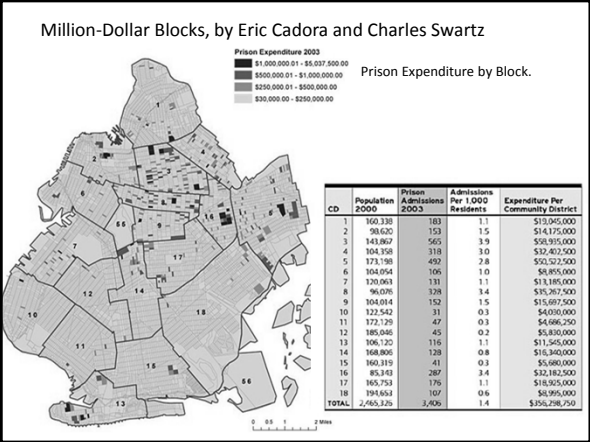
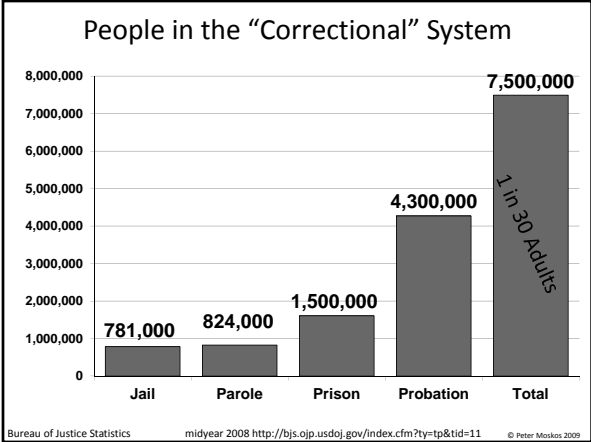
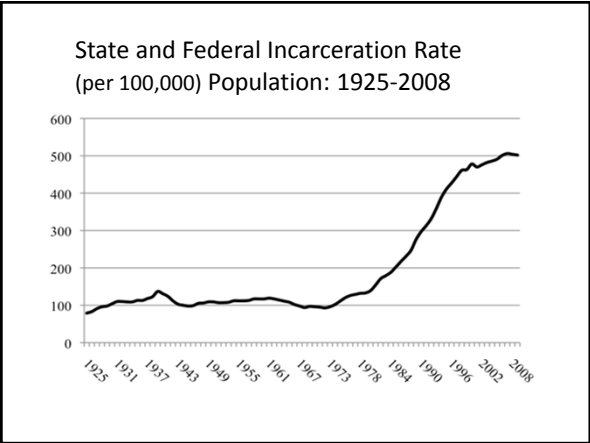
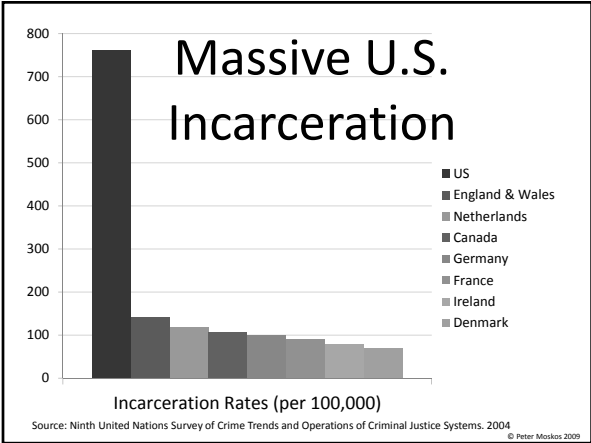
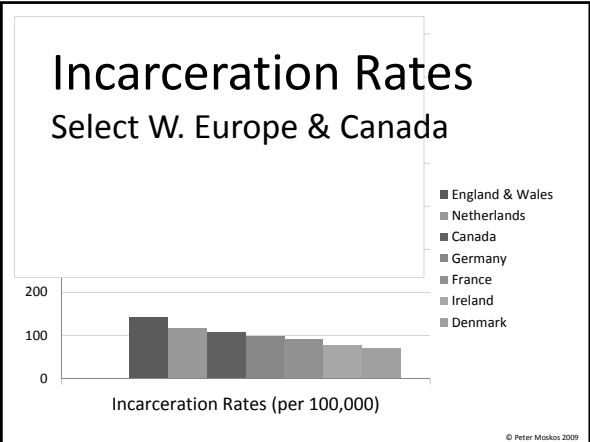
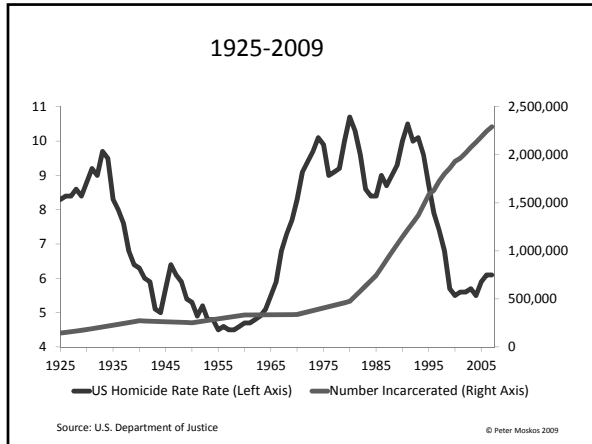


