

CRJ 711
Final Exam
Professor Wynn and Professor Moskos
Spring 2013

On the cover of each blue book:

1. Print your name
2. Write Prof. Wynn for the Correction question and Prof. Moskos for the Police question.
- 3. Make sure to write the Police and Correction questions in separate blue books.**

In two separate blue books, answer one Police question and one Correction question. Write concisely. Write neatly! We have to be able to read your writing. Plan on spending 45 to 55 minutes per question.

Correction Questions:

1. Discuss what you have learned about violence and order in prison, including the theoretical framework for analyzing prison social order and what we have learned from research regarding how to best govern prisons. Be sure to discuss what we know about violence in prison (i.e., are prisons more violent today than they were in the 1970s?) and how violence in prison is defined and measured. Discuss whether the causes of violence in prison are due primarily to environmental factors or individual factors (or both) and identify successful and failed correctional responses to maintaining safety and order in prison.
2. Discuss when force can be used in prison and what distinguishes excessive (illegal) use of force from (legal) use of force. Which constitutional right of inmates is violated when an officer uses excessive force and what are the legal standards governing use of force? Discuss key court decisions from the 1960s onward regarding corporal punishment of prisoners and, where possible, cite language or terms from judicial rulings that form the basis of modern legal standards regarding use of force in prison settings.

Police Question:

1. Wilson and Kelling's theory of Broken Windows argues that with high activity, a great amount of discretion, and a low number of arrests, police can prevent crime. How does Broken Windows relate to Robert Peel's (1829) original principles of policing? Describe how Broken Windows does and/or does not correspond with the reality of policing and crime in New York City since 1990.
2. In "The Police on Skid Row," Egon Bittner (1967) describes the practice of "keeping the peace." Bittner concludes, "*peacekeeping occasionally acquires the external aspects of law enforcement.*" What does this mean? How does Bittner characterize a good police officer?

CORRECTIONS #1

Today's prisons unfortunately remain hostile environments where violence flourishes and is bred. Inmates are pressured to join gangs for protection, and violent acts are often required for either initiation into the gang or for routine daily tasks (such as calling home on the Pikers Island phone). Threats of violence hang in the air of many facilities, and instances of violence are all too common. The following essay outlines a theoretical framework for understanding this violence and social order in prison, followed by a discussion of Dilulio's "administrative control theory" and research on governing prisons. It then discusses where violence in prison stands today; how it is measured; and how it is caused. It concludes with examples of responses to maintaining order in prison.

Two competing frameworks attempt to explain the social order and accompanying violence in prison: 1) the importation and 2) the deprivation models. The importation model argues that offenders

bring a host of pre-existing characteristics ~~not~~ from the community into prison with them. When they arrive in prison, they recreate their earlier world and exhibit the same personal, social, and communal tendencies witnessed on the "outside": hence, we see prisons filled with gangs, family-like structures, and "husband-wife" relationships. Personal characteristics ~~are fomented and demonstrated~~ that were seen in the community — such as criminal activity, a willingness to lie/manipulate, and anti-social behavior — are taken by the inmate into prison and again replicated.

The deprivation model attributes the ^{behind bars.} existing social order and environment in prison to ~~more~~ the incredible deprivation experienced by inmates. Offenders behind bars experience a loss of goods and services available in the community; a loss of liberty; a loss of security (as threats of theft and violence are everywhere); and a loss of personal relationships (including heterosexual ones). Given the absence of these and other elements of regular living, people in prison ~~adapt~~ ~~not~~ replace their loss with substitutes seen in prison. For example, they re-create family relationships, and turn to homosexual relationships

They turn to gangs for protection given their loss of security, and seek to hold onto any amount of control possible.

The resulting prison order is a consequence of these keenly felt deprivations.

Dilulio's research does not directly adopt one of these two frameworks, but advances the field by promoting an "administrative control" theory.

