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# The Injustices Inflicted on Nonviolent Offenders in the U.S. Correctional System

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**Salve Regina University**  
Pell Senior Thesis

The Injustices Inflicted on Nonviolent Offenders  
In the U.S. Correctional System

Submitted by  
Carly Ouellette

In Fulfillment of the Requirements for PEL450 and  
The Pell Scholars Honors Program  
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## Abstract

The purpose of this research is to explore the United States correctional system in order to determine its most serious problems and then call for a change in policy in order to eliminate the injustices within the correctional system. Prisons are not benefiting inmates, correctional officers, or society. The ideal would be for inmates to go into prison and benefit from their prisonization process and experience within the prison in order to be rehabilitated and return to society as productive citizens. This does not happen. Inmates are destroyed in prison; they lose connection with the outside world, they suffer from the harsh realities of prison life, and they return to society worse off than when they entered prison. Current prisons are degrading the inmates through its dismal atmosphere, its extreme violence, and its own culture. Society also does not benefit from the prison system because, although offenders are off the streets while incarcerated, ninety-five percent of U.S. inmates return to the streets and they return as unproductive and sometimes dangerous citizens. Prisons are also not efficient economically. Money would be better used in a way to rehabilitate offenders in order to reduce recidivism rates. A change in policy needs to take place in order to provide justice to nonviolent offenders by removing them from the prison system and instead focusing on alternative sentencing options that will truly benefit and rehabilitate them. The harsh sentencing guidelines and mandatory minimum sentences need to be addressed in order to provide fair punishments and treatment options that are tailored to fit the crime. The sentencing structure, the correctional system, and the reentry process are all in dire need of serious changes to help benefit society as a whole. There is a critical problem in the operation and use of our country's correctional institutions. The prison environment and structure negatively affects nonviolent inmates and makes the goal of rehabilitation nearly impossible.

In order to rehabilitate nonviolent offenders into productive citizens, eliminate the injustices within the correctional system, facilitate the reintegration process, and use time and money effectively and efficiently, it is necessary to make a change in policy, withdraw nonviolent offenders from the U.S. prison system and instead utilize alternative sentencing.

## The Injustices Inflicted on Nonviolent Offenders

### In the U.S. Correctional System

#### Chapter One:

##### *Introduction*

The purpose of this research is to investigate the current correctional system in the United States, highlight its flaws, and call for a change in its policy. The procedure of sentencing in the United States is not a fair system as prejudices and racism still play a role. The media highlights extremely brutal crimes to force society into the mentality of “get tough on crime” making prison the “go-to” sentence. The correctional system needs to move away from the “get tough on crime” policy that forces many nonviolent offenders to serve mandatory prison sentences. According to Ms. Jenni Gainsborough, Director of Penal Reform International, “We use prison too often and we use it for too long,” referring to the increase in prison sentence length. “The common view of the prison is simplistic because it fails to account for the unintended consequences of imprisonment” (Clear 57). These “unintended consequences”, namely the injustices done to the inmates and the problems brought onto society, need to be addressed in order for society to understand them and move to have a change in prison policies. The annual cost to maintain America’s correctional institutions as of 2007 is \$60 billion (Shea E2). With this substantial financial investment in prisons, our crime rates should be down and we should see a significant decrease in recidivism rates, but that is not happening, which means that our money is not being put to good use. According to Attorney Mark Schamel, “Warehousing people is just not working” because if it were working, our country would be experiencing a decrease in crime and recidivism rates and as a result the need for prison would disappear.

Prisons are not beneficial to society, to offenders, or to the correctional workers. Many inmates return to society after their sentence is served and they do not return as useful, rehabilitated citizens. The harsh environment of prison usually toughens the inmates. Inmates learn to be strong and emotionally hard while in prison and sometimes even learn to be better criminals. It would be more beneficial to completely take nonviolent offenders out of the prison system because they are not a danger to society, so they do not need to be incapacitated. These nonviolent offenders do need to receive a punishment for their crime, but prison is not the most efficient, productive, or beneficial. Our correctional system should instead focus on the rehabilitative sentencing options in order to transform nonviolent offenders into productive citizens while cutting down on the problems within our prison system, such as overcrowding and budget issues. "Although the prison was originally conceived for the noble purpose of rehabilitating criminal offenders, critics from its very inception worried that the cure was worse than the disease" (Weiman 575). There are many who believe that prisons are not the cure to "fix" criminals, but actually contribute to the "disease" of crime because of prison's harsh atmosphere, unjust practices, and because of the crime that occurs within prison walls.

The United States of America continues to incarcerate nonviolent offenders at a very high rate hoping to deter criminals from committing crimes and in turn lower recidivism rates. These sentencing policies are causing injustice to nonviolent offenders because the punishment simply does not fit the crime. Our policy is also not benefiting society because our crime rates are not doing down. "Our rate of imprisonment easily beats second-place Russia and is six times the rate of China, seven times the rate of Germany or France, 10 times the rate of Italy, and 12 times the rate of Japan" (Jackson A11). America is a world leader in

many ways, but when it comes to crime, punishment, and incarceration, perhaps it is time to take a look at what other countries are doing right.

Our country is not succeeding when it comes to the sentencing and correctional systems. Prisons are violating the rights of nonviolent offenders and are also wasting the money of our taxpayers by investing in a system that simply does not work. Our country needs to examine the injustices within the correctional system and address them properly. One way to correct the problems within the system is to change our sentencing policies which would minimize the use of prisons and incarceration for nonviolent offenders. Alternative sentences, especially sentences that maximize the use of community corrections, need to be utilized to their fullest ability. Community corrections, such as probation, will work more efficiently to not only rehabilitate nonviolent offenders, but will also be more efficient financially. Through thorough research, it is clear that there are severe problems within our correctional system and by fully understanding these injustices, it is evident that changes are needed immediately in order to have a system that is truly fair, just, productive, and efficient.



## Chapter Two:

### *History of Punishment*

Crime has always been a pertinent part of society. Killings, robberies, and mistreatment have been present before human civilization. Along with crime comes punishment, which has an extensive history. Many people believe that our correctional system is the product of a healthy and positive progression over time, but how much have we really changed? Most citizens do not realize that the horrors occurring in prison are not much different than the ancient methods of punishments. Current prisons are not much better than the common ancient punishments of isolation, violence, and revenge.

The Code of the Hammurabi, written in Mesopotamia around 1700 B.C.E., is one of the most famous of the ancient criminal codes. The principle of *lex talionis*, or equivalent retaliation, was used to provide the guidelines for the amount of revenge or retribution that was deemed acceptable. Punishment in ancient societies was executed in one of three ways, corporally, financially, or capitally. The idea of using isolation in order to penalize criminals “began in the Roman Empire during the fourth century C.E. after Christianity became the state religion” (Quinn 26). This idea of isolation is utilized by the United States correctional system today by isolating offenders in institutional prisons for bad behavior, safety, or sometimes mental issues. Society isolates criminals today just like they did in Rome, not only during incarceration, but also after release by stigmatizing former inmates with criminal records and not wanting to associate with them. Mr. Marc Mauer, Director of the Sentencing Project, also explains that former inmates are isolated and stigmatized after release because of the rights that they are stripped of. Former inmates can be denied welfare, public housing,

college loans, and the right to vote. Being deprived of these effects can push a former inmate out of the mainstream society and make the individual become isolated.

During the growth of cities between 1500 and 1800, violence was often used to punish offenders. Although imprisonment is not seen to be a directly violent punishment today, there is definitely violence within the prison system that the inmates are subjected to. The violence of fellow inmates is present constantly, especially among the prison gangs. The Honorable Judge Reggie B. Walton states that 70,000 inmates per year are raped in prison and another 140,000 to 150,000 inmates are abused per year in all detention facilities. All of these inmates are clear victims of acts of violence, which proves that violence is incorporated into our country's punishment of incarceration. Violence is also used by correctional officers on occasion to control or punish the inmates. It was the Age of Enlightenment that ignited more liberal ideas, such as the philosophy of deterrence. Quinn explains, "Enlightenment thinkers believed that people make decisions based on a calculation in which the possible costs of an act (punishment) are compared with its likely rewards" (Quinn 31). This statement implies that people will act in accordance with the consequences or rewards of their actions. If incarceration is a result of committing a crime, then it is thought that people will not want to go to prison and therefore will not commit crimes. The theory of deterrence is one of the four main goals of the U.S. correctional system today reflecting ideas of the past.

Colonial America adhered to the English tradition of using corporal and capital punishments for serious crimes, but soon the development of the American prison system became a central progression. There were various systems of constructing and managing the prisons over the many years of its existence. It took a lot of time, work, effort, and reforms to get the prison system into a functional and useful setup. The evolution of punishment

overtime has really not come all that far. The U.S. prison system today contains many of the unjust practices of the past, such as violence and isolation. So the question becomes, is the American prison system really beneficial and functional? Even in the 1930s, author E.R. Cass understood that prisons were not useful, “In the war against crime the public generally has been satisfied when a man has been sent away to prison, ignoring the fact that 95% are returned to their communities within a few years” (Cass 586). Prisons may isolate an offender for a year or so, but what exactly happens in the prison? What occurs when the inmate returns to society? Prisons do not work. They are not beneficial to our economy, to the inmates, to the correctional officers, or to society in general. In order to provide justice to nonviolent offenders while still benefiting society, our country needs to utilize alternative sentences that will actually rehabilitate nonviolent offenders.

## Chapter Three:

### *The Failed Goals of the U.S. Prison System*

Prisons do not succeed in their four main goals of deterrence, incapacitation, retribution, or rehabilitation. There are two types of deterrence, general and specific. General deterrence is the belief that by punishing, other citizens will notice the punishment and then will be discouraged from committing a crime because they will not want to receive the punishment (Quinn). Specific deterrence is the idea that by punishing a particular individual, that specific individual will be discouraged from committing another crime because they will not want to go through the punishment again (Quinn). Dr. Rainey Brandt explains that “America has a high recidivism rate of sixty-five percent.” Sixty-five percent of offenders come out of prison and then commit another offense. This clearly shows that their prison sentence did not deter them from committing crimes. Prison is not a deterrent because there is no certainty of being punished. Some believe that people will be less likely to commit a crime if they know that they will go to prison as a consequence, but not all criminals are caught. If someone believes that they will not be caught or punished for the crime they commit, then they will not be discouraged from committing it. The offenders who are caught and arrested still do not have a definite conviction of guilt or a definite prison sentence. Many offenders can take part in a plea bargain, which would allow them a lighter sentence. Also, an aggressive and talented defense attorney could work his power in the court system in order to avoid a prison sentence for their client. Not all criminals go to prison, so offenders are not deterred from committing crimes by the idea of going to prison.

Incapacitation is the goal of isolating the offenders from society by locking them up, containing them, and controlling them. Incapacitation is also a failed objective of prisons

because not all prisoners are strictly contained in prisons. Quinn notes “492 true escapes were recorded in 2000” (Quinn 273). These are only the “true” and “recorded” escapes, what about all the others? Inmates are not always enclosed in their prison building restrictions.

Incapacitation also fails because prisons are not completely removed from society. Inmates are allowed visitors, correctional officers bring their work home, and funding and controlling the prison system is a public matter. There is also the serious issue of smuggling. Many visitors or correctional officers smuggle contraband into the prison for the inmates’ use.