# Present Issues in Incarceration





### The relationship between incarceration and homicide?

1940s—less prison, less crime.  
 1950s—more prison, same crime.  
 1960s—more prison, more crime.  
 1970s—more prison, more crime.

1980s—more prison, same crime.  
 1990s—more prison, less crime.  
 2000—more prison, more crime.

Different Decades	Less crime	Same Crime	More crime
More prison	1	2	3
Less prison	1	0	0

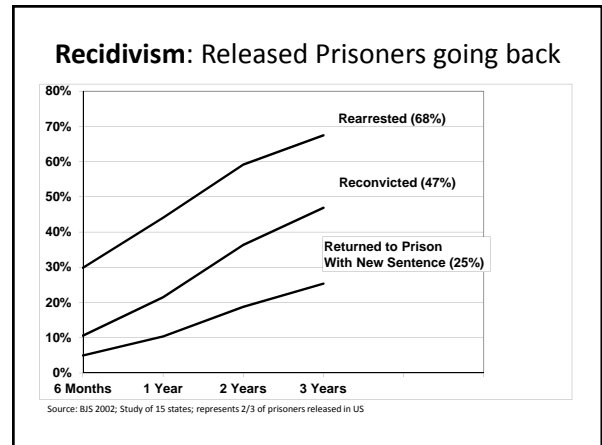
	Homicide Rate	People Behind Bars
1947	6.1	258,717
1991	10.5	1,219,014
2007	6.1	2,291,091

### “Reentry” (“They all come home”)

The number of people reentering society:

- 97% of prisoners are released
- 700,000 + released from state correctional facilities every year.
- Approximately 12 million individuals are received and released from jails each year, representing about 9 million different individuals.
- 14 million adult American carry a felony conviction

Source, Allen Beck, BJS; cited in the Urban Institute’s Jail Reentry Roundtable Initiative, June, 2006



- ### Functions of Prison
- Incapacitation
  - Rehabilitation
  - Deterrence
    - Selective
    - General
  - Retribution

### History of Incarceration

### William Penn (1644–1718)

- English Quaker who arrived in Philadelphia in 1682.
- Succeeded in getting Pennsylvania to adopt "The Great Law" emphasizing hard labor in a house of correction as punishment for most crimes
- Prohibited the death penalty. Only for murder and treason.

### Benjamin Rush (1745–1813)

- Benjamin Rush Physician, patriot, signer of the Declaration of Independence, and social reformer, Rush advocated the penitentiary as replacement for capital and corporal punishment.

### "Penitentiary"

- an institution intended to isolate prisoners from society and from one another so that they could reflect on their past misdeeds, repent, and thus undergo reformation.

### Principles of the "penitentiary"

- isolate prisoner from bad influences of society - liquor, temptation, people
- penance & silent contemplation
- productive labor
- reform (thinking & work habits)
- return to society, renewed
- key = solitary confinement

### Competing models

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Pennsylvania system</li> <li>– "Separate system"</li> <li>➢ solitary confinement</li> <li>➢ eat, sleep, work in cell</li> <li>➢ religious instruction</li> <li>➢ reflection upon crimes</li> <li>– reform through salvation &amp; religious enlightenment</li> <li>– E.g., Eastern State Pen.</li> </ul> | <ul style="list-style-type: none"> <li>• New York system</li> <li>– "Congregate system"</li> <li>➢ hard labor in shops-day</li> <li>➢ solitary confinement-night</li> <li>➢ strict discipline</li> <li>➢ rule of silence</li> <li>– reform through good work habits &amp; discipline</li> <li>– model for US-economical</li> <li>– e.g., Auburn Prison, 1821</li> </ul> |
|---|---|

