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Correct answers located at the end of the chapter.

TRUE/FALSE - Write 'T' if the statement is true and 'F' if the statement is false.

1) When viewed historically, the current rate of imprisonment in the United States is close to an all-time high.
   - ◎ true
   - ◎ false

2) Murder, rape, aggravated assault, robbery, burglary, and arson are felonies in all jurisdictions within the United States.
   - ◎ true
   - ◎ false

3) A few states in the United States make conviction of a felony and the resulting incarceration grounds for uncontested divorce.
   - ◎ true
   - ◎ false

4) Some crimes classified as felonies in one part of the United States may be misdemeanors in another.
   - ◎ true
   - ◎ false

5) Major violations of the law that often involve long-term incarceration are called infractions.
   - ◎ true
   - ◎ false

6) Two important sources of information on crime for correctional professionals in the United States are the FBI's Uniform Crime Reporting Program (UCR) and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS).
   - ◎ true
   - ◎ false

7) Parole caseworkers, chaplains, and victim advocates are considered correctional clients.
   - ◎ true
   - ◎ false

8) The process of criminal justice begins when a convicted criminal enters the correctional system.
   - ◎ true
   - ◎ false

9) The criminal justice system does not respond to all crime because of the sheer volume of crime in the United States.
   - ◎ true
   - ◎ false

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10) *Nolo contendere* pleas are used by defendants who wish to contest conviction.
- ◎ true
- ◎ false

11) According to the Bureau of Justice Statistics, noninstitutional corrections, which is sometimes called community corrections, includes "pardon, probation, and parole activities, correctional administration not directly connectable to institutions, and miscellaneous [activities] not directly related to institutional care."
- ◎ true
- ◎ false

MULTIPLE CHOICE - Choose the one alternative that best completes the statement or answers the question.

12) The correctional population in the United States increased dramatically during the 1990s and the decade that followed because:
- A) get-tough-on-crime laws, which emphasized restitution as the preferred sentencing choice, fueled rapid increases in prison populations.
- B) the nation's War on Drugs led to the arrest and conviction of many offenders, resulting in larger correctional populations in nearly every jurisdiction.
- C) the Omnibus Crime Control and Safe Streets Act of 1978 encouraged longer prison sentences for more crimes.
- D) parole authorities, fearing civil liability and public outcry, focused on noninstitutional corrections as a means of offender incarceration and rehabilitation.

13) A serious criminal offense that is punishable by death or by incarceration in a prison facility for more than a year is called a(n)_____.
- A) infraction
- B) misdemeanor
- C) felony
- D) summary offense

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14) Which of the following is an example of a felony?
A) Burglary
B) Simple assault
C) Jaywalking
D) Littering

15) A relatively minor violation of the criminal law, such as petty theft or simple assault, punishable by confinement for one year or less is called_____.
A) an infraction
B) a misdemeanor
C) a felony
D) perjury

16) Which of the following is an example of a misdemeanor?
A) Robbery
B) Simple assault
C) Arson
D) Jaywalking

17) A minor violation of a state statute or local ordinance punishable by a fine or other penalty, or by a specified, usually very short term of incarceration, is called_____.
A) an infraction
B) a misdemeanor
C) a felony
D) perjury

18) Which of the following is an example of an infraction?
A) Murder
B) Breaking and entering
C) Littering
D) Auto theft

19) Who among the following is a correctional client?
A) A recreation coordinator
B) A unit leader
C) A field administrator
D) A probationer

20) The components of the criminal justice system are:
A) police, courts, and corrections.
B) civil servants and offices of compliance.
C) corrections and law clerks.
D) cooperatives, police, and social workers.

21) A prosecutor's choice to drop charges after filing them is called_____.
A) *nollo judicus*
B) *nolo contendere*
C) *nolle prosequi*
D) *noelle prosecutus*

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22) The main function of a preliminary hearing is to:
A) ensure the incarceration and rehabilitation of adults and juveniles convicted of criminal offenses.
B) determine whether there is probable cause to believe that the accused committed a crime within the jurisdiction of the court.
C) ensure the maintenance and upkeep of the correctional facilities that are used for incarceration.
D) determine whether there are adequate facilities in the correctional system for convicted offenders within the jurisdiction of the court.

