Prioritizing restorative justice in United States prisons

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ABSTRACT

This study examines the development of the different sentencing options used in the United States criminal justice system and how the punitive model has created a disproportionately intolerant unremitting system that challenges the democratic nature of the country. The punitive model, known as retribution, is intended to create a strict system to address and reduce crime through incarceration, but the opposite has occurred. In reality, incarceration rates are disproportionately greater than current crime rates, indicating the punitive model does not solve the problem of reducing crime. Prison inmates have fewer opportunities to learn how to re-assimilate after completing prison sentences as punitive sanctions shift focus away from rehabilitation. According to the Department of Justice, prison should focus on providing just punishment, rehabilitation, and repairing damage to society. Where punitive policy fails to accomplish these goals, restorative justice should be put into practice. Restorative justice approaches resolve harm caused by crime within victims, offenders, and the community. Ultimately adopting restorative justice practices will bring greater democratization and better align the criminal justice system with its intended purpose.

Keywords: restorative justice, U. S. criminal justice system, prison, punishment, sentencing

INTRODUCTION

  Since the beginning of time the world has faced the problem of crime and punishment. How to properly address the issue of crime has been a problem all nations have had to deal with. The issue has never been to completely eliminate crime, but rather how to reduce the rate of crime and to make societies safer to live in. This problem can be addressed at the time of sentencing for those that have been convicted of a crime. This is a very controversial issue because of the several different sentencing options available and the general philosophy that no single form of punishment fits all offenders. In the United States there are currently five philosophical approaches to sentencing; retribution, deterrence, rehabilitation, incapacitation and restoration (Neubauer & Fradella, 2014). This closely matches the goals of the Department of Justice in providing just punishment, rehabilitation, and repairing damage to society. The five philosophies should work together in achieving the goal of the criminal justice system; discourage and deter people from committing crimes, protect society from dangerous and harmful people, punish people who have committed crimes, and rehabilitate and reform people who have committed crimes (Gardner & Anderson, 2015). Ideally the five philosophies should work together when it comes time for making the sentencing decision in which the most effective option available would achieve these goals. The problem with the current sentencing philosophy in the United States is that the focus is on retribution, rather than using all five philosophies together to attain the common goal of reducing the rate of crime and rehabilitating the offender. There is probably little argument amongst the experts that there should be some form of punishment. There is also probably little argument amongst the experts that the criminal justice system should deter people from committing crimes, protect society from dangerous offenders by incapacitation, rehabilitate the offender as best possible and to restore the victim's injuries as much as possible. The real dilemma is how to best reach these goals through proper sentencing.

  This study will examine how the United States prison system as it currently stands contradicts the mission of the Department of Justice. By neglecting to focus on correcting the underlying problems with crime or creating effective rehabilitation programs, prisons fail to reduce recidivism and therefore promote the growth of the imprisonment rate of the United States. Elevated incarceration rates create a significant financial burden on the country that has led to the use of private prisons to subsidize costs. Ultimately, this course of action only expands the problems of the American prison system. The goal of private prisons is to make money and the more prisoners they house, the more money they make. This trend of incarceration growth and privatization highlights some of the issues involved. Not enough is being done to halt the growth of prison populations, expanding the punitive nature of the American criminal justice system. A serious problem with allowing this trend to continue is the threat it poses to the democratic foundation of the country.

  The financial burden is one of the reasons the prison system in the United States has remained stagnant in their effort to expand rehabilitation. Rehabilitation costs money and in a cost benefit analysis, the benefit is not immediately known. It takes time to measure the benefit of rehabilitation because only through a period of time is it truly known if the rehabilitation was successful. With the current state of the economy, governments are not willing to increase the cost of housing prisoners, which rehabilitation programs would certainly do. The problem with this approach is that unless given a chance, rehabilitation will not be a part of the mission of the prison systems as it should be. Governments need to focus on the long term benefits of

rehabilitation and realize that the end results are that the cost of crime will actually decrease when more offenders are not reoffending. Restorative justice can play a crucial part in this dilemma by providing a way to reduce the cost of crime control by sending fewer offenders into the system, thereby reducing the cost and allowing for more funds to be spent on rehabilitation programs.

PROBLEM STATEMENT

The United States has the highest imprisonment rate of anywhere else in the world. While nations with comparable populations have an imprisonment rate of 100 prisoners per 100,000 residents, the U.S. has a rate of 500 prisoners per 100,000 residents (Tsai, 2012). Overall, the criminal justice system has taken a more punitive approach leading to the mass incarceration rates seen over the last fifty years. This trend has been aided by a criminal justice policy that favors punishment, in the form of strict sanctions and expansive incarceration, over rehabilitation and resolving the underlying issues. By disregarding the underlying causes of crime and failing to provide any resolution, incarceration rates continue to grow, aggravating social relations across the country. Elevated incarceration rates have also led to an enormous financial burden to the government in both state and federal level. In 2010, the nationwide cost of incarceration was $80 billion (Department of Justice, 2014). As a result of the increasing cost of prisons, private prisons began to surface in an attempt to absorb some of the costs.