David F. Weiman expresses his doubts when it comes to incapacitation, “If the prison experience actually hardens inmates into more serious offenders, then the incapacitation effect is at best transitory” (Weiman 575). The majority of inmates return to society. With their return to society, they bring everything they learned in prison including criminal techniques. These inmates are not isolated and incapacitated forever and upon their return, they bring a piece of prison with them because those experiences do not escape the former inmates.

Incapacitation is not a factual success.

One of the original reasons for prisons was to provide retribution. Even today, many victims or families of victims seek revenge. It is believed by some that prison provides punishment for criminals, but our idea of “punishment” is extreme. The goal of retribution by prisons is not fair. How is it justified to punish a nonviolent drug addict by placing him in a prison cell with a rapist who will unquestionably abuse daily? The aim of retribution has been taken too far in most circumstances because the amount of violence and mistreatment in prison is overwhelming. Mr. Ronald Hampton, Director of the National Black Police Association, believes that prisons are “inhumane.” He states “The concept of a prison is to strip a person of their freedom and remove them from free society because they are a danger

threat,” but that is where it should begin and end. However, incarceration has evolved to include violence, rape, drugs, and crime. The atmosphere of prison has become dangerous and severe that it goes beyond simple retribution and punishment. The goal of retribution is not met because of its injustice.

The fourth aspiration of prisons is to rehabilitate the offender. Some people think offenders are sent to prison in order to be rehabilitated and come out of their sentences as new, productive members of society. Quinn shows that some consider correctional treatment as “an attempt to convert offenders into law-abiding citizens” (Quinn 13). This may have been one of the original focuses of the correctional system, but it has definitely strayed away from this goal. Dr. Brandt believes that there is too much punishment currently and not enough rehabilitation. To use her words, “rehabilitation is in a coma.” Prisons providing for rehabilitation could not be further from the truth. “If reformation of character does occur during imprisonment, (and this must remain, at best, mere assumption) then it has been effected in spite of the atmosphere and environment rather than because of it” (East 128). Incarceration does not promote rehabilitation; East explains that incarceration and rehabilitation are not companionable by their very characterizations, “Imprisonment is incompatible with reformation for imprisonment means punishment, the state of enforced removal from society for socially unacceptable behavior, and punishment and reformation are incongruous by their very definitions” (East 129). Imprisonment adversely affects inmates because the atmosphere and society in prison is a destructive one. Rehabilitation could not be a success in an institution with a depressing atmosphere and violent populations that do not help inmates, but in fact, destroy them.

## Chapter Four:

### *Mistreatment, Injustice, and Crime in Prison*

There are many accounts of abuse and mistreatment of inmates while they are incarcerated. There is also the cruelty of gangs, violence, rape, and drugs among the inmate society. Inmate and author Victor Hassine explains how much the gangs are incorporated into prison life, “So if you were not aligned with a protection gang, it was only a matter of time before you would have to face the ‘Welcome Wagon’ and be challenged to pay or to fight” (Hassine 36). This “Welcome Wagon” is a group of violent inmates who ask new inmates for money, if none is provided, which usually occurs, the new inmate must either fight or be raped. Inmates “are assimilated into prison culture and gang networks whether through a social osmosis or sheer survival instinct” (Weiman 576). Many nonviolent inmates join gangs and become very violent in order to have the protection and security of their gang. There is also a hierarchy within prisoners. Dr. Rainey Brandt explains that dominance and machismo is obvious in men who are incarcerated. There is a hierarchy in male prisons. Dr. Rainey Brandt states that rapists and child molesters are very low on the totem pole, drug offenders and thieves are a step up, and then a robber is on top. This hierarchy plays into the violence that occurs in prison; targeting the individuals who are low in the pecking order. The inmates have a common rule among themselves; do your own time and do not snitch. Violating either one of these rules can get an inmate into serious trouble with other inmates and be at risk of becoming a victim of violence.

There is also the issue of the underground economy in prisons. In this economy, drugs are exchanged for sex, smuggling illegal substances for one inmate could be repaid with cigarettes, correctional officers may involve themselves by providing better food in exchange

for sexual favors, and any illegal item could be exchanged for anything else. Many inmates are forced to participate in this economy. This underground economy, along with the violence, drugs, and crime occurring in prison makes the prison “an inherently criminogenic institution, which reinforces the criminal behavior of its occupants” (Weiman 575). Prisons are not isolated institutions meant to rehabilitate offenders; they are institutions where nonviolent and violent criminals are housed together and criminal behavior thrives. Criminals are not rehabilitated in prison. In fact, on many accounts, prisoners leave prison as worse offenders or smarter criminals due to their interactions with the prison culture.

The prisonization process and the depressing atmosphere of prison affect inmates so severely that there is a huge issue of self-injury in prisons. Clinically, self-injury behavior (SIB) “consistently has been linked to a broad range of individual-level problems, ranging from intellectual and developmental difficulties to emotional dysfunctions, and to physical and behavioral maladaptation” (Kazmierczak 193). SIB has typically been related to behavior of individuals, but maladaptation to prison is so common that “SIB becomes symptomatic not only of individual mental health, but of the pathology of prisons as well” (Kazmierczak 197). SIB in prisons habitually stems from desire for attention, boredom, depression, powerlessness, or a reflection of the idea of self-punishment. Inmates have a “coping deficit” that also contributes to behavior that is dangerous to themselves (Kazmierczak 195). In the Mid-western female prisons of the United States “between 33% and 50% of all women prisoners attempted suicide at least once during incarceration”, showing that the inmates are going to extreme measures to escape the prison life (Kazmierczak 196). Problems of SIB “may be even more extreme in male prisons, in part because of the higher level of aggression among male inmates, and because their SIB tends to be more violent” (Kazmierczak 196). Prisons are



clearly not rehabilitating these offenders who are suffering from SIB; the inmates are being self-destructive because the prison environment is negatively affecting them.

Prisons are not only undesirable due to the adverse effects on prisoners; they also have unfavorable impacts on the lives of innocent correctional officers. In 1971, Philip Zimbardo, a social psychologist in California, conducted an experiment at Stanford University assigning the role of inmates and correctional officers to twenty-four mentally stable college students in order to observe the effects of the prisonization process and prison society. The study was scheduled to run for two weeks, but was shut down after six days due to the results. The “guards” became extremely violent and the “inmates” became extremely servile, depressed, helpless, and apathetic. Zimbardo had three major conclusions. First, that prison affects both staff and inmates. Prisons are not just punishing and hurting inmates, innocent correctional officers are also impacted negatively. Quinn explains Zimbardo’s second conclusion, prison “makes people more dangerous and less able to live in a free society than ever before” (Quinn 182). Quinn clarifies the third inference, prisonization “is so severe that imprisonment should be reserved only for those who are so dangerous that they cannot be controlled in other ways” (Quinn 182). Our current system does not recognize that this should be the utilized policy. The environment of prison is so harsh that it should be only for the uncontrollable offenders who are a severe threat to society. Rapists, murderers, child molesters, and all violent offenders are an imminent threat to society and a danger to fellow citizens. These categories of offenders must be controlled in an isolated institution like prison; however, these dangerous criminals do not include nonviolent offenders, such as drug offenders or white-collar criminals. The category of criminals meant specifically for prison is definitely not the nonviolent offenders, who can be better treated and rehabilitated in a different atmosphere.

The prison environment and culture does not help rehabilitate offenders, in many cases, it destroys them and makes them unable to live productively in free society again.

Inmate Victor Hassine describes the situation of one fellow inmate named Coach who was once a correctional officer, but the job turned him into a violent offender. Hassine suggests “that simply working in a violent, morally corrupt prison will have harmful effects for some officers” (Hassine 121). Coach was a man of a somewhat normal lower-class background. He raised above his disheartening childhood surroundings and made a profession in the justice field successfully. After his work as a bail enforcement officer and a police officer, he became a correctional officer at Graterford prison. The violence, corruption, and mistreatment exasperated Coach and he turned to a violent life of crime. This is a fairly common example of the jailer becoming the jailed. Prison does not affect all correctional officers in this same extreme manner, but the job does get to them in some way, whether it be temper problems, exhaustion, violence, or depression. There is a major danger of being a correctional officer because of all the violence and crime that occur in prison. The prisons in the United States are extremely overcrowded which contributes to the stress that guards feel daily. Correctional officers are forced to be stern and strong with their inmates and sometimes this persona exits their job and they bring this attitude to their lives outside of the prison. The families of correctional officers are also affected by the prison atmosphere. The overall stress put on the correctional officers causes the guards to be burnt-out.

Overcrowding is a major problem in the United States correctional system. Prisons are built to hold only a certain number of inmates, but the capacity of a prison institution is met and then exceeded every day. The mass incarceration of offenders ignited a construction boom of prisons, but the construction still does not keep up with the growing prison

populations. California spent more than \$5 billion on new prison beds since the early 1980's, but California was still "operating at 181 percent of capacity in 1985" (Greene 1). Society's "get tough on crime" mentality has ignited a desire for more prison construction, but "the common cry among corrections professionals is not a need for more prisons but a need for alternatives to incarceration" (Zedlewski 771). These professionals argue that "prison construction is too expensive and does little for the reduction of crime" (Zedlewski 771). Some states have implemented structured sentencing programs in order to reduce overcrowding by sparing prison beds only for the more serious and violent offenders. Oregon is one of these states. Oregon relies more on community corrections, such as probation and community service, and with this "Oregon has maintained a rate of incarceration well below the national average since 1971" (Greene 2). Oregon is one of few states who recognizes the problem of overcrowding and institutes measures to correct it. More states, communities, and voters need to recognize this serious problem that is still growing within our correctional system and address it properly.

Overcrowding has many negative repercussions. One would think that along with more inmates would come more correctional officers, but this is not true. The staff number does not increase as the inmate population does. This means that there is less supervision of the inmates. This makes the prison more dangerous because it gives inmates more of a chance to partake in treacherous behavior, such as violence, drug use, rape, and use of other contraband items. Dr. Rainey Brandt agrees that overcrowding creates problems; overcrowding "can ultimately lead to violence." Overcrowding also offers health and environment concerns. With so many inmates packed in such close quarters, the possibility of spreading disease, infection, and illnesses are very probable. Overcrowding adds to the

injustice that inmates suffer. Many U.S. inmates are living in poor, unhealthy conditions. Prisons are built with a maximum capacity and that number should never be exceeded in order to maintain the health, safety, and justice of the institution.

The overcrowding of prisons is a significant concern. Ms. Gainsborough explained that the overcrowding of prisons causes many inhumane conditions. With such a large prison population, many inmates are not able to receive the education, therapy, and programs they need. With such a large inmate population, the goal of rehabilitation is pushed aside even further. It is hard enough to control the inmates and maintain peace within the institution, but it becomes much more difficult to give programs and services to these inmates with such a large number of people. It also becomes a financial issue. Programs and services need to be funded and those funds are already scarce, but the funding becomes even more limited when there are so many inmates to provide for. Overcrowding is a major injustice within the U.S. Correctional System that creates many more problems that also need to be recognized.

## Chapter Five:

### *The Severity of Prison and Stigma of Being a Former Inmate*

One of the main focuses of punishment in prison is the loss of freedom. Has anyone taken into consideration what this really means or how it really feels? Inmates lose everything; their families, their friends, their jobs, their houses, their cars, their complete freedom. It is easy to say “freedom”, but what does this entail? It is the loss of absolute freedom over making every day decisions. Inmates have lost the freedom to decide when to eat, what to eat, what to wear, when to go to sleep; all the everyday decisions that free citizens take for granted.