### The New York/Auburn Model Won

- More cost-effective; state negotiated contracts with manufacturers
- But neither system curbed crime nor reformed offenders
- various reforms tinkered w/ look, purpose
- but icon of high-walled fortress remained: Attica, Auburn, San Quentin, Sing Sing

### Southern penology

Devastation of Civil War and legacy of slavery produced two results:

#### 1) Convict Lease system

Private business negotiated with state for labor & care of inmates

#### 2) Penal farms

State-run plantations which grew crops to feed inmates and sell on free market

### The Reformatory Movement

(1870s - 1890s)

- product of disillusionment with oppressive penitentiary system
- focus remained → inmate change
- key features:
  - indeterminate sentences > fixed
  - offender classification should be based on character & institutional behavior
  - use early release as incentive to reform

### Reformatory movement ends

- failed to reform (like penitentiary)
- brutality
- corruption
- not administered as planned
- but, important features survived:
  - inmate classification
  - rehabilitation programs
  - indeterminate sentences
  - parole

### The Progressive Era

(1890s - 1930s)

- *Age of reform*: set tone for American social thought & political action until 1960s
- Condemned ills of new urban society--big business, big industry, urban blight
- Faith in science to find answers to crime, criminal behavior, treatment
- new faith in government action to eliminate social problems--slums, crime
- trends of period: industrialization, urbanization, technological change, scientific advancement

### The “Progressives”

- Advocated “treatment according to the needs of the offender,” not “punishment according to severity of the crime.”
- The “Positivist School” of criminal justice: human behavior is a product of biological, economic, psychological, and social factors, and that the scientific method can be applied to ascertain the causes of individual behavior
- Stems from work of Cesare Lombroso.

### Principles of Positivist School

- Contrasts with the “Classical school” of criminal justice (Cesare Beccaria)
- Positivists believe behavior (including crime) is NOT the product of free will and stems from factors beyond control of the individual
- criminals can be *treated* so they can lead crime-free lives.
- treatment must focus on the individual & his/her problem(s).

### Prisoners' Rights Era: 1960s-1970s

- Prisoner political empowerment; increased public sympathy.
- Liberal U.S. Supreme Court (Warren Court) established numerous prisoner rights
- Re-emergence of rehabilitation goal; prisons as houses of reform, "correctional institutions"
- Broad expansion of prison programs.

### Crime Control Model: 1980s-

- "Get Tough" Era
- Flurry of No-Frills prison bills
  - Return of chain gangs in Southern prisons
  - Programs cut as security costs skyrocket
  - Ban on college programs
  - Expansion of 23-hour lockdown/supermaxes
- 1996: Supreme Court curtailed prisoners' rights thru Prison Litigation Reform Act (PLRA)

### Crime Control Model: 1980s-

- Martinson article, "Nothing Works," 1974
- Death knell for prisoner programs
- Spike in crime rate and conservative politics of Regan and Bush Administrations
  - War on drugs
  - Message: crack down on crime by getting tough on criminals
  - Privatization of prisons (and other public services)

### Crime Control Model: 1980s-

- Crime-weary public less sympathetic toward prisoners.
- Crime and punishment highly politicized, potent political tool.
- Enactment of 3-Strikes laws, mandatory minimums, Federal Sentencing Guidelines.

### Switching to Police

- America, pre-1845.
- Crime, Riots, Disorder, Gangs...  
But *with* laws, courts, punishment and alternative forms of social control.

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### A world without police?

#### Industrial Revolution

Major turning Point in world history in 18<sup>th</sup> and 19<sup>th</sup> Centuries.



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## A world without police?

### Industrial Revolution

- Steam Power
- Allowed Factories
- Factories needed workers
- An influx of people from across the world into **cities**.
- A greater need for law and order.



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## Early police...

- Romans had “Vigiles” and an “Urban Cohort” to maintain public order and fight fires.
- England in the late 9th Century had “tithing” — Ten to twelve extended families responsible for each other
- King Henry I issued the *Legis Henrici* in 1116, known as the “King’s Peace.” Introduced the concept of the state as the victim of a crime.

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## Early police...

- In 1748 the Bow Street Runners (London) were thief catchers paid by the government to protect commerce and catch highwaymen.
- The UK’s first Police Act was the Glasgow Police Act of 30 June 1800. But this followed the “watchman” model. Watchmen were often old men sleeping in watchmen’s booths.
- Robert Peel established the Irish Police in 1812. But they were more a special-response team to troubled areas.