23) The process by which a court arrives at a final decision in a case is called_____.
A) arbitration
B) arraignment
C) certification
D) adjudication

24) If a defendant accepts a penalty without admitting guilt, they are using the plea of_____.
A) *nollo judicus*
B) *nolo contendere*
C) *nolle prosequi*
D) *noelle prosecutus*

25) According to the Bureau of Justice Statistics (BJS) the supervision of persons arrested for, convicted of, or sentenced for criminal offenses is referred to as_____
A) adjudications
B) corrections
C) arraignments
D) incarcerations

FILL IN THE BLANK. Write the word or phrase that best completes each statement or answers the question.

26) _____is the overuse of correctional facilities, particularly prisons, in the United States as determined by historical and cross-cultural standards.

27) An ideal that embraces all aspects of civilized life and is linked to fundamental notions of fairness and to cultural beliefs about right and wrong is termed_____.

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28) _____is defined as criminal laws and criminal justice institutions, policies, and practices that achieve justice in the present without compromising the ability of future generations to have the benefits of a just society.

29) A state or federal confinement facility that has custodial authority over adults sentenced to confinement is called a(n)_____.

30) _____ refers to persons housed in secure correctional facilities.

31) The collection of all the agencies that perform criminal justice functions is referred to as the_____.

32) In some U.S. states, defendants may lose all of their direct appeals after appealing their conviction to higher courts. This loss of direct appeals is called_____.

33) Each component of the criminal justice system, because it contains a variety of organizations and agencies, can be termed a(n)_____.

34) An appearance in court prior to trial in a criminal proceeding is called a(n)_____.

35) The process of achieving justice through the application of the criminal law and through the workings of the criminal justice system is called_____.

36) After losing all their available direct appeals, people who are in state prisons may also seek to have their convictions reviewed collaterally in the federal courts via a(n)_____.

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Answer Key

Test name: Chapter 01

1) TRUE
2) TRUE
3) TRUE
4) TRUE
5) FALSE
6) TRUE
7) FALSE
8) FALSE
9) FALSE
10) FALSE
11) TRUE
12) B
13) C
14) A
15) B
16) B
17) A
18) C
19) D
20) A
21) C
22) B
23) D
24) B
25) B
26) Mass incarceration
27) social justice
28) Sustainable justice
29) prison
30) Institutional corrections
31) criminal justice system
32) exhaustion of state remedies
33) subsystem
34) arraignment
35) criminal justice
36) writ of habeas corpus

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Chapter 1
Corrections: An Overview

Chapter Objectives

1. Describe the corrections explosion that began in the United States in the 1980s, and tell how American prison populations have finally started to decline.
2. Describe how crime is measured in the United States, and list the kinds of crimes that cause people to enter correctional programs and institutions.
3. List and describe the various components of the criminal justice system, including the major components of the corrections subsystem.

Chapter Outline

I. The Carceral State: Where Do We Go Now?

- One amazing fact stands out from all the contemporary information about American corrections: While serious **crime** in the United States consistently declined throughout much of the 1990s, and while such declines continued into the first two decades of the 21st century, the number of people under correctional supervision in this country—not just the number of people who have been convicted and sent to **prison**—started to skyrocket during the 1980s, and only began to drop after 2010.
    - Crime rates are approximately 20 percent lower today than they were in 1980.
    - But the number of people under correctional supervision increased almost 300% between 1980 and 2010—when it finally started to decline. During that period, the federal prison population went from 11 incarcerated persons for every 100,000 U.S. residents to 68.
    - Numbers like these show that the era of **mass incarceration**, created a widescale reliance on the use of imprisonment to address the nation's problems. By the turn of the 21st century, the provision of correctional services of all kinds had become a major strain on government budgets at all levels.
- Critics of today's continued high rates of imprisonment sometimes refer to our country as a **carceral state**.
    - The term carceral state implies that government power is being used to incapacitate, incarcerate, detain, or otherwise limit the physical freedom of vast numbers of people, extending far beyond that necessary to ensure a safe and just society.
    - Of course, the words "safe" and "just" are critical and reveal that **social justice**

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concerns need to be balanced with public safety in determining appropriate levels of incapacitation not only in the United States but in any society.