“Prisoners in lockdown facilities live in a state of fairly minimal bodily existence; they lack independent access to basic amenities, are radically restricted in their actions, and have no control over others’ access to their persons. Further, incarceration is usually numbingly boring.” (Kazmierczak 197)

The loss of liberties is too severe. It takes away any and all control that an inmate had over his life. It also causes extreme loneliness and depression. Missing one thing is hard enough, but inmates miss everything; family, friends, sex, love, freedom.

“Prisoners are deprived of their liberty and restricted in their movement, heterosexual relationships, and relationships with family and friends. They also experience a loss of control and a lack of previously enjoyed goods and services and personal security and safety. Flanagan (1980a) found that prisoners ranked missing somebody as the most severe problem (see also Zamble, 1992), followed by missing social life, feeling that life is wasted, and missing sex.” (Ayton 1086)

Inmates experience a complete loss of connection with the outside world: families, jobs, communities, churches. Imagine the feeling of missing family birthdays, holidays, and important events due to one mistake or an addiction that is hard to kick. Nonviolent offenders spend these important occasions in prison with violent and cruel criminals. Is this type of

treatment really proportional to the crimes that nonviolent offenders have committed?

Prisoners need things that we all need and this institutional environment is too much to handle. The deprivation is so great that it negatively affects the behaviors and mentalities of the inmates.

There are also many other negative aspects of prison. Many citizens just naively think, “you do the crime, you do the time.” There is so much more that incarceration includes than just locking up an offender to keep society safe. There are many “unintended negative social impacts, ranging from the disruptions to and burdens on families (especially children), the erosion of neighborhood social capital (and so weaker informal social control mechanisms), and political alienation and distrust of public authority” (Weiman 576). It is not only the inmates who are affected by their time spent in prison; their families, their coworkers, and their communities are also influenced negatively. Everyone suffers the loss of the offender being taken away from society. All these factors need to be taken into consideration when deciding whether a nonviolent offender should be sentenced to time in prison.

Incarceration comes along with many negative aspects. It is not efficient to our economy, it adversely affects the correctional officers, and overall, it is unjust to nonviolent offenders. Nonviolent offenders are hammered down by a prison culture that changes them into a person who has gone through prisonization in order to adjust to institutional life. Inmates also have to deal with the culture in prison, which includes drugs, violence, and gangs. The environment in prison is dark and dismal. After going through an experience like this, how is an inmate expected to reenter society as a functional, happy, and productive citizen? Just how are we helping inmates and society by incapacitating offenders in prison only to return back to society worse off than when they went into prison?

The correctional system stigmatizes former inmates “in a way that makes it hard for them to find jobs, slashes their wages when they do find them, and brands them as bad future spouses” (Shea E2). Many of these former inmates struggle to reconnect with the outside world. The released inmate is not the same person as before his or her prison experience. The intricate prison experience is not one that is easily forgotten. Many former inmates carry that experience with them for the rest of their lives. This experience sometimes forces the offender to even withdraw from the functional people of society, as they are strangers to him now. The way society stigmatizing former inmates can also make regaining a social life or family network difficult. Many citizens who have never been involved in crimes or incarceration do not want to associate with criminals. Family members may also isolate the offender in fear of the criminal re-offending and putting the family yet again through the emotional roller coaster ride of his or her crime and incarceration. Former prisoners “are far less likely ever to marry, but no less likely to have kids, meaning that prisons contribute to the epidemic of female-headed, single-parent households” (Shea E2). Released inmates do not always have a strong support group to help integrate them back into society. “The effects of imprisonment ripple out from prisoners, breaking up families and further impoverishing neighborhoods, creating the conditions for more crime down the road” (Shea E2). This process of reintegration into society is not an easy one and the tough struggle sometimes pulls former inmates back into their life of crime that they find familiar and welcoming.

Mr. Marc Mauer explains that upon release from prison, former inmates are stigmatized and stripped of certain rights that make it even more difficult to live a life free of crime. Former inmates can be ineligible for welfare, public housing, loans for college, and voting rights. Welfare, public housing, and college loans are elements that are offered to

citizens to assist them in bettering themselves. They are available for assistance to individuals who are in need. Returning inmates definitely qualify as an individual in need of assistance, but are still denied benefits that could allow them to succeed in society. This causes a vicious cycle of crime, arrest, and incarceration again and again because without the proper help and assistance, former inmates usually return to what they know best; their life of crime.



## Chapter Six:

### *The Difficult Reintegration*

#### *Into Free Society*

Prisoners cannot smoothly reintegrate back into society. This process is very difficult for many reasons and this struggle of reentry happens to many nonviolent offenders. “About three quarters of all prisoners will be back on the streets within three years, and in the United States, 95% of all prisoners will return to free society” (Kazmierczak 199). Dr. Rainy Brandt reiterates this point, “only five percent of the prison population is serving a life sentence, which means that ninety-five percent of inmates will return to society.” Finding a job is critical to success in the reentry process, but it is also a severe struggle when there is a criminal record and jail time playing a part in the hiring process. The path of former inmates “away from crime and future prison spells – what criminologists call desistance – depends critically on employment, specifically finding and holding a good job” (Weiman 577). These former inmates realize that maintaining a job is imperative and regard “employment as ‘important,’ especially if they wanted to ‘go straight’ and to avoid a return trip to prison” (Weiman 579). However, it is extremely difficult for a former inmate to obtain a decent job, not to mention a good job. Devah Pager, a Princeton sociologist, conducted a survey in Milwaukee to investigate how race and criminal records play in the hiring process. In the surveys, “62 percent of Milwaukee employers said they’d consider hiring an applicant with a nonviolent drug offense in his past,” but Pager found different statistics when she conducted her field study (Shea E2). In her field study, she found that her black applicants with criminal records were called for an interview only five percent of the time. Black applicants without a criminal record were called back fourteen percent of the time. White applicants without

criminal records were interviewed thirty-four percent of the time, and with a criminal record, they were only called back for interviews seventeen percent of the time. In another study, conducted in 2007 by Holtzer, Raphael, and Stoll, employers were asked if they were willing to hire applicants with a criminal record into last filled non-college job, 5.3% responded that they definitely will, 15.7% said they probably will, 24.1% alleged they probably will not, 18.5% responded that they definitely would not, and 36.4% said it depends on the crime that was committed (Weiman 582). It is obvious from these studies that a criminal record does influence an employer's decision whether or not to hire a person. Former inmates are at a disadvantage in the job market. Without a job, it is easier for criminals to re-offend and "fall into a vicious cycle, a revolving door of prison release-crime-reincarceration" (Weiman 577). Prisoners' reentry into society is not the simple transition that society would hope it to be; it is a real struggle.

Reentry back into free society is a very difficult process for former inmates. These individuals have become victims of institutionalization and victims of the violence, rape, and culture that all exist within prison walls. These former inmates need support and assistance as they try to be successful on the outside. Project Empowerment, located in Washington D.C., is a program that helps these former inmates, along with substance abusers and individuals trying to get off of welfare, with employment. Project Empowerment is part of D.C. Department of Employment Services and has been in existence for seven years. They serve 1,000 people each year and currently have 4,000 people on the waiting list. They work primarily with hot spot communities in D.C., which are areas that usually suffer from poverty and crime. Their other main focus is working with former inmates. Eighty percent of the participants in this program are former inmates and eighty percent are also males. Project

Empowerment helps people find and maintain jobs. Two-thirds of the participants read at or below the eight grade level and two-thirds of them have GEDs or high school diplomas. There are educational barriers for these individuals who need help getting a job and Project Empowerment understands that. They offer many programs and resources to their participants, including GED services, education, childcare, clothing, HIV/AIDS treatment, substance abuse counseling, health insurance, along with other training programs and various services.

This transitional employment program has three stages. The first is a three week job readiness training. This teaches the participants many job and life skills. Individuals will learn how to write a resume, how to prepare for an interview, and how to be respectful of all the people involved in this process. The second phase of the program is subsidized employment. This is when the participants work at Project Empowerment for about six months. This is a training process that teaches the participants skills development. They are learning while they are working and are also being supervised in order to perfect their skills. Fifty-five percent of the participants complete phase two of the program and move on to phase three. The third and final phase is unsubsidized employment. The participants work for an independent organization, not for Project Empowerment. The goal of the Project Empowerment program is to be employed from the time you enter this program until the time you retire. Project Empowerment is a great resource for former inmates. It helps inmates reenter society more successfully and not return to their life of crime. Drug courts refer offenders to Project Empowerment in order to assist them with their treatment program and help them obtain jobs.

Four individuals demonstrate the success of this program; Brenda Brown, Lakiesha Lewis, Joseph Green, and Alex Vincent. Brenda Brown is a recovering alcoholic who

formerly worked at Boston Medical Hospital, but her drinking problem destroyed her career there. Project Empowerment is helping her with her recovery and job search. Lakiesha Lewis is a D.C. mother with six children who has been on welfare since 2003. She now works at Project Empowerment as a job coach for newcomers. Joseph Green is a former inmate. Coming back into society was difficult for him at first, but then he was recommended to Project Empowerment by his parole officer. He made great changes to himself and his life with the assistance of Project Empowerment. Mr. Green learned the meaning of a good work ethic and how to be a true professional. He was educated at Project Empowerment and gained the skills needed to maintain a job. Alex Vincent was sentenced to fifteen years to life in prison and was then incarcerated for twelve years. Mr. Vincent explains how he had a great family, loving and supportive parents, but let himself be influenced by his peers and his outside environment. This got him into trouble and landed himself in prison. Upon returning to free society, he reconnected with his family and joined Project Empowerment. He has now been successfully working at Project Empowerment for four years and has dedicated to his life to helping others through Project Empowerment and as a physical fitness trainer. Project Empowerment is the type of program that gives former inmates the opportunity to succeed after incarceration. Programs like Project Empowerment are very beneficial to former inmates and are necessary programs in order to facilitate the reentry and reintegration process.

The Montgomery County Prerelease Center is an institution designed for inmates who are nearing their time of release back into society. Mr. Pat Braun, Acting Unit Manager, and his colleagues give an overview of the prisons in Maryland, Montgomery County, and their facility, along with a tour of the Prerelease Center. The Montgomery County Prerelease Center assists with inmates' transition from institutionalized life back into a life of freedom

and choices. This center offers a variety of programs to help its residents adjust and reenter society. The main focus is on job training, job searches, and maintaining jobs in a responsible manner. Residents at the prerelease center are free to leave the facility to work, spend time at home, among other things according to the level of privileges they receive. The average stay in the Prerelease Center is ninety days. The Center does not allow anyone to stay for less than one month or more than one year. The Prerelease Center does not have an institutionalized atmosphere. It resembles a rehabilitation center or a college dorm. The architecture did not make sense for a correctional facility because there were many hidden spots where residents cannot be seen, but works well for this center to allow for privacy and freedom. These blind spots give the rooms a more relaxed feel. The rooms resembled college dorms much more than prison cells. The large, wooden furniture gives a more comfortable and welcoming atmosphere than furniture that would be found in prison cells. The rooms were not spacious, but they were not unlivable either. The residents of the Prerelease Center were kind and respectful. The staff appeared to like their jobs and truly believe in helping the residents to succeed in their reentry into society.

Many factors influence the difficult reintegration into free society. Our country needs programs like Project Empowerment and centers similar to the Montgomery County Prerelease Center to assist these inmates with reintegration since prison is not doing its job of rehabilitating offenders. Ms. Jenni Gainsborough expresses what should be occurring in prison.

