Georgia General Assembly, 2011).¹⁹
- More than 27,000 offenders were on parole in 2013 (State Board of Pardons and Paroles).



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Georgia's Inmate Population

Several factors contribute to increase in inmate population:

- **Three strikes and you're out**
- **Crack cocaine, Meth**



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Georgia's Inmate Population

In the US, 1 out of 32 adults is under some type of correctional supervision.

In Georgia, 1 out of 15 adults is under some type of correctional supervision.



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Types of Inmates at GDCP

Permanent inmates wear two piece uniforms - white shirts, white pants, both with blue stripes.

Diagnostic inmates wear solid white, one piece, jumpsuit style uniforms.



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Inmate Visitation

- One 2 hour period per week
- Must be immediate family only - mother, father, sister, brother, wife, children, grandparents, grandchildren
- Diagnostic inmates receive one 10 minute telephone call a month after they have been at GDCP for 5 months.



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Inmate Visitation

Permanent visitation:

- **Weekends and State Holidays from 9:00 a.m. until 3:00 p.m.**
- **Contact visitation - One handshake, hug or kiss at the beginning and end of the visit**
- **Anyone may visit after a GCIC criminal history check**



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Inmate Visitation

Inmates Under Death Sentence are considered permanent inmates and have the same visitation privileges as working permanent inmates. Working permanents sit in an open area, and the UDS inmates are locked in the diagnostic visitation areas.



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Inmate Visitation

Permanent inmates have regular telephone privileges. Allowed numbers are stored in a computer system and the inmates have access numbers to make calls. All calls are recorded and may be monitored at any given time. All calls are collect.



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Living in Prison

When most people think of prisons, they usually imagine the big-house, maximum-security prison for men.

However, institutions are quite diverse.



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Convict Code

- Central to the inmate society of traditional men's prisons is the **convict code**: a constellation of values, norms, and roles that regulate the way inmates interact with one another and with prison staff.
- Principles of the convict code include:
 - Inmates should mind their own affairs.
 - Inmates should not inform the staff about the illicit activities of other prisoners.
 - Inmates should be indifferent to staff and loyal to other convicts.
 - Conning and manipulation skills are valued.



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Inmate Society

Two major theories of the origins of the inmate society have been advanced:

- The deprivation model.
- The importation model.



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Deprivation Model

- Deprivation Model: A theory that the inmate society arises as a response to the prison environment and the painful conditions of confinement.
- When an inmate enters prison for the first time, the inmate experiences prisonization, according to Donald Clemmer.
- The longer inmates stay in prison, the more prisonized they become, and the more likely they will return to crime after their release.
- **Prisonization:** The process by which an inmate becomes socialized into the customs and principles of the inmate society.



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Correctional Officers

Correctional officers face a number of conflicts in their work:

- Boredom and stimulus overload.
- Role ambiguity and role strain—officers are expected to both supervise and counsel inmates.
- Lack of clear guidelines on how to exercise their discretion in dealing with inmates.
- Limits on their power, and the need to negotiate voluntary compliance from inmates.



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Correctional Officers

How do correctional officers respond to their roles and their work conditions?

- Some become alienated and cynical and withdraw from their work.
- Others become overly authoritarian and confrontational in a quest to control inmates by intimidation.
- Others become corrupt (e.g., selling drugs).
- Some adopt a human-services orientation toward their work.



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Correctional Officers

Efforts are under way to transform prison work from a job into a profession, but there are problems and issues with such efforts:

- Low pay combined with the nature and location of the work make recruiting difficult.
- Lack of competition for jobs makes it difficult to impose restrictive criteria on applicants.
- A backlash against affirmative action has resulted in tensions and resentment by white officers.
- Training standards are not uniform across or even within jurisdictions.
- Professionalization has been accompanied by unionism.



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Release and Recidivism

Inmates may be released from prison in a number of ways, including:

- Expiration of the maximum sentence.
- Commutation: reduction of the original sentence given by executive authority, usually a state's governor. .
- Release at the discretion of a parole authority.
- Mandatory release.



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Parole

- One of the most common ways of release is parole: the conditional release of prisoners before they have served their full sentences
- In jurisdictions that permit parole release, eligibility for parole normally requires that inmates have served a given portion of their terms, minus time served in jail prior to imprisonment, and minus good time.
- **Good Time:** Time subtracted from an inmate's sentence for good behavior and other meritorious activities in prison.



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Mandatory Release

- The other common release measure is mandatory release.
- Mandatory release is similar to parole in that persons let out under either arrangement ordinarily receive a period of community supervision by a parole officer.
- A method of prison release under which an inmate is released after serving a legally required portion of his or her sentence, minus good-time credits.



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Recidivism

- When inmates are released from correctional institutions, the hope is that they will not experience recidivism.
- Recidivism: The return to illegal activity after release.
- Numerous studies conducted during the past couple of decades in several jurisdictions reveal that recidivism rates have remained remarkably stable.



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Recidivism

- A national study of recidivism among state prisoners found that 67.5 percent of nearly 300,000 former inmates released from prisons in 1994 were rearrested for a new offense within 3 years of their release.
- Other studies have found similar results
- In addition, the recent study found:
 - 46.9% were reconvicted for a new crime.
 - 25.4% were resentenced to prison for a new crime.
 - 51.8% were returned to prison (25.4% for a new crime and 26.4% for a technical violation of release conditions).



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Recidivism

- The recidivism rate in Georgia has remained unchanged at nearly 30 percent over the past decade. That means nearly one in three people released from prison return there within three years (Georgia General Assembly, 2011).²⁷
- Every percentage point that parole recidivism is reduced results in savings of \$6 to \$7 million in reduced costs of incarceration to the state (Pew Center on the States, 2007).²⁸



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Inmate Release

- A study found that newly incarcerated offenders frequently express a preference for prison over probation.
- Ironically, the public's demand for more imprisonment may actually foster less deterrence and more prisoners.
- Inmates who adjusted most successfully to prison had the most difficulty adjusting to life in the free community upon release.



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DEFINITIONS / GLOSSARY of TERMS

- SEE SOP



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REFERENCES

- SEE SOP



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