- The question that needs to be answered is, "Why?" Why did the American correctional population increase so dramatically in recent decades even in the face of declining crime rates?
    - First, it is important to recognize that get-tough-on-crime laws, such as the three-strikes (and two-strikes) laws that were enacted in many states during the mid-1990s, fueled rapid increases in prison populations.
    - A second reason that correctional populations increased rapidly during the 1990s and the decade that followed can be found in the Twentieth Century's War on Drugs.
    - Third, parole authorities became increasingly reluctant to release people on parole for fear of the civil liability that they could face should those people commit new crimes.
    - Fourth, as some observers have noted, the corrections boom created its own growth dynamic.
        - As ever increasing numbers of people were placed on probation, the likelihood of probation violations increased.
        - Prison sentences for more and more violators resulted in larger prison populations.
        - When people who have been in prison are released, they swell the numbers of those on parole, leading to a larger number of parole violations, which in turn can still fuel further prison growth.

TIP: This is a good time for a class discussion or debate on the impact of the War on Drugs and the get-tough-on-crime laws. Why do we have these policies? Are they effective? Should we stop the War on Drugs? Is the euphemism appropriate? How can we alter the current policies to eliminate or significantly reduce the distribution of drugs in the nation?

A. Turning the Corner in U.S. Prison Populations

- State budgets have been hard pressed to continue funding prison expansion, and the number of people behind bars began to show a slow decline beginning around 2010.
- In order to reduce correctional expenditures even further, some states are using forms of early release from prison, shortening time served, reducing the period of probation or parole supervision, and shifting the responsibility of supervising people who have been convicted to county-level governments (and away from state responsibility).
- In her incoming presidential address to the Academy of Criminal Justice Sciences, Melissa Hickman Barlow outlined a plan for the implementation of **sustainable justice**.
    - Barlow defined sustainable justice as "criminal laws and criminal justice institutions, policies, and practices that achieve justice in the present without

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compromising the ability of future generations to have the benefits of a just society."

- Barlow's call for affordable justice, based on principles and operating practices that can be carried into the future without bankrupting generations yet to come, represents an important turning point in our nation's approach to corrections and other justice institutions.

B. Correctional Employment

- Estimates published by the Bureau of Labor Statistics (BLS) in 2021 show that over 400,000 government employees throughout the United States worked in corrections, with a total monthly payroll of around $3 billion.
- BLS also found that the average hourly and annual wage for correctional officers(COs) and jailers was $25.69 and $53,420, respectively. Of course, supervisors and those at higher rank earned more than the average. Similarly, those who begin work with college degrees are paid more.
- New prisons mean jobs and can contribute greatly to the health of local economies.

II. Crime and Corrections

- The crimes that bring people into the American correctional system include felonies, misdemeanors, and minor law violations that are sometimes called *infractions*.
  - A general way to think about felonies is to remember that a **felony** is a serious crime whose commission can result in confinement in a state or federal correctional institution for more than a year.
  - Huge differences in the treatment of specific crimes exist among states.
  - **Misdemeanors**, which comprise the second major crime category, are relatively minor violations of the criminal law.

III. Measuring Crime

- Two important sources of information on crime for correctional professionals are the FBI's Uniform Crime Reporting Program (UCR) and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS).
- Corrections professionals closely analyze these data to forecast the numbers and types of **correctional clients** that they can expect to see in the future.

A. The Crime Funnel

- The proportion of people who eventually enter the correctional system is small.

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TIP: This is a good time for a discussion. Ask the students if they would report a crime if they were the victims of the crime. Then, present different scenarios and ask them if they would still report the crime and how accurate they would be in their report. Talking through the likelihood of discovering a crime, reporting it, investigating it, formally recording it, suspecting a person of the crime, arresting the suspect, convicting the suspect, and sentencing the person convicted of the crime to incarceration are important; they illustrate why such a small percentage of people convicted of crime enter the correctional system.