“Planning for release should begin the moment someone enters prison. Programs should be made available that will help to resolve many of the deficits in education, health etc. that the prisoner may have. Work programs should train people for jobs that are available in the free world and provide a living wage.”

Ms. Jenni Gainsborough believes that our country needs improvements in our reentry programs because it is the decent thing to do and because it makes sense for society. If prisoners had the resources and training to succeed in society, they just might accomplish that goal of success. However, inmates need to be given the opportunity and the assistance to succeed.

Dr. Rainey Brandt expresses another consequence of imprisonment which adds to the struggle of reintegration. Besides the reentry struggles concerning employment and housing, there is the shock of being out of an institution and free to make your own decisions again is a big battle.

“Institutionalization is commonly referred to in the prison world as prisonization, or the concept that one is so used to living behind bars, that re-entering the free society would present problems for adjustment. Institutionalization creates problems. Men and women, who spend many years locked up, get released one day and time has passed them by. When a person gets locked up, time stops for them. Guys who are still locked up today whose crimes were committed back in the 70s no nothing about CDs, cell phones, DVDs, computer, etc. because those things did not exist when they got locked up. Think about it if one of these guys got released tomorrow. He couldn't adapt. The learning curve would be too high. These types of folks simply recommit crimes to go back inside prison--the one place they know how to live because that's where they spent the most time.”

There are the major problems of reentry dealing with jobs and maintaining a life, but many do not think of other significant issues that arise because they are more personal and internal.

Former prisoners need to adapt back into the free world. This is not an easy thing to do. They need to relearn the responsibilities of being on their own. Former inmates also need to adjust to the common aspects of everyday life; what to wear, where to shop, what to eat, how to drive, among many other decisions and aspects of life that become second-nature to those who live in free society. It is so difficult for former inmates to return to society and be successful without assistance and guidance.

## Chapter Seven:

### *Statistics, Economics, and the Media*

#### A. Statistics

The statistics of the American prison system also shows that it is not thriving. The statistics illustrate that our method of punishment is not providing a decrease in crime rates. Quinn uses one expert opinion to explain that our increased rate in imprisonment has not benefited society, “Todd Clear points out that the sustained growth in imprisonment since 1972 has had little relationship to crime rates, economic patterns, or population demographics” (Quinn 323). Quinn states that the United States has the “highest rate of imprisonment in the world”, and also the largest prison population, but yet, does not have the lowest crime rate (Quinn 148). Something must not be working in the U.S. correctional system. If our method of punishing offenders using incarceration were working, our crime rates would be going down.

Dr. Rainey Brandt offers seven other important statistics. One, 2.3 million people are incarcerated in the U.S. today. That makes the U.S. inmate population the largest in the world. Two, per every 100,000 residents in the U.S., 497 are locked up. Next, one out of every three prisoners is either in the Texas system, Californian institution, or in the Federal Bureau of Prisons. Four, fifty-two percent of inmates are serving for violent offenses. If fifty-two percent are serving for violent offenses, which means that the other forty-eight percent of inmates are locked up for nonviolent crimes. The inmate population could almost be cut in half, which would save money and resources within the correctional system, if our country utilized alternative sentences for nonviolent offenders. Five, sixty percent of Federal inmates are serving for drug-related crimes. Next, Vermont, Michigan, Oregon, Connecticut, and

Delaware spend more on corrections than they spend on their school systems. It seems our country is mixing up its priorities. Five states are investing more in incarcerating offenders for punishment, not rehabilitation, than they are in innocent youth with a chance to be educated and not follow a path of crime. Lastly, it costs roughly \$27,500 to support an inmate each year. Each year, we are spending more and more on prisons.

Mr. Marc Mauer also explains that between 1920 and 1970, there was a steady rate of incarceration and then starting in 1970 and continuing until today, the rate skyrocketed. There are now over two million inmates in our country's institutions. The United States is the world leader in incarceration rates. We incarcerate the most people and have the highest inmate population, but yet, our crime rates have not gone down and we have not stopped our method of sentencing and punishment. Perhaps, it is time to truly consider a way to reform the correctional system of the United States.

## B. Economics

Our excessive use of prisons is also not benefiting society economically. On average, it costs over \$23,000 per year to maintain the life of an inmate. Dr. Rainey Brandt provides the statistic that "there is \$50 billion spent on corrections each year," which could actually be an outdated statistics because according to a more recent newspaper article, "State spending on prisons has grown from \$12 billion in 1987 to \$49 billion last year," this only mentions "state" spending, not federal (Jackson A11). With a recidivism rate of around sixty-five percent and crime rates not decreasing, it is hard to validate the expenditure of \$50 billion on something that is not working. Author Costanzo articulates that "for nonviolent offenders, it is difficult to justify imprisonment from a financial perspective" (Costanzo 293). The social



aspects, along with the financial and statistical portions, of prisons all prove that prisons just do not work. Putting a person on probation under close supervision in the community and providing him or her with treatment costs on average between \$5,000 and \$15,000, much cheaper than imprisonment. Around \$60 billion per year goes into our correctional system without many concrete, positive results. There is the terrifying worry that “mandatory sentences embraced by voters could force cuts in health care, education and other vital state services” (Greene 2). Government money could be used more efficiently in other areas, rather than incarcerating nonviolent offenders. Putting more money into education and healthcare could help citizens steer away from a life of crime. Many nonviolent offenders are uneducated and underprivileged citizens. If education was supported more financially maybe we would not have such a severe crime epidemic that is resulting in excessive incarceration.

### C. The Media

The media misconstrues the crime epidemic in our country. It is very true that crime is a huge part of daily life in the United States, but the media highlights the most dramatic and horrific crimes in their news casts. This causes society to believe that the majority of crimes committed are brutal murders or forceful rapes. It gives people the mentality to get tough on crime, but what normal citizens do not realize is that a majority of offenders are nonviolent and not a threat to society. Ms. Gainsborough describes the media’s influence on the public’s eye.

“It is difficult to generalize about ‘the media.’ Some newspapers and magazines write quite thoughtfully about crime issues and provide a balanced and contextualized view of the situation in the US. Individual crimes however are often sensationalized – particularly by local news stations and by cable television. Certain types of crime – rape and murder of young white girls, school shootings – receive so much coverage that people who watch tv often end up with a distorted view of the rarity of these

events and the amount of crime that takes place. Television and film often show a very distorted view of life in prison too. Research has shown that people who watch the most television tend to think that there is much more crime than there really is.”

Citizens possess a definite lack of knowledge when it comes to the realities of crime.

Research “suggests that public misconceptions about the operation of the state’s criminal justice system may have fueled the ‘get tough’ mood expressed in the vote for mandatory sentences” (Greene 3). Polls were taken in Oregon to get a consensus of society’s knowledge of crime.

“While overall crime rates have been stable in Oregon for many years, with violent crime showing recent decreases, more than two-thirds of those polled said they thought crime was on the rise. And, while sentencing guidelines had stabilized prison population levels within capacity and abolished parole release, most Oregonians nonetheless believe that violent offenders routinely are set free due to prison crowding. ‘The disconnects between some of the public’s beliefs and the realities of the criminal justice system point to the importance of the Effective Incarceration Project,’ says Ray Mathis, executive director of the Citizens Crime Commission. ‘If the public has current information on what is actually happening in public safety, that could certainly effect how they vote and what they demand of their elected officials.’ Cook agrees. ‘The problem has been lack of knowledge,’ he says. ‘I believe that once people come to know the facts about what the system is accomplishing and what is effective, they’ll act accordingly. They’ll want to know if we’re using their tax money wisely, and whether there are ways to use it even more effectively.’” (Greene 3)

Citizens need to be educated on exactly what crimes are being committed and what are the most effective and efficient punishments for these crimes because these citizens are the tax payers and the voters. They need to know what is truly happening in the world of crime and corrections. Instead of jumping to the conclusion that everyone needs to be locked up, it would be most beneficial to really take time to consider which crimes are actually committed the most, what a just punishment would be for these crimes, and take into consideration the brutality and severity of prison before racing to the conclusion that all criminals deserve to be there.

## Chapter Eight:

### *Nonviolent Offenders and Drug Offenders*

It is clear that there are many problems within the United States Correctional System. There are injustices inflicted upon inmates every single day. When discussing this issue, it is hard to categorize inmates as one because the differences between individuals are so distinct. One major way to separate offenders is through the crimes that they have committed. The broadest way to make that distinction is through two categories; violent offenders and nonviolent offenders. Violent offenses include many different types of crimes; murder, rape, assault, among others. Likewise, the category of nonviolent offenders is a very broad one. It can include espionage, extortion, robbery, drunk driving, white collar crimes; the list goes on and on.

Drug offenders are a big part of the inmate population. Most, although not all, drug offenders can be included in the category of nonviolent offenders. The increase in the prison population was mostly the result of incarcerating nonviolent drug offenders. The drug offenses vary from drug addicts forging prescriptions to support their habit, to drug dealers selling to support themselves and their families financially, to big time drug traffickers in it for the money, excitement, and thrill. Drug offenders accounted for almost one-third of the growth in the prison population and of new prison admissions between 1984 and 1995, when prison incarceration rates more than doubled from 188 to 411 inmates per 100,000 people,” this is most likely due to the War on Drugs (Weiman 578). Drug offenders account for a significant proportion of the inmate population.

To illustrate the point that a majority of inmates are nonviolent drug offenders, let us first look at the Federal prison system. Dr. Jody Klein Saffran, Research Analyst for the

Federal Bureau of Prisons, explains that the Federal system consists of over 200,000 inmates and over 100 institutions. The Federal Bureau of Prisons has an older population with an average age of thirty-five years. The majority, ninety-three percent, of Federal inmates are male. Twenty-five percent of the inmates are non-U.S. citizens. The majority, fifty-three percent, of the Federal inmates are White. The majority of inmates in the Federal system are first time offenders. The offenses break down as so; fifty-four percent drug offenses, fifteen percent weapons charges, ten percent immigration violations, eight percent violent crimes, four percent property offenses, four percent fraud, three percent sex offenders, and two percent of the inmates account for other types of offenses. Fifty-four percent of the inmates just in the Federal system alone are serving for drug charges and a majority of the inmates were first time offenders. The Federal prison population alone could be cut in half if these drug offenders were sentenced, treated, and rehabilitated in a more productive manner rather than incarceration. Also, Federal parole was abolished in 1987. Without parole, these inmates have no chance of being released back into the community to serve the remainder of their sentence under supervision in the community, which could facilitate their reentry into society.

Ms. Jenni Gainsborough believes drug users and addicts need treatment, but we do not provide that, we respond to their behavior by locking them up and not dealing with them. Ms. Gainsborough thinks that incarcerating drug addicts and users is a “foolish” and a “failed” policy. Nonviolent drug offenders are not a major threat to society. They do not need to be isolated from society and brutally punished. What they do need is rehabilitation to help them overcome their dependency on their drug of choice. Or perhaps, they need a program to help them with job training because what they really need is money and drug dealing is the only way to obtain their necessary income. Ms. Gainsborough believes that we “use prison as a

response to social problems.” These social problems need to be dealt with and discussed, not dismissed, but, unfortunately, our country dismisses these issues everyday by simply sending nonviolent drug offenders to prison without addressing their problems that could be helped and fixed without time served in prison.