After reviewing ~~significant~~ data on the levels of violence in prison, Dilulio found that the ^{warden's} management style and ^{the} manner in which a prison was operated had a significant effect on whether a facility was violent or not. Facilities were less violent when they inmates were not allowed to run the facility themselves and when the warden commanded a strong, visible, authoritative presence. Officials who walked around the facility likewise had less violent ~~prisons~~ prisons, as did those who were orderly and maintained an atmosphere of professionalism, security, and discipline.

Since Dilulio's work was released, prisons have become increasingly more bureaucratized, centralized, and focused on security. And yet violence remains high. Violence is measured ~~to~~ across several dimensions: inmate on inmate violence, staff

all tracked through the filing of
grievances and/or other reports.

on inmate violence, and inmate on staff violence. Unfortunately, virtually no incentives exist for correctional officers ~~exist~~ to report violence (other than inmate on staff incidents), and reporting of violent incidents remains woefully underreported as a result. Lethal violence and the occurrence of prison riots have declined substantially since the 1970s, but a report ~~on~~ issued by VERA ~~to~~ on the conditions of confinement confirms that non-lethal violence is still alive and well and breeding throughout U.S. prisons. ~~The federal government~~ There is little evidence to indicate that such violence is decreasing; ~~an~~ individual reports, ~~and~~ anecdotal stories, and qualitative studies continue to show that prison environments foster violent activity. Other than federal government statistics on sexual victimization — which indicate that some 11% of all state prisoners have been sexually victimized — data on levels of state prison violence are unreliable, underreported, and scanty.

The causes of such violence in prison are primarily environmental, though some individual characteristics may also play a part. For example, the most violent, "dangerous" inmates in New York are often sent to one of New York's ten supermax/

solitary confinement facilities. Trapped in a dehumanizing environment in total isolation for 23 hours a day, these "violent" individuals often further demonstrate ~~their~~ violent behavior through gassing (throwing feces), flooding, and acting ~~out~~ out when approached by guards or taken to the yard. Interestingly, however, these same individuals suddenly become docile, calm, normal individuals when transferred to a more humane environment — like the Central New York Psychiatric Center (CNYPC).

Inmates here are treated like individuals: they are not shackled when moved from place to place, they are asked their opinion, and they participate in therapeutic programming activities. This successful example of maintaining order of a violent, mentally ill population through a therapeutic approach provides strong evidence that causes of prison violence are more environmental in nature.

~~Other~~ ^{inmate} other studies indicate that ^{inmate} participation in programs can be an effective response to maintaining safety. Because they are engaged in positive activities, ~~they~~ ^{inmates} are less likely to turn to criminal behavior, and prisons are safer as a result.

Unfortunately, our history is littered with examples

of failed responses to maintaining safety in prison. The Attica prison riots of 1971 are an such example: prisoners protested awful conditions and presented a list of demands; administrators were unwilling to ~~care~~ care, and were unable to take control of the situation until 53 inmates and staff were killed.

More recently, the example of Dora Schriro in New York City also illustrates the ~~importance~~ importance of having a strong-handed, visibly authoritative correctional administrator. Unlike her predecessor Marti Horn, Dora is seen as more quiet, soft, ^{female,} and less disciplinarian. Since her taking office, violence at Rikers has increased. Examples like hers, Attica's, and that of CNYPC indicate that our prison environments could look differently: what an administrator does matters, and the tone communicated from the top has the potential to significantly effect the outbreak of violence inside the facility.

POLICE #1

The Broken Windows theory of policing stipulates that police can reduce crime by taking care of the "smaller" crimes. A broken window, for example, communicates to a community that crimes and disrepair will go unaddressed. Seeing these visible signs of ~~community~~ decay, and disorder in a neighborhood, individuals are more likely to commit additional crimes and believe they can get away with it. By taking care of the simple crimes—like fixing broken windows—police can send a message to the community that criminal activity will not go unaddressed. Larger, more serious felonies are therefore less likely to occur.