IV. Corrections and the Criminal Justice System

- Although the term **criminal justice** can be used to refer to the justice process, it can also be used to describe our system of justice.
- Criminal justice agencies, taken as a whole, are said to compose the **criminal justice system**.
- The components of the criminal justice system are:
  - Police
  - Courts
  - Corrections.
- The *process* of criminal justice involves the activities of the agencies that make up the criminal justice system.
- Exhibit 1-5, which diagrams the American criminal justice system, indicates the relationships among the stages in the criminal justice processing of adults who have been criminally convicted.

A. Entering the Correctional System

- The criminal justice system does not respond to all crime because most crimes are not discovered or reported to the police.
- If a person is arrested, booked, and jailed to await an initial court appearance, the intake, custody, confinement, and supervision aspects of corrections first come into play at this stage of the criminal justice process.

B. Prosecution and Pretrial Procedure

- After an arrest, law enforcement agencies present information about the case and about the accused to the prosecutor, who decides whether to file formal charges with the court.
  - If no charges are filed, the accused must be released.

C. Judicial Procedures

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- **Adjudication** is the process by which a court arrives at a decision in a case.
- The adjudication process involves a number of steps:
  - The first is **arraignment**.
    - Once an indictment or information is filed with the trial court, the accused is scheduled for arraignment.
    - At the arraignment, the accused is informed of the charges, advised of the rights of criminal defendants, and asked to enter a plea to the charges.
    - If the accused pleads guilty or pleads ***nolo contendere*** (accepts a penalty without admitting guilt), the judge may accept or reject the plea.

D. Sentencing and Sanctions

- After a guilty verdict or guilty plea, sentence is imposed.
- In assessing the circumstances surrounding a criminal act, courts often rely on presentence investigations by probation agencies or other designated authorities.
  - Courts may also consider victim impact statements.
- The sentencing choices available to judges and juries frequently include one or more of the following:
  - incarceration in a prison, a jail, or another confinement facility;
  - community service;
  - probation, in which the convicted person is not confined but is subject to certain conditions and restrictions;
  - fines, primarily as penalties for minor offenses;
  - Restitution, which requires the person who has been convicted to provide financial compensation to the victim; and
  - the death penalty.
- After the trial, a defendant may request appellate review of the conviction to see whether there was some serious error that affected the defendant's right to a fair trial.

E. The Correctional Subsystem

- We can distinguish between institutional corrections and noninstitutional corrections.
- A report by the Bureau of Justice Statistics (BJS) says that **institutional corrections** refers to "persons housed in secure correctional facilities."
- According to BJS, **noninstitutional corrections**, which is sometimes called **community corrections**, includes "pardon, probation, and parole activities, correctional administration not directly connectable to institutions, and miscellaneous [activities] not directly related to institutional care."

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TIP: This is a good time to discuss the purpose of corrections. Why does the United States lock up so many people? Is it making people safer? Does it rehabilitate the person convicted of a crime? Also, ask the students to discuss the benefits of community corrections both to the person convicted of a crime and the community. What role should victims play in the punishment of people convicted of crime?

Chapter Summary

1. Although crime rates are at their lowest level in more than 30 years, correctional populations have increased for decades because of get-tough-on-crime attitudes, the nation's War on Drugs, and the reluctance of parole authorities, fearing civil liability and public outcry, to release people from prison. Consequently, we have witnessed the growth of what some call the carceral state. At the same time, growth in correctional populations and in spending on prisons and jails led to a dramatically expanding correctional workforce and to enhanced employment opportunities within the field. Today, however, political realities, heightened concerns about social equality, and budgetary limitations have led to a reduction of the numbers of people held in our nation's prisons—a reduction that is likely to continue into the future.