## Chapter Nine:

### *Sentencing and Alternative Sentencing*

Injustices inflicted upon inmates in the U.S. correctional system begin with the process of sentencing. The sentencing process is supposed to be a fair procedure in order to ensure justice. However, politics has entered the justice system and has inflicted the “get tough on crime” mentality without knowing all the facts; “Our inflexible reforms have for two decades turned nonviolent criminals into prisoners of politics” (Jackson A11). It is also clear that there are many instances of discrimination within the sentencing process. Offenders are discriminated based on race and socio-economic standings. Some of these prejudices are not always intentional. Some of the disparities that exist are based upon false information about certain drugs that have pinpointed certain groups for sentencing, such as the crack cocaine versus powder cocaine, one-hundred to one ratio. Mandatory minimum sentences are another big issue in the sentencing process. Above all of this, many nonviolent drug offenders are being punished in ways that are not proportionate to their crimes. They are being sentenced to prison when a more effective punishment might be found in a rehabilitative or treatment program. Dr. Rainey Brandt explains one problem with our sentencing structure; “overcrowding is a major problem in our correctional system which is partly the result of longer sentences.” There are many alternative options that could better rehabilitate nonviolent drug offenders rather than simply locking them up.

Mandatory minimum sentences are sentences that our country has been using for twenty years now that are completely mandatory no matter what your situation is. If you possess a certain amount of a certain drug then you are required to go to prison for a set amount of time. These mandatory minimum sentences are set by a constitutional statute that a

judge is required to follow even if sentencing guidelines direct a judge to sentence the individual to a lesser amount of time. Ms. Molly Gill, Legal Counsel for Families Against Mandatory Minimum Sentences (FAMM), explains that after 2005 the sentencing guidelines became advisory instead of mandatory. It is now currently set that mandatory minimums always trump the sentencing guidelines. There are mandatory minimum sentences for gun violations and sex offenders. Ms. Molly Gill, explains some of the problems with using mandatory minimum sentences; “Mandatory minimums eliminate the judge’s discretion.” She also attests to the racial disparities that exist in mandatory minimum sentences. Ms. Gill confirms the racial disparities by using the example of the crack cocaine versus powdered cocaine controversy. The crack and powder cocaine disparity is represented by a one-hundred to one ratio, as so, five grams of crack gets an offender a mandatory minimum of five years, whereas an offender needs to possess 500 grams of powder cocaine in order to receive the equivalent five year mandatory minimum sentence. This mandatory minimum stems from the get tough on crime policy; through the mandatory sentences, it was hoped that it would catch and punish serious criminals. However, these numbers were pulled out of a hat; there was no hearing, no evidence, and no experts to confirm the myth that crack cocaine users are more violent and more addicted to cocaine than users of powdered cocaine. This sentencing strategy ignited a racist impact because crack is much cheaper than powder cocaine, so poor communities of color are being impacted the most. There are many incorrect myths about the negativities of crack, such as the violent nature of its users and the belief that crack cocaine is highly addictive. Ms. Molly Gill states that these are all simply myths and the truth is that ninety-percent of crack offenders are nonviolent. “It is wrong that crack offenders, 70 percent of them nonviolent, spend on average 3 ½ years more in jail (10.8 years to 7.2 years) than

those convicted of powder offenses” (Jackson A11). So now nonviolent offenders are being locked up for a longer period of time because of mandatory minimum sentences that were based on myth, not fact.

Mandatory minimum sentences, along with some sentencing guidelines, need to be examined in order to determine if the punishment fits the crime and fits the individual offender. It is sentencing practices that are increasing our prison population, not crime rates.

“The reason is not crime, not when our total levels declined in the 1990s to under those of the European Union, according to the United Nations. But the impact of mandatory federal and state drug laws enacted during the crack panic of the 1980s – and never changed when the panic over drug trade violence proved unjustified – continue to devastate communities and state budgets.” (Jackson A11)

Mandatory minimum sentences and specifically laws targeting drug offenders are the reason why so many people are being locked up and not only are they being thrown into prison, but they are also being put there for longer periods of time than our country has seen in the past.

The U.S. sentencing structure needs to focus more on alternative options to prisons in order to use funding more effectively and truly rehabilitate offenders. Sentencing also needs to be reformed in order to provide justice. The punishment needs to be proportional to the specific crime and to the individual offender. Rehabilitative options need to be utilized.

Programs that offer punishment in the form supervision in the community should be experimented with in order to punish the offender while at the same time rehabilitating that nonviolent offender and help with their treatment program and success. These programs could be very useful to drug addicts who need help fighting their addiction while remaining in the community with a job and stable routine. Programs could be offered to provide financial help and job training to those who traffic drugs or deal drugs only to support themselves and their families. Our society is in a mindset of locking up offenders and not thinking about them



again, but the truth is, the majority of inmates return to society. So, if we do not help prisoners and offenders because of moral reason and to provide justice, we can do it for the other reasons of public safety and financial success. Sentencing needs to give support to offenders in hopes of rehabilitating and making them productive citizens.

An effective alternative to traditional sentencing is the use of Drug Courts. Drug Court is a sanction-based treatment program. Drugs are a major part of criminal behavior, so it makes sense to try to eliminate the drug use in order to help diminish crime. Attorney Dan Cipulo of the D.C. Superior Court explains that the court system is not an “effective measure” to deal with drugs. Drug addicts need more attention and more support to kick their addiction. Associate Judge Michael Rankin of the D.C. Superior Court explains that before drug courts that are used today were formed and outlined, there was a test to see what the most effective measure was to use with drug offenders. Three responses were used in dealing with the drug offenders. The first response was not changing anything. The court system treated drug offenders as they did before by using jail, prison, probation, and other typical sentences. This was the control group. There was then the second group which installed treatment programs. Drug offenders were not thrown in prison, but instead were assigned to various treatment programs in order to become rehabilitated. This group had the best long term results. The final group was the sanction program. This program focused on helping offenders, but when they disobeyed or violated a term of the contract, they were given a sanction. The sanctions, or punishments, included court watch, one night in jail, two days in jail, and then if there was a fourth violation, the punishment would increase. The sanction group was the first group to show an immediate change. The drug court as it exists today is a program that consists of both treatment and sanctions. Drug court gives support to drug offenders. Sheryl Jones, a female

participant of the D.C. drug court program explains the success of drug court; “Without this program, I would not be here right now and that’s the truth.” Drug court offers rehabilitation and group therapy sessions. Drug tests, sanctions, and supervision are all incorporated to provide the best results. This program gives drug offenders the chance to better themselves without having to get caught up in the system and then stigmatized due to a drug conviction on their record.

Many people have their skepticisms about the true success of rehabilitation. Society feels safer knowing offenders are locked away in prison rather than having them in the community even if they are working to become rehabilitated. People would rather send people away and not deal with them or the issues of prisons. So does rehabilitation work? Some people would argue that it does not and others are believers in the necessity and success of rehabilitation. Even if some believe rehabilitation does not work, one could argue that what our country is doing right now is also not working, so why not try something new? By examining the recidivism rates of participants in the Federal Witness Security Program, more commonly known as the Witness Protection Program, it is clear that by giving offenders a clean slate and a second chance, there is a true possibility that they will straighten out their lives and not return to committing crimes. Director of the Witness Security Program, Mr. Steven T’Kach, explains just how the Federal Witness Security Program works. The Witness Security Program is the most successful government law enforcement agency in the United States. Looking at its track record, not one person has been injured or killed while in the program and obeying the rules. It is a very secure program. This program has been in existence for thirty-eight years. Only a small group of people know where the protected witnesses are.

The Federal Witness Security Program is currently protecting 8,000 witnesses and 10,000 family members with about 160 new witnesses joining the program each year. Ninety-five to ninety-seven percent of all the witness in this program have criminal records. There are five main criteria when considering a potential candidate for this program. To decide if the person is eligible or not, the program's staff looks at the significance of the case that the witness could testify at, the significance of the individual's testimony, if there is a bonafide threat to this individual's well-being, whether the person would be a risk to a new community, and whether or not there are no other alternatives for the individual. It costs a lot of money, about \$80,000-\$100,000, to relocate a witness, so it is necessary to make sure that it is worth it. It is also a bit of a balancing act when the Witness Security Program is deciding whether or not to accept an individual. The program needs to look at the individual specifically and see if the person is violent or a threat to society, but those factors also need to be weighed against the person or people who the individual will be testifying against. Mr. T'Kach gave an example of a case where one individual was willing to testify against twenty-three other criminals. Even though this one individual posed some risk to society, his testimony would get twenty-three other dangerous and violent criminals off the street, so he was a good candidate for the program.

When an individual is accepted to the Federal Witness Security Program, it changes their life. They are being protected from dangerous criminals, usually organized criminals, who may want to kill this person because of the testimony they can provide. A witness is relocated and is required to leave everything behind. They cannot bring any electronics, any clothes, any photographs, or any items whatsoever that could be used to identify where the witness is from originally. The witnesses are brought to new locations and new communities

where they do not know anybody at all. They are given new identities, new jobs, new things, and completely new lives. A significant majority of these witnesses are criminals. Within the Witness Protection Program, there is an eighteen percent recidivism rate. This statistic is significantly smaller than the national recidivism rate. The national recidivism rate is at least sixty percent, perhaps more. Mr. T'Kach expressed his opinion on our correctional system, "We do not rehabilitate offenders, we warehouse them." In the Witness Protection Program, criminals are not punished, but instead given a second chance at life with a completely clean slate. The Federal Witness Security Program on average supervises the witness and helps them assimilate to their new life for sixteen to eighteen months. The witnesses are then on their own with their new lives. This is a completely voluntary program and witnesses can drop out at any minute. There is also the possibility that a witness will breach their security either on purpose or by accident and in this case they can be relocated again. The average witness is relocated twice. The difference in recidivism rates is unreal. There is an almost fifty percent difference between the national recidivism rate and the rate within the Federal Witness Security Program. This shows that if offenders are treated with respect by the government, are free of the stigma of being an offender or a former inmate, and given the chance to start all over, they can really succeed and stay away from crime.

## Chapter Ten:

### *Programming and Prison Reforms*

Injustices are a major part of America's sentencing and correctional systems. These injustices need to be corrected. One of the four goals of prisons is rehabilitation, but over the years, the system has moved away from this noble aspiration. Programs in prison and outside of prison are necessary if rehabilitation is going to work. Some prisons work their hardest to provide programs to their inmates, whereas in other facilities, programs do not exist at all. Some basic programs that are necessary are education, job training, and drug or alcohol addiction therapy. Many inmates in prison are poorly educated, have no life or job skills, and are substance abusers. These factors could be the root of their criminal behavior, but are never addressed. It is necessary to look beyond the individual and the crime into what might have caused this person to commit this crime and go down this path. Programs can find these causes and in effect, work to change these factors and assist the individual in rehabilitation into a productive and responsible citizen.