A significant issue with privately owned prisons lies in their model of operation that contradicts with the goals of the Nation's criminal justice system. Private organizations operate prisons on a business model, which relies on high recidivism to remain profitable. A high recidivism rate also guarantees the need for the government to continue using the private prison system. While private prisons claim they carryout rehabilitative programs for prisoners, the truth is the rehabilitation methods used are ineffective. The traditional understanding of rehabilitation has demonstrated an inability to fully accomplish its goals; more needs to be done in terms of rehabilitating inmates and repairing the harm done to communities. In reality, there is no logical reason for privately owned prisons to focus on truly rehabilitating inmates. With no rehabilitation, recidivism remains high and the incarcerated population continues to grow, allowing privatized prisons to maintain their profitability.

Having a higher imprisonment rate than autocratic countries not only challenges the goals of the Department of Justice (DOJ) but also the democratic values and system of the United States as a whole. According to the Department of Justice (2014) one of its core values is to have, "Respect for the worth and dignity of each human being". Negating people, even if they are prisoners, from effective reformatory programs undermines this core value. In its strategic plan for the 2014-2018 fiscal years the DOJ acknowledges this issue and expands on it. Today, a vicious cycle of poverty, criminality, and incarceration traps too many Americans and weakens too many communities. To be effective, federal efforts must also focus on prevention and reentry (Department of Justice, 2014). It is evident that change needs to be made in the rehabilitative portion of criminal justice and there is also a need to repair communities after harm is committed for the sake of the U.S.'s economic, social, and moral legitimacy.

PURPOSE AND OBJECTIVES OF THE STUDY

The purpose of this study is to examine the changes in the U.S. prison system and how the changes have caused its mission to drift from the original purpose. To accomplish this goal four main objectives will be addressed; the development of the U.S. criminal justice system, the relation between incarceration and crime rates, the role of rehabilitation in the criminal justice system, and the thorough examination of the mission of the Department of Justice with current state of prisons.

Beginning by investigating the historical development of the current criminal justice era, will demonstrate how crime and offenders are dealt with. The study will determine whether inmates are subjugated in the current era and identify the elements of the era that are responsible.

Prison rates are often reflected on crime rates thus requiring an examination of their current relation. Elevated prison rates in the United States could be attributed to proportionally high crime rates. Before establishing the current standing of criminal justice as vastly punitive this relationship must be identified.

To determine the how punitive the system is, the current status of rehabilitation must also be examined. For the purpose of this study levels of recidivism will be used to determine the success of rehabilitation programs. If the programs are indeed successful they should reduce the likelihood of return to prison because of the important skills they teach.

After analyzing the different aspects of the standing criminal justice system a comparison must be made between the practices and mission established by the Department of Justice. A comparison will determine if there is truly a need for change.

RATIONALE OF THE STUDY

Following the policy trends within the criminal justice system will highlight the dichotomy of the United States criminal justice system, with regards to the evident disconnect between its mission and practices of the nation's prisons. The nation is currently in a punitive era that has created a wave of mass incarceration conflicting with the United State's democratic model. This disproportionate rate of incarceration signals the influence of additional factors that extend further than crime rates. At present the traditional aspects of rehabilitation, education programs and job training programs, are no longer enough if there are such outside factors of influence. Furthermore, if such factors exist, there would remain no doubt of the conflict between the Department of Justice's mission and current criminal justice practices.

STUDY LIMITATIONS

There are different types of detention facilities and different populations of offenders. For the purposes of this study, primary focus will be on adult offenders serving prison sentences and conditions they experience while doing time. Omitted from this study is information regarding juvenile facilities, though they offer insight on new ways restorative justice can be put in practice, they function differently than prisons and have separate goals. Including that information would confound the results and is therefore left out. Information on jails is also omitted due to their nature of temporarily holding inmates. This study focuses on offenders serving longer sentences in order to provide a comprehensive examination of the incarceration problem in the United States.

Another limitation of this study lies in the way data is gathered. This study will lack a corresponding empirical research. However, it will accomplish its objectives through the

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research of existing data on the subject of U.S. incarceration using the work of influential scholars and organizations of the field.

RESEARCH HYPOTHESES

This study will demonstrate the need to prioritize restorative justice approaches within the United States criminal justice system. In doing so the United States would be better able to serve its people as a proper democratic nation.