Broken windows has much in common with Robert Peel's original view of policing. Peel saw police as a means to prevent crime; they were not necessarily there to apprehend criminals, but existed to help communities prevent crimes from happening in the first place. This happened as police performed largely social service roles—similar to those of today's social worker, sanitary worker, technician, and police man. They were in the communities themselves,

on foot, and were there to address any number of small issues that arose (i.e. ~~theft~~ theft, missing child, ^{marginal} disagreements, problems with streets, etc.). In that sense, they ~~are~~ ^{are} similar to a broken windows approach: their focus ~~is~~ was on improving communities through preventing crime, and much of their work involved the "visible" community crimes.

And yet the crime prevention of the Broken Windows theory is far more nuanced ^{than Peel's principles}. While both Peel and Broken Windows position ^{the} police as taking an active role in preventing crime, Broken Wilson and Kelling acknowledge much deeper, more structural causes of crime: lack of jobs, lack of education, poverty, [&] homelessness. Broken Windows recognizes these factors as the true causes of crime, but believes that police cannot do much about these broader issues. Instead, police focus ~~on~~ on smaller level ~~issues~~ ~~can~~ steps that they can take. Peel, on the other hand, would see police as having a greater impact on preventing crime in general.

Broken Windows also fits well with the policing approach taken by Bratton in the 1990s. New York City ~~at the~~ during this time focused on the

appearance of crime, and took steps to stop the low-level public order ~~types~~ type of crime. Police began cracking down on turnstile jumping (and ~~issued~~ ~~at~~ allowing them to then stop and search for weapons, check for outstanding warrants, and issue citations / arrests as needed).

Turnstiles were one small, low-level example similar to that of a broken window.

New York City also began a campaign to remove all graffiti from its subways. They began small-cleaning only two subways at a time—but continued to remove any graffiti put on those subways. By repeatedly cleaning these subways and removing graffiti, they communicated a broader message: disrespect for public property would not be accepted, and ~~the~~ ~~APD~~ ~~can~~ New York was ready to take care of the community. This graffiti example is a prime illustration of the way that broken windows targets visible indicators of crime. As Jane Jacobs' work explains, communities ~~that~~ filled with fear are less likely to spend time on sidewalks and reinforce the informal networks that strengthen community safety. By targeting the "broken windows" ~~of~~ and clear signs of disorder in Manhattan—turnstile and graffiti—New York

helped lessen that community fear and communicated that it was serious about safety. Felonies in the subway dropped overnight, and ^{the occurrence of} the four most common felonies fell by 70% in one decade.

Since Bratton, however, some of New York's policies resemble more of a "zero tolerance" approach. Broken Windows is not zero tolerance, as Sousa explains: broken windows allows for and encourages police discretion, whereas zero tolerance minimizes officer discretion and requires enforcement of even the most small infractions of the law. Broken windows thereby encourages officer professionalism and treats officers with respect, while zero tolerance communicates a message that officers are ~~limited~~ not to be trusted, "idiotic," and less capable.

NYC Mayors Giuliani and Bloomberg appear to have taken a more zero-tolerance approach. While they are still focused on small-level crimes, they appear to have gone even further by cracking down on ~~the~~ misdemeanor enforcement without allowing for much discretion. For example, ~~transport~~ under Bloomberg, the NYPD has ~~enforced~~ made ~~it~~ a priority to ~~to~~ arrest ~~for~~ individuals possessing

small amounts of marijuana. Even though New York law allows individuals to possess very small amounts of the drug, Bloomberg's policy of bringing the drug into plain view allows officers to arrest people for it. Officers are given less discretion, and are encouraged to adopt a more zero-tolerance approach — fundamentally different from a true broken windows approach. We therefore see that while New York City's ~~early~~ efforts are policing in the Early 1990s resembled broken windows, they have since become more "zero tolerance" oriented.