2. Two important sources of crime statistics are the FBI's Uniform Crime Reporting Program (UCR)and the National Crime Victimization Survey (NCVS), published by the Bureau of Justice Statistics. The crimes that bring people into the American correctional system include felonies, which are relatively serious criminal offenses; misdemeanors, which are less serious crimes; and infractions, which are minor law violations. It is important to note that the traditional UCR has now been officially replaced by the FBI's new National Incident-Based Reporting System (NIBRS).

3. The main components of the criminal justice system are police, courts, and corrections. Each can be considered a subsystem of the criminal justice system. The major components of the corrections subsystem are jails, probation, parole, and prisons. Jails and prisons are examples of institutional corrections, while probation and parole are forms of noninstitutional corrections. This chapter stresses that the management of correctional resources and clients is a central part of the correctional enterprise—including the assessment and management of risk for reoffending.

Key Terms

Crime: A violation of the criminal law.

Correctional Supervision: A term that refers to all persons under the supervision of adult

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correctional systems and includes those who are supervised in the community under the authority of probation or parole agencies and those held in state and federal prisons or local jails.

Prison: A state or federal confinement facility that has custodial authority over adults sentenced to confinement.

Mass Incarceration: The overuse of correctional facilities, particularly prisons, in the United States as determined by historical and cross-cultural standards. We live in an era of mass incarceration.

Carceral State: The social conditions that exist when government power is used to incapacitate, incarcerate, detain, or otherwise limit the physical freedom of vast numbers of people, extending beyond that necessary to ensure a safe and just society.

Social Justice: An ideal that embraces all aspects of civilized life and is linked to fundamental notions of fairness and to cultural beliefs about right and wrong.

Sustainable Justice: Criminal laws and criminal justice institutions, policies, and practices that achieve justice in the present without compromising the ability of future generations to have the benefits of a just society.

Felony: A serious criminal offense; specifically, one punishable by death or by incarceration in a prison facility for more than a year.

Misdemeanor: A relatively minor violation of the criminal law, such as petty theft or simple assault, punishable by confinement for one year or less.

Infraction: A minor violation of state statute or local ordinance punishable by a fine or other penalty, or by a specified, usually very short term of incarceration.

Correctional Clients: Prison inmates, probationers, parolees, individuals assigned to alternative sentencing programs, and those held in jails.

Criminal Justice: The process of achieving justice through the application of the criminal law and through the workings of the criminal justice system. Also, the study of the field of criminal justice.

Criminal Justice System: The collection of all the agencies that perform criminal justice functions, whether these are operations or administration or technical support. The basic divisions of the criminal justice system are police, courts, and corrections.

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Adjudication: The process by which a court arrives at a final decision in a case; or the second stage of the juvenile justice process in which the court decides whether the individual is formally responsible for (guilty of) the alleged offense.

Arraignment: An appearance in court prior to trial in a criminal proceeding.

***Nolo Contendere*:** A plea of "no contest." A no-contest plea may be used by a defendant who does not wish to contest conviction. Because the plea does not admit guilt, however, it cannot provide the basis for later civil suits.

Corrections: The supervision of persons arrested for, convicted of, or sentenced for criminal offenses.

Institutional Corrections: A term that refers to persons housed in secure correctional facilities.

Noninstitutional Corrections: That aspect of the correctional enterprise that includes "pardon, probation, and parole activities, correctional administration not directly connectable to institutions, and miscellaneous [activities] not directly related to institutional care." *Also known as* community corrections.

Community Corrections: A philosophy of correctional treatment that embraces (1) decentralization of authority, (2) citizen participation, (3) redefinition of the population of individuals for whom incarceration is most appropriate, and (4) emphasis on rehabilitation through community programs.

Homework Assignments

1. Have students research the history of a correctional institution in their area. Ask them to find the changes that have taken place in how the institution functions and operates since its establishment till today.

2. What is the crime rate in your area? Have students compare the crime rate in their area to a much larger or much smaller area and explain what could cause the differences in crime rates, if any.

3. Have students research about the amount of money spent by correctional institutions in their area. Ask them to find the budgetary allocations for the current year for the local jail, probation and parole offices, and prisons.

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