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## Early police...

- **Robert Peel, 1829 London:**
- “It should be understood, at the outset, that the principal object to be attained is *the Prevention of Crime.*”
- Crime Prevention is much better than the “detection and punishment of the offender after he has succeeded in committing the crime.”



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## Early police...

- Peelers or Bobbies (named after Robert Peel) were full-time paid uniformed police officers. Hat, rattle, baton, and a blue uniform.
- Crime prevention through **foot patrol**.

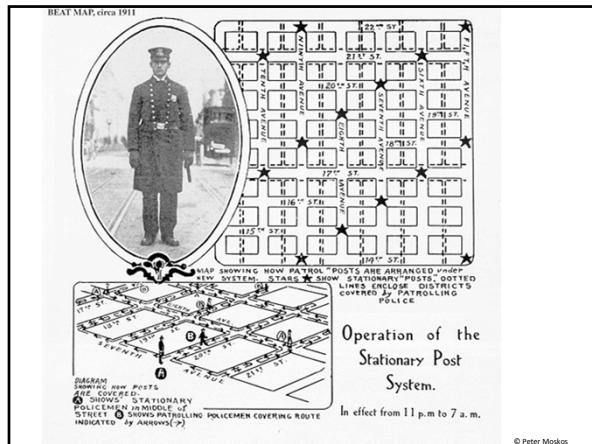


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## Early Policemen

- Of the first 2,800 new policemen, only 600 kept their jobs. The very first police man with collar Number 1 was sacked after four hours for being terribly drunk on his first duty.
- The first police regulations tell us of problems with officers hiding their numbers, being drunk, rude, bad tempered, and arresting people who dared complain.

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## Were there “Good Ol’ Days”?

- When the streets were safe?
- When people respected the uniform?
- When people didn’t talk back to police?
- When police had the support of the community?
- When “street justice” kept the streets safe?

## Police in the U.S.

- In the U.S., the first full-time police were formed in New York City (1845) and Boston (1854).
- Two important distinctions from Peel’s ideals:
- 1) the **use of force** became standard after police armed themselves.
- 2) U.S. police forces were **partisan political tools**, often being replaced in their entirety following local elections (which they supervised).

## What did police do in the 1800s?

- Some suggest they did very little. Citizen’s arrests—bypassing the police entirely—remained common until the 1900s
- Police training was nonexistent
- Corruption and brutality were recognized problems.

## What did police do in the 1800s?

*According to H.L. Mencken:*

“Many of the multifarious duties now carried out by social workers, statisticians, truant officers, visiting nurses, psychologists, and the vast rabble of inspectors, smellers, spies and bogus experts of a hundred different faculties either fell to the police or were not discharged at all. ...

“...An ordinary flatfoot in a quiet residential section had his hands full. In a single day he might have to put out a couple of kitchen fires, arrange for the removal of a deal mule, guard a poor epileptic having a fit on the sidewalk, catch a runaway horse, settle a combat with table knives between husband and wife, ...

“... shoot a cat for killing pigeons, rescue a dog or a baby from a sewer, bawl out a white-wings [street sweeper] for spilling garbage, keep order on the sidewalk at two or three funerals, and flog a half a dozen bad boys for throwing horse-apples at a blind man.”

—H.L. Mencken, “Recollections of Notable Cops.”

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### What did police do in the 1800s?

- At the very least, the police of this era were responsible for one dramatic shift in crime-fighting tactics: **an effort was actually made to apprehend criminals.**
- Persistence in the apprehension of criminals was “rare before 1840, but had become a standard feature of police work by the 1870s.”

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### What Police Did

- An 1875 quarterly (3 month) report shows a New York City police force of 2,544 making 22,881 arrests. (More arrests than officers make today.)
- During this quarter, police provided station-house lodging to 29,000 men and 18,000 women. They returned 2,300 lost children to their parents.
- Street cleaning, a perennial problem of the horse and buggy era, was the responsibility of New York City Police from 1872 until 1881.

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### What did police do in the 1800s?

- In one quarter (1859), the New York police recorded 20,077 arrests. 84% of arrests **alcohol-related**. 80% of arrested **foreign-born**.
- Police Superintendent Pillsbury reported on: “[Youthful immigrants,] many vicious characters, and a still larger number of needy and ignorant persons, who, under the influence of over ten thousand grog-shops become recruits to the army of law-breakers.”