Dr. Rainey Brandt touched upon programs that some prisons offer. Most prisons do offer the basic programs, but other prisons offer more productive programs and are more successful in helping the inmates rehabilitate. Some prison systems have very creative programs. New Hampshire offers a yoga program for their inmates, which teaches the inmates self-control and peace while getting physical exercise which assists with happiness. Colorado has an enlightened corrections system that comes up with some unique options. Some women inmates have been able to train Seeing Eye dogs. These female inmates were able to feel the respect of being able to be an instructor with these dogs while also bonding with the animals. In the former Lorton prison, there was a Pet Therapy class offered where the male inmates

were given cats to take care of. This program had amazing results. It taught the inmates responsibility and the meaning of unconditional love. It is these types of creative programs that teach inmates certain responsibilities, expression, and emotion that they did not have the privilege of learning when they were children. Ms. Gainsborough would agree that these programs are very helpful. The basic programs are also extremely necessary and effective. Many inmates are functionally illiterate and need education programs to succeed in society. By not having programs, it makes the inmates less ready to reenter society, which Ms. Gainsborough explained is “not cost effective.” By not rehabilitating inmates, the correctional system is wasting precious money that could be better spent in a different manner.

Dr. Jody Saffran believes in the success of faith-based programs in prisons. These programs address religion and are helpful because they give inmates faith and hope. Religion is a very important part of drug rehabilitation. The meaning of forgiveness is very significant as many drug offenders need to forgive themselves and receive forgiveness from others before they can work on their treatment. Dr. Saffran explained that these types of programs are very popular in Texas. The Federal system includes all religions in these programs. Faith-based programs are also helpful because they integrate society. The community is an important aspect of the success of faith-based programs. The inmate will become connected to a church leader as a mentor and this relationship is then continued when the inmate is released which is a big help with the reintegration process and being successful in free society.

Ms. Gainsborough offered a shed of hope by saying that although prisons do need much improvement, they are a lot better now than they were before. She also discussed some of the reforms and legislation to improve prisons that have been passed, such as the Reentry Act to help offenders coming out of prison find jobs and housing, and the Prison Rape

Elimination Act, which issues standards in reporting and preventing rape in order to receive federal funding. Ms. Gainsborough hopes for more changes in the future, but understands that this is difficult to do because there are fifty-one prison systems in our country, so it is hard to enforce national and uniform standards. The correctional system might be more effective, efficient, and just if there were one system of uniformity rather than fifty-one separate systems.

## Chapter Eleven:

### *Conclusion*

Crime has always been a major part of society. Along with crime comes punishment. Punishment has evolved a great deal over time, but is still always looked at in order to figure out how to change, improve, and reform it. Nowadays, in the United States of America, our main means of punishment is incarceration. Prisons, jails, and juvenile facilities are used across our country to incarcerate offenders in hopes of providing incapacitation, retribution, rehabilitation, and deterrence. Our rate of incarceration has gone too far; “For the first time in our history, more than one out of every 100 adults is behind bars” (Jackson A11). However, these four main goals of prisons are not always met. The original purpose of prisons was to take away the offender’s freedom, isolate them from society, and provide rehabilitation, but now, as Dr. Rainey Brandt explains, “incarceration is taking away a person’s personal liberties.” Our country cannot continue to violate the Constitutional and human rights of nonviolent offenders.

We need a new method of punishing nonviolent offenders in order to truly rehabilitate them, facilitate the reentry process, and reduce recidivism rates. According to the estimates of professionals, the placement of a marginal offender into a prison actually “increases his recidivism rates – measured by the risk of being arrested within three years of release – by 33 percentage points” (Weiman 576). Prisons do not fulfill their requirements of rehabilitating, incapacitating, or deterring offenders, or providing retribution. Prisons also unfavorably affect anyone involved in the prisonization process, the prison system, and anyone related to those implicated, and this is why alternative methods must be used in order to benefit the offenders, the correctional officers, the families of both, the economy, and society. There are many



alternative sentences other than imprisonment. Some of these alternatives are probation, rehabilitation centers, counseling, community service, creative sentencing, among others. Creative sentencing is a type of punishment that is tailored to specifically fit the crime. Reporter David Mulholland argues that creative sentencing “gives punishments more meaning by allowing judges to rehabilitate offenders and sentence them to serve the community”, which will divert minor offenders from prisons and reduce prison overcrowding (Mulholland 163).

There is a huge problem in the operation and use of our country’s correctional institutions. The prison environment negatively affects nonviolent inmates and makes the goal of rehabilitation impossible. In order to transform nonviolent offenders into productive citizens, it is necessary to withdraw them from the United States prison system and instead utilize alternative sentencing. “Fueled by the war on drugs, ‘three-strike’ laws, and mandatory sentences, America’s prisons and jails now house some 2.2 million inmates – roughly seven times the figure of the early 1970s”, this significant increase in the prison population needs to be noticed and corrected (Shea E2). Prisons “have a far deeper impact on the nation than simply punishing criminals”, so if the society cannot change the correctional system due to the injustices inflicted upon inmates, then it must be done in order to benefit society (Shea E2).

The United States correctional system needs a change in policy. The “American Correctional Association (2002) advocates that, as a major principle of corrections, ‘The dignity of individuals, the rights of all people and the potential for human growth and development must be respected.’” (Kazmierczak 199). The correctional system has moved away from this major principle. The conditions of the prisons negatively affect nonviolent

offenders and violate their human rights. The current U.S. sentencing and correctional systems need to refocus their main goal to rehabilitation by punishing nonviolent offenders using alternative sentences. These types of sentences will help offenders rehabilitate themselves into productive citizens and reduce recidivism rates. There is a huge injustice within the current correctional system today. These injustices need to be recognized and changed in order to have a society that truly respects all individuals.

There are many injustices inflicted upon inmates each and every day. There are also injustices and disparities when it comes to sentencing which puts offenders in prison in the first place. Although it seems like a uniformed consensus that our correctional system needs improvement, each correctional facility differs from each other, which we have seen. Some facilities are in dire need of changes, improvements, and reforms, whereas other institutions, such as the Arlington Detention Center, have already realized the problems with institutionalized life and reentry issues and have adjusted to work their facility and treat their inmates in a humane manner. The majority of institutions, however, need changes and guidance and hopefully reforms will come sooner rather than later.

Dr. Brandt explained that taking away the person's freedom is the purpose and the punishment of incarceration. Taking away freedom does not mean taking away human rights, so it is unjust to hurt, rape, or victimize prisoners. She presents the thought that you judge a society on how they treat their worst citizens, so how would our country be judged? That is a very thought-provoking question and one that needs to be addressed by every member of our society, especially those with the authority to make real changes to this corrupt system. All of the issues surrounding the U.S. correctional system directly relate to many of the themes presented within the Pell Scholars Honors Program at Salve Regina University. The Pell

Program addresses the topics of service, justice, and citizenship. Here is a mission statement from the Pell Program to adequately describe the goals of this program.

*“The Pell Scholars Honors Program promotes the University’s mission of preparing students to serve the community, to seek peace and justice in the world, and to be responsible citizens at the local, national, and international levels. Through a rigorous program of coursework, fieldwork, and co-curricular activities Pell Honors students seek to develop knowledge, skills and values that enhance their ability to make responsible decisions affecting themselves and the societies in which they live.”*

The topic of the U.S. Correctional System clearly speaks to the topic of justice. Not only does the correctional system include our criminal justice system; it also speaks to a different type of justice, one of fair and equal treatment of all individuals. Every individual is entitled to fair and just treatment and is protected with certain unalienable rights under the United States Constitution. The Pell Program frequently focuses on public policy issues. The U.S. Correctional System is definitely an issue of public policy that needs to be addressed. When discussing the injustices inflicted upon nonviolent offenders in our country’s correctional system, another issue that arises is respect. Every individual needs to be respected and this respect for the individual is a theme within the Pell Program. Citizenship is a major player in the Pell Program. The Pell Program works to develop its members as good and productive citizens by enhancing our knowledge, skills, and values. By developing our knowledge, one of the things we are asked to do is to recognize and analyze social justice issues. The treatment of nonviolent offenders is a key social justice issue. Citizens’ skills are developed through many ways, one of them being through critical writing and research skills. Research is imperative when looking at a controversial issue such as the treatment of nonviolent offenders, our sentencing structure, and our prison system. Pell students are asked to evaluate their values and enhance them. This includes valuing cultural differences in order to promote respect and empathy for one another, value diversity of perspectives, value the importance of

scholarship and research as a means of finding and communicating the truth, value the rights of individuals and welfare of all people, value and express enthusiasm for community participation, and to value and express commitment to social justice and public service. These values are incorporated throughout this Senior Thesis. These values are extremely important in order to recognize the injustices within our correctional system and then having the ability to research and communicate the truth in hopes of inspiring change within this system to make it more just and fair. Fairness, justice, and respect need to be awarded to all citizens including nonviolent offenders and prison inmates. Our country as a whole needs to recognize the urgent crisis in our sentencing and correctional systems and make changes to these corrupt systems in order to provide a system of true fairness, justice, and success.

Appendix A:

*Interviews*

**Interview**

**Mr. Ron Hampton**

**Executive Director of the National Black Police Association.**

**Tuesday April 1, 2008**

**1) Can you please describe your past job experiences?**

Ron Hampton worked as a police officer in the Third District of Washington D.C. Mr. Hampton also did a lot of working with police and community relations. One of his big interests and successes was working with schools and the young people of society. He did his best to get the youth more involved in the city. Mr. Hampton did lots of work with crime prevention programs for the youth. He highlighted the programs that he ran during the summer time. He brought crime prevention programs into a different neighborhood each week and got everyone involved, including parents. At the end of the summer, they would block off the street so that they could have a barbeque. Local business would donate money so Mr. Hampton his colleagues could put together a cookout with a grill and good food. These programs allowed the young people to see police officers in a different setting. Another program that Mr. Hampton mentioned was the Double Dutch program. This jump roping program allowed kids to get together for a common goal. These Double Dutch competitions let the children travel to different places for other competitions and the Championship. Mr. Hampton believes these programs “made a difference.”

**2) Do you think these programs helped keep kids out of trouble and helped prevent crime?**

Mr. Hampton responded “Absolutely.” It has been shown that crime goes up during the summertime. During the school year, sometimes kids would skip school and hang out with nothing to do and get into trouble, but during the summertime many more kids were just hanging out with nothing much to do. Mr. Hampton’s summer programs gave young people something constructive to do. Mr. Hampton played games, organized events, and educated the youth during the summer. Mr. Hampton and his colleagues worked full days with these kids. For those eight or more hours, they were supervising the youth who might have gotten into

serious trouble without these programs. With the help of these programs, these kids felt better about themselves and according to Mr. Hampton started to see themselves as “role models.” Other young people began to join these programs as they went on. These summer programs also offered basketball and tennis courts. Prevention and education programs were also worked into the summer. All these things gave the kids a place to be and have fun safely along with an education about crime prevention and staying out of trouble. Mr. Hampton believes that these programs “absolutely did” help the crime rates drop. He said that there are crime statistics that show that crime went down significantly while these programs were going on. He stated that there was a “significant effect in terms of preventing crime.”

### **3) So these programs were specifically run in poorer neighborhoods?**

Mr. Hampton explained that these programs took place in “absolutely poorer neighborhoods.” He explained that the majority of African American population in the Third District lived in the poorer neighborhoods. There were even public housing complexes in these neighborhoods. Mr. Hampton explained that they purposely brought these programs into these poorer neighborhoods because they knew kids from these areas would not be going to Europe or Disney World for the summer. They needed something to do. These poorer neighborhoods were already identified as ones in need. Mr. Hampton and his coworkers teamed up with schools and the Recreation Center to get the best program for these neighborhoods. They brought “educational material” for the kids.