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### 3 Eras of Policing (Kelling & Moore 1988)

- Political Era (from 1845)
- Reform Era (began in the 1920s)
- Community Problem-Solving Era (began in the 1970s)

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### Political Era (from 1845)

Input from local politicians, citizens

Foot Patrol

Limited technology

Third degree common (if guilty, get confession)

Corruption problems (especially during Prohibition)

Curbside justice

Keystone cop image

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### 1857: You *can* fight City Hall

- New York Municipals (city) versus Metropolitans (state) battle for control at City Hall. Mayor Fernando Wood arrested.



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### Reform Era (began in the 1920s)

Part of the greater “Progressive Movement”

- Education
- Training
- Technology
- Ethics
- Professionalism
- Centralization
- Specialized Units
- Response Time
- Reduced Corruption
- Increased Pay
- FBI/UCR
- Scientific methods

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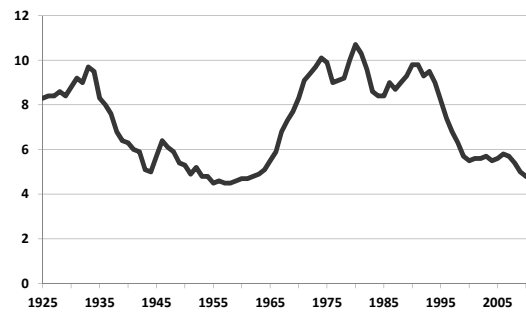
### Reform Era (began in the 1920s)

- Efforts by the administration to **control the line officer** and separate the officer from the community he or she serves.
- **Car Patrol** and radios became the norm.
- **Reactive policing.**
- Stat driven departments.
- Arrests and response time.
- The 3 Rs: Random Patrol, Rapid Response, Reactive Investigation.

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### US Homicide Rate (per 100,000): 1925 – 2011

14,470 murders in 2011



Source: U.S. Department of Justice, FBI Jan 2013

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### James Q. Wilson’s Police Styles

- *Watchman*: Foot Patrol. Order maintenance and a great deal of discretion.
- *Service*: Emphasizes the service role, rather than crime fighting role. Answers all calls for service.
- *Legalistic*: Strict enforcement of the rules, crime fighter, rule enforcer, limited contact with non-criminal public (designed in part for anti-corruption purposes).

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### LAPD Chief Daryl Gates and the end of “Reform”?

- LAPD Chief from 1978-1992.
- Like his predecessor William Parker (Gates was Parker’s driver), Gates advocated an **us versus them philosophy**
- Supporter of anti-gang unit: C.R.A.S.H.
- Early advocate of D.A.R.E.
- Early advocate of S.W.A.T. (publicly mocked community policing).



### Sample of Daryl Gates quotes:

- Infrequent or casual drug users “ought to be taken out and shot.” Casual drug use is “treason.”
- “Blacks might be more likely to die from chokeholds because their arteries do not open as fast as they do on normal people.”
- “We are the butchers of society. Everybody wants to eat meat, but nobody wants to know how it’s made! Which is exactly the same thing in law enforcement. **Everybody wants safe streets, but nobody wants to know how it’ll be done!**”

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### 1992 LA Riots

53 Dead. \$1billion property damage



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- When the L.A. Riots broke out, Gates was at a political fundraiser. He didn’t leave.
- As to the riots, “Clearly that night we should have gone down there and shot a few people.... In retrospect, that’s exactly what we should have done. **We should have blown a few heads off.**”

### The record of Daryl Gates

- L.A. homicides per year (40 year average): Without Gates, **522**. With Gates, **876** (1,092 in 1992)
- L.A.’s mayor said, “[Gates has] brought Los Angeles to the brink of disaster just to satisfy his own ego.”
- 14 years as chief and he left a city in ashes and a police force mired in corruption and brutality.
- But the political era was over. And because of “successful” so-called “reform,” **Gates couldn’t be fired!**
- In 2011 there were just 298 homicides in L.A.

### Community Problem-Solving Era (from the 1970s)

Problem Solving.

Problem based, *not* incident based.

Assumes police officers want to work.

Decentralization.

Reduce middle management.

recognize that 911 is part of the problem.

*Did it ever happen? Did community policing have an impact on policing like car patrol, the radio, and the phone?*

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### New Era of Policing?

- **Homeland security era?** (post 2001?)
- Preventing terrorism through intelligence, information sharing?
- **Crime prevention era?** (post 1995?)
- Preventing crime through accountability, Compstat, Broken Windows, Quality of Life?

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