### **4) What do you think are the best methods for preventing crime, which in turn could help reduce the need for punishment and the use of prisons?**

Mr. Hampton believes that prevention and intervention programs are the most useful methods to prevent crime especially when dealing with young people. Educational programs are also necessary. Mr. Hampton believes that you need to offer the youth an “outlet” for the youth. You “have to have a way to pull them out” of the dangerous or risky behavior. Mr. Hampton also has faith in diversion programs and thinks they are a good idea. These diversion programs work because they allow young people to stay out of the court system. The youth’s problem could then be addressed in another way that does not catch them up in the system. Diversion programs help tremendously. It is best to stop crime and prevent crime before it

even gets to the punishment stage. Mr. Hampton offers the information that it costs about \$25,000 per year to house one inmate. He believes that we could save that money by not locking people up immediately. A person can have a second chance to turn themselves around. It is a good idea to mentor these people and keep them out of the justice system. Mr. Hampton strongly believes that “we need to stop thinking that everyone needs to go to jail every time they a crime.” He said that there is a huge majority of poor people and minorities in jail and these injustices need to cease. If we move away from using prison as the only solution when anyone makes a mistake then the criminal justice system will not be so overworked.

**5) You have mentioned methods of prevention for youthful offenders, do you believe in the rehabilitation of adult offenders?**

Mr. Hampton responded with “I do, I do.” He believes the same programs that he spoke of applying to young offenders will also work for an adult population. He thinks it is useful to use rehabilitation options and prevention programs when dealing with an older population as well. He thinks these types of programs will also be “dollars saved.” It will help to decrease the use of prison. Mr. Hampton thinks we need to offer certain opportunities to adults to help them succeed and be rehabilitated. These offenders need education, training, and housing services to assist them. Many inmates in prison suffer from mental illness or a type of substance addiction. It is these types of things that need to be recognized in order for them to be addressed. Therapy options need to be available. Rehabilitative programs will help make these offenders more productive in society. Mr. Hampton believes that “those are the types of things that work.” Rehabilitation and services are great options. Mr. Hampton thinks we cannot send every person to prison for making a “small mistake.”

**6) Do you have any direct experience with prisons or inmates? If so, please explain.**

Mr. Hampton explained that he has lots of experience with prison and dealing directly with inmates. He has gone into prison many times to offer education and prevention programs. He has worked directly with inmates on many occasions. Mr. Hampton is also a strong advocate of the abolition of the death penalty. He has worked for many years with the ACLU and Amnesty International in the hopes of ending the use of the death penalty. While doing this

work, he interacted with death row inmates on numerous occasions. He worked to also get innocent people off of death row. He was thoroughly involved in this process. Mr. Hampton explained that just as there are innocent people on death row, there are also innocent people in prison. Mr. Hampton believes that police officers should work within all aspects of the justice system including corrections. He thinks that this interaction between law enforcement and corrections is “key.” As a police officer, he thinks it is necessary to work with corrections and talk to the inmates because on some page, law enforcement has to take some responsibility for the people in prison because they had a hand in putting these offenders into the criminal justice system.

**7) Working with these inmates, what did you notice about the attitude of the inmates, either positive, negative, or both?**

Mr. Hampton was very surprised that the inmates he dealt with were very positive. He explained that you “cannot be in that environment and be negative,” you “have to be positive in some sense.” Mr. Hampton was “amazed at the optimism” that he saw in the inmates and he realized that “being negative can kill you” in that type of environment. Even when the inmates were released, whether they were locked up for a crime they committed or falsely accused and convicted, they did not hate the prison experience and hold grudges because they could not allow themselves to be negative. They have to be optimistic and positive to “maintain their sanity.” Mr. Hampton mentioned the case of George Brown in Dallas, Texas where he was incarcerated for twenty years for a crime that he did not committed and was falsely convicted for. After he was finally released, he was given a small amount of money for compensation, but was still not angry because he did not want to dwell on the negativities of his situation. Mr. Hampton has interacted with prisoners all over the country, including, but not limited to, California, Texas, Virginia, and Florida. He noticed even the death rows inmates were not negative. These positive feelings of the inmates “left a real funny feeling with” Mr. Hampton. He did not completely understand it right away because he believes that if he had been in the same situation as those inmates, he would have been really angry and upset. The positive attitude of the inmates was “really surprising” to Mr. Hampton.

**8) Do you have any other thoughts or comments about the U.S. correctional system?**



Mr. Hampton wanted to conclude with his opinion that “we need to get out of this notion of warehousing people.” He explained how a vast majority of current inmates will return to free society in five to seven years. It is “simply absurd” that we would warehouse these offenders and not help them to correct their lives. Mr. Hampton suggested that “we ought to do something to help them.” We have to realize that these offenders will return to society and we have to do something to assist them in reintegrating back into society as more productive and law-abiding citizens. We “want them to be better off when they get out than when they got in.” However, our current correctional system is not accomplishing this goal. Mr. Hampton believes that “if we treat them like animals while they’re in there, then they’ll act like animals when they get out.” Many people believe that punishment and prison should be harsh, but Mr. Hampton explains that even if we improve the conditions of our prisons, they are still prisons. The concept of a prison is to strip a person of their freedom and remove them from free society because they are a danger threat. Prisons would still accomplish these goals even if they had humane living conditions. Mr. Hampton thinks that “as a society, we’ll be better off” if we reform our prison system. Mr. Hampton believes that prisons simply need to be “humane.” He believes that the word humane is difficult to define and everyone would have their own opinion on what it means exactly, but prisons do need to be humane.

#### **9) How would you define humane?**

Mr. Hampton explained to me what he would consider humane when it comes to the conditions of prison. He believes that there should definitely be decent food and a fair and safe atmosphere. He sees no problem with having televisions in prison. Education needs to be offered in prison, including college level education. He has experience with inmates who were offered college classes while incarcerated and those offenders are “better off for the today.” Education would definitely help. Mr. Hampton believes conditions have to be “decent.” Mr. Hampton also believes in job training. This would greatly help offenders reenter into society. Inmates should be put to work while incarcerated to keep busy and to learn skills that they can use when released. Recreation is also a humane condition that should be offered in prison. Mr. Hampton explains that offenders “still serve your time if you did the crime in a humane way.” With these humane conditions, Mr. Hampton explains that there would still be alternative, harsher punishments within the prison for the worse criminals and for misbehavior. If prisons

work, we would have less people in prison, not more, but that is not what is happening. We need to be reducing the use of prisons.

### **Interview**

**Ms. Jenni Gainsborough**

**Director of the Washington Office of Penal Reform International**

**Saturday April 5, 2008**

**1) Can you please describe what your organization does and any past careers that you have had?**

Penal Reform International (PRI) works worldwide with local organizations and governments to develop and implement reform programs to ensure access to justice, the humane treatment of prisoners and the appropriate treatment of children in accordance with international laws, standards and norms. PRI also works to reduce the use of imprisonment through alternatives to incarceration, and for the abolition of the death penalty.

The Washington office's particular mandate is to broaden the knowledge and understanding of international human rights laws and standards in the U.S. among criminal justice reformers, policy makers and administrators and to encourage their integration into policy and practice here. We are particularly concerned about prison conditions and the treatment of adults and children who are incarcerated. We are also concerned about the growth of private prisons and the impact that has on the overuse of incarceration.

Before joining PRI, I was a senior policy analyst with The Sentencing Project researching and writing on the overuse of incarceration, the mentally ill in the criminal justice system, and juvenile justice. Before that, I was the Public Policy Coordinator for the American Civil Liberties Union's National Prison Project (NPP). I began my career in criminal justice as a consultant to the Department of Justice working on programs for serious habitual juvenile offenders. And before any of that, I worked as an editor producing technical training materials.

**2) What work, research, or interaction have you had with prisons or inmates?**

These days my work mostly involves research, reading reports and studies and working on policy issues with regard to prisons. I do work closely with many ex-prisoners and with prisoners' families and I correspond with some prisoners. When I worked for the NPP, I had more opportunities to visit prisons where we had conditions law suits going on to talk with prisoners and with staff. I also answered prisoner mail. (Personally, I dislike the term "inmate" when used as a synonym for "prisoner" – people who are being held behind bars are prisoners and any other term seems to want to hide that fact).

**3) The United States incarcerates at a rate higher than any other country. We currently have the largest prison population in the world. Why do you think that is?**

The main reasons for our high incarceration rate are the length of sentences, decrease in the use of parole, and the number of people having their parole revoked for technical violations (i.e., breaking the rules they are supposed to follow as part of their parole term but not committing a new crime). We also imprison people for drug crimes more than most western countries. Sentence length is the single biggest factor.

**4) Could you please specifically discuss the influence that the media has over the public's perception of crime in our country?**

It is difficult to generalize about "the media." Some newspapers and magazines write quite thoughtfully about crime issues and provide a balanced and contextualized view of the situation in the US. Individual crimes however are often sensationalized – particularly by local news stations and by cable television. Certain types of crime – rape and murder of young white girls, school shootings – receive so much coverage that people who watch tv often end up with a distorted view of the rarity of these events and the amount of crime that takes place. Television and film often show a very distorted view of life in prison too. Research has shown that people who watch the most television tend to think that there is much more crime than there really is. In fact, crime is at the lowest levels it has been for decades though many people think it is increasing.

**5) What problems do you see in the sentencing stage of our justice system?**

Too often we see custodial sentences as the only sanction for crime. We use prison too often and we use it for too long. Sentencing guidelines and mandatory sentences, however good the intentions behind them may have been, result in people being sentenced without regard for the specific facts of their case or their particular circumstances. Decisions that should be made by judges are now made by legislators and are more often driven by emotion than fact.

**6) While incarcerated, what rights do prisoners have and do not have? Are their rights always recognized or at times violated? How are the rights enforced? How are they violated?**

Prisoners do not lose their constitutional rights when they are imprisoned but their rights are often curtailed by the security needs of the institution. For example, free speech rights are often restricted because of fears that people may plot escapes with people on the outside or be involved in criminal activities from the inside. The courts, ultimately the Supreme Court, are the arbiter of rights for prisoners as for people in the free world. Basic rights that the courts have upheld include adequate food; healthcare; exercise; safety from abuse by other prisoners or guards; religious rights. The interpretation of rights therefore varies with the views of the individual judges and changes in interpretation of the 8<sup>th</sup> amendment in particular have occurred over time.

Prisoners also have human rights – the inherent and inalienable rights to life and dignity that come with being human whether in prison or not. Indeed all the major human rights documents make specific reference to the rights of detained people. The Universal Declaration of Human Rights (1948) states in Article 5 that “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.” Similar wording is included in the European Convention on Human Rights, the African Charter on Human and People’s Rights and the Inter-American Convention on Human Rights. The covenants and conventions that followed from the Declaration of Human Rights elaborated on these rights and gave them the specificity to create the legal framework that defines how states should treat their citizens and their language too often has particular relevance to incarcerated people. The International Covenant on Civil and Political Rights (ICCPR), Article 10, states, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the

human person” The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) also is clearly relevant to detained people, and the Convention on the Rights of the Child (CRC) imposes specific requirements for the treatment of children in conflict with the law. The US has signed and ratified the ICCPR and the CAT but not the CRC.

Prisoners’ rights can be violated by prison staff or by other prisoners.

**7) What injustices exist within the institution?**

Injustices that exist within an institution are generally the result of the imbalance of power -- prison staff have control over every aspect of a prisoner’s life and are generally the only people that a prisoner can call on to rectify injustices.

**8) How can these injustices be addressed and corrected?**

Prisons should have a system whereby prisoners can report injustices and other grievances and trust that the concerns they raise will be adequately and impartially investigated and resolved wherever possible. If issues cannot be resolved internally, prisoners should have the same rights of access to the courts as everyone else does.

A good program of independent monitoring and oversight can investigate systemic problems and go a long way to prevent injustices occurring by ensuring that prisons are well administered and that the rights of prisoners are respected.

**10) It has been shown that between 95-98% of all inmates return to free society? How easy or difficult is that reentry process for former inmates?**

Most people going into prison are poorly educated, have few job skills and little job experience. They may also have substance abuse problems, poor mental and or physical health, and poor social skills. In prison, they are given little help to solve any of these problems and furthermore will have to deal with the inherently damaging effects of imprisonment. Then they are sent back out into the world to deal with all the problems they had going in as well as all the limitations of a prison record. It is therefore very difficult for

ex-prisoners to find work. The situation is getting worse as many more employers now require people to undergo criminal background checks. Ex-prisoners may also face restrictions related to public housing, welfare payments, and voting rights.

**11) How can the reentry process be reformed in order to make the transition from prison life to free society a smoother and more productive process?**

Planning for release should begin the moment someone enters prison. Programs should be made available that will help to resolve many of the deficits in education, health etc. that the prisoner may have. Work programs should train people for jobs that are available in the free world and provide a living wage.

**12) What alternative sentences have you seen, rather than imprisonment, used effectively and successfully?**

Most crime is committed by young men and they will generally grow out of their criminal behavior provided they are able to get productive work which provides them with a living wage and allows them to marry and establish families. Alternative sentences that do not interfere with that process are likely to be much more successful than prison sentences which disrupt their lives while doing nothing to prepare them to become productive citizens. Alternatives should include work and school programs, treatment programs where necessary, opportunities to make amends to the individuals and communities harmed by their actions (restorative justice). Various kinds of community service can meet many of those needs; being required to work or attend school and make financial restitution to victims can be effective and less destructive than sentences of incarceration.

**13) What legislation has been passed in an attempt to reform our correctional system?**

The Second Chance act will provide some limited assistance to people leaving prisons. Federal legislation has been passed in response to prison rape and sexual abuse (Prison Rape Elimination Act). Some federal legislation is attempting to improve the treatment of children (Youth PROMISE Act) and some reforms to drug sentencing are being proposed. States are also changing some laws to reduce the number of people being imprisoned for drug offenses. With the exception of PREA very little is being done to improve prison conditions.

**14) Please add any other comments, suggestions, or criticisms about the United States' correctional system.**

The US needs to rethink the overuse of incarceration. Prison should not be the first resort of the criminal justice system – it should be the last resort and only used for people who are a danger to society if left in the community.

There should also be clear standards for the operation of prisons and a national inspection system to ensure that all facilities are meeting those standards.

**Interview**  
**Dr. Rainey Brandt**  
**Special Counsel**  
**Legal Assistance**  
**D.C. Superior Court**  
**April 2008**

**1) Can you please talk about the work you do and any previous jobs you have had?**

Some background on me, I've been a lawyer for 13 years. I have also a Ph.D. in sociology: justice. I spent 3 years working at the now closed Lorton prison as a case manager. I taught education classes at CTF (Correctional Treatment Facility) for a year on a voluntary basis. I have worked in my current job as special counsel for 10 years where I do mostly legal work related to prisoner rights issues. In between and sometimes concurrently with all this, I was a defense attorney.

**2) What are the negative affects of prison that you have personally seen impacting inmates?**

Negative impacts of prison: the disconnect from the family unit, provided that the prisoner's family was cohesive prior to the incarceration. This is particularly bad on women who are locked up because they are still the primary care takers in our society. 85% of the women who are locked up have children, and the separation takes a huge toll. Other negative impacts

would include the inability of the prisoner to get a job once released, lack of programming in some institutions, overcrowding that can ultimately lead to violence. These are just a few.

**3) What problems do you see in our correctional system?**

Not enough programs in the state facilities. Not enough being done to safeguard prisoners' rights in some jurisdictions, overcrowding which as mentioned earlier can lead to violence.

**4) How would you fix these problems?**

I truly believe most of these problems would work themselves out if we incarcerated fewer people. We as a society need more intermediary punishments that don't send people to jail. If we only utilized prison for the worst of the worst, the problems encountered by folks who are locked up would decrease, or at least, have more attention focused on them.

**5) How would you change our correctional system to decrease our prison population?**

Changing the correctional system to decrease the prison population does not come from within the penal system. To decrease our prison population means judges need to stop sending so many people to jail. We need to utilize or create more intermediary punishments. I am a HUGE fan of shaming. The Japan made this an art form, but here in the states, we are too sensitive to the feelings of others. I'll give you an example of shaming: If you get caught driving drunk and there are no injuries to anyone, instead of locking that person up, issue him a license and car tags that say he's a drunk driver! Or better yet, if you steal, have to stand in front of the store from which you stole wearing a sign that says "I stole from this store!"

**6) Do you believe in rehabilitation? To what extent?**

Of course I believe in rehabilitation, but before a person can be rehabilitated, the mind set has to exist to be rehabilitated. In other words, no one can be rehabbed, if s/he does not want to be. It's like AA, you cannot force an alcoholic to stop drinking. That person must first realize s/he has a problem and wants to change.

**7) Which alternative sentences have you personally work for offenders?**



Probation, restitution, and diversion.

Probation is giving the defendant a sentence that does not require being locked up. You place him on probation with certain conditions like drug testing, etc. for a period of time. If during that period, he screws up, then the judge can send him to prison for the remainder of time left on his probationary term.

Restitution is paying back what you owe. If you damaged someone's property, instead of jail time, make the offender pay to get the property replaced or fixed.

Diversion is allowing the defendant to dispose of the case prior to conviction. Make him take part in some sort of community service venture and if he completes it successfully, then he does not get a conviction on his record.

Be mindful that different jurisdictions may not use restitution and diversion.

### **8) Can you explain institutionalization and how it affects inmates?**

Institutionalization is commonly referred to in the prison world as prisonization, or the concept that one is so used to living behind bars, that re-entering the free society would present problems for adjustment. Institutionalization creates problems. Men and women, who spend many years locked up, get released one day and time has passed them by. When a person gets locked up, time stops for them. Guys who are still locked up today whose crimes were committed back in the 70s no nothing about CDs, cell phones, DVDs, computer, etc. because those things did not exist when they got locked up. Think about it if one of these guys got released tomorrow. He couldn't adapt. The learning curve would be too high. These types of folks simply recommit crimes to go back inside prison--the one place they know how to live because that's where they spent the most time.

### **9) To what extent are programs really offered in prison? What are they?**

Programs are offered in prison based on how important that particular jurisdiction thinks they

are important. The federal bureau of prisons believes in programs and work; therefore, throughout their system, the same programs, etc. are uniformly offered. States vary from jurisdiction to jurisdiction. Hence, answering where are they is difficult.

**10) Do you have any other final comments, suggestions, or criticisms about our country's correctional system or how to reform or improve it?**

Prison should be reserved for those individuals who truly are the worse of the worst. Since 95% of all incarcerated persons will get out some day, that statistic tells me we aren't locking up the really scary people. Our laws need to be revised so that drug users who you know are only stealing to support a habit, don't get locked up. Those folks need help kicking the habit. The folks we have locked up need to be given the tools necessary to start over so that when they do get out, they will be productive members of society.

## Bibliography

- Ayton, Peter, Mandeep K. Dhimi, and George Loewenstein. "ADAPTATION TO IMPRISONMENT Indigenous or Imported?" Criminal Justice and Behavior 34 (2007): 1085-1100.
- Brandt, Rainey. Doctor. Special Counsel. Legal Assistance. D.C. Superior Court. Justice Seminar Site Visit: Thursday March 20, 2008. Personal Interview: April 2008.
- Cass, E.R. "Responsibility for Prison Conditions." Journal of Criminal Law and Criminology 22 (1931): 586-588.
- Cipulo, Dan. Attorney. Chief of the Criminal Division. D.C. Superior Court. Justice Seminar Site Visit: Thursday February 14, 2008.
- Clear, Todd R. "Imprisonment Does Not Reduce Crime." Backfire: When Incarceration Increases Crime (1996): 57-65.
- Costanzo, Mark. Psychology Applied to Law. Belmont, CA: Wadsworth/Thomson Learning, 2004.
- East, E.R. "Is Reformation Possible in Prison Today?" Journal of Criminal Law and Criminology 38 (1947): 128-131.
- Gainsborough, Jenni. Director. Penal Reform International. Washington, D.C. Office. Justice Seminar: Friday March 28, 2008. Personal Interview: Saturday April 5, 2008.
- Gill, Molly. Legal Counsel. Families Against Mandatory Minimum Sentences (FAMM). Justice Seminar: Thursday February 28, 2008.
- Greene, Judith. "Controlling Prison Crowding." Corrections Today 59 (1997).
- Hampton, Ronald. Executive Director. National Black Police Association. Justice Seminar: Friday February 25, 2008. Personal Interview: Tuesday April 1, 2008.
- Hassine, Victor. Life Without Parole: Living in Prison Today. Los Angeles, CA: Roxbury Publishing Company, 2004.
- Jackson, Derrick Z. "Prisoners of Sentencing Politics." The Boston Globe. March 15, 2008" Opinion A11.
- Kazmierczak, Steve, Margaret Leaf, Josh Stone, and Jim Thomas. "Self-Injury in Correctional Settings: 'Pathology' of Prisons or of Prisoners?" Reaction Essay 5 (2006): 193-202.

Mauer, Mark. Author of Invisible Punishment: The Collateral Consequences of Mass Imprisonment. Director. The Sentencing Project. Justice Seminar: Wednesday March 26, 2008.

Montgomery County Prerelease Center. Tour of Center. Justice Seminar Site Visit: Friday April 4, 2008.

Mulholland, David. "Creative Sentencing Can Provide Effective Alternatives." Judges Finding Creative Ways of Punishing (1994).

Project Empowerment. Director: Charles Jones. Participants/Employees: Brenda Brown, Lakiesha Lewis, Joseph Green, and Alex Vincent. Justice Seminar Site Visit: Thursday March 27, 2008.

Quinn, F.Q. Corrections: A Concise Introduction. Prospect Heights, IL: Waveland Press Inc., 2003.

Rankin, Associate Judge Michael. Superior Court/Drug Court. Washington D.C. Justice Seminar Site Visit: Thursday February 21, 2008.

Saffran, Jody Klein. Doctor. Senior Research Analyst. Federal Bureau of Prisons. Justice Seminar: Wednesday March 26, 2008.

Schamel, Mark. Defense Counsel in Criminal Defense. Washington D.C. Justice Seminar: Wednesday March 5, 2008.

Shea, Christopher. "Critical Faculties: LIFE SENTENCE." Boston Sunday Globe 23 Sept. 2007: E1.

T'Kach, Steven. Director. Federal Witness Security Program. United States Department of Justice. Justice Seminar: Thursday January 24, 2008.

Walton, The Honorable Judge Reggie B. U.S District Court. Washington D.C. Justice Seminar Site Visit: Wednesday February 20, 2008.

Weiman, David F. "Barriers to Prisoners' Reentry into the Labor Market and the Social Costs of Recidivism." Social Research 74 (2007): 575-590.

Zedlewski, Edwin W. "When Have We Punished Enough?" Public Administration Review 45 (1984): 771-779.