The study will argue that criminal justice policy has transformed into a highly punitive model creating a hyper-inflated incarceration problem based on emotional rather than rational reasoning. Vindictive feelings, resulting from waves of elevated crime rates, have driven the formation of the punitive era. However, the punitive model persists despite the continuing drop in crime. In addition, this emotion-based criminal justice format reduces the emphasis on rehabilitation programs consequently allowing these programs to become outdated and inefficient.

Moreover, these factors have left the government unable to fully handle its mission to respect human dignity while ensuring just punishment, provide rehabilitation to those who break the law, and look out for the well being of communities. Present models and concepts of justice have proven to be inadequate. Prioritizing restorative justice approaches will focus on repairing the damage caused by crime through acknowledging the needs of the offender, victim, and the community. In doing so, restorative justice aims for the root of crime, repairing damages in a rational matter that offers the greater possibility of moving toward a better functioning criminal justice policy for imprisonment.

METHODOLOGY

With the limitations of this study, the data was primarily collected through researching the work from previous historians, scholars, and theorists on the subject of incarceration within the United States. Quantitative data was collected from the statistical work of government agencies such as the Department of Justice and the Bureau of Justice Statistics. All this information is used to convey an original idea and recommendations to remedy the obvious flaws within the prison complex.

Potential Limitations

Tied to the success of this study are a number of factors that need to be identified. Due to the current punitive state of U.S. criminal justice, it may be difficult to find a diverse sample of restorative prisons. Additionally, due to the nature of the study, prisons may be unwilling to divulge transparent information for fear it may depict them as failing to manage their inmates effectively. While the study should promote a need for changes in the overall philosophy used in the U.S. prison system, individual prisons may feel threatened and thus tamper with the data.

LITERATURE REVIEW

The key to understanding the present day criminal justice system lies in understanding how it came to be. Colonial America, and its English influences, was the foundation of criminal

law. Following the Revolution, the newly formed United States began altering this system, incorporating its own democratic model and separating itself from English influence. As history dictates, what followed was a series of developments within the criminal justice system that reflected the social constraints of the given time periods. Beginning with colonial criminal justice and ending at present day, a trend of reformation movements follow increasingly punitive eras of incarcerations can be seen. Reformative changes ultimately occur in an effort to realign criminal justice practices with its American philosophy and goals.

Early Criminal Justice in Colonial America

Paralleling the English model, colonial America's criminal law infused no-nonsense religious views with a focus on severe criminal punishment. Backed by the Calvinist philosophy that people were naturally evil, the early forms of criminal justice did not incorporate rehabilitation (Meskell, 1999). On the contrary, this time period was characterized by its barbaric punishments with the shear intent to humiliate and deter people from breaking any of the strict social codes. According to Greenberg the severe approach to criminal law during the colonial period was directly influenced by their religiosity. The colonies' underlying conception of the law as a mechanism to secure a utopian religious community from sin and corruption remained a powerful influence upon the operation of their criminal justice systems (Greenberg 1982 p.297). With the church being the center of life for many colonists, the social codes of conduct provided were maintained with fervor.

New Haven was a radically Puritan society that was known for its severe criminal justice system and a good example of the extent to which religion played a role in early criminal justice. The courts of New Haven were very speedy and experienced little resistance, however, this can mostly be attributed to the fact magistrates, "paid little attention to… abstract notions of 'liberty'", and mainly focused on the Bible as a book of law (Greenberg, 1982, p.298). With no acknowledgement to the notion people were entitled to certain liberties, the criminal justice system of New Haven functioned in a form similar to the Inquisition. The majority of defendants were terrorized into confessing to moral crimes and executions were common.

Colonial America's criminal justice system was tough on crime but there was an obvious scarcity in the use of imprisonment. With colonial population being so low, imprisonment was not a significant part of this time period predominantly because it was not a viable option. Lack of population emphasized the importance of every individual and their roles in the colonies' social, economic, and defensive sectors (Meskell, 1999). Large-scale imprisonment would significantly hurt the survival of any colony. With such pressures these small communities were constantly monitoring one another's behavior, any outlying action was a threat to the community resulting in immediate and public punishments to offenders (1999). Aside from self-monitoring, executions were only used on individuals that were seen as serious challengers of the livelihood of the colony. Extreme measures were taken on those that threatened the survival of the colony. The true intention of criminal justice of this time was to reinforce the pragmatic lifestyle while providing an inescapable public display of torture to deter any unsanctioned behavior.

Key to the success of the colonial criminal justice was the demographic composition. Despite its obvious flaws, colonial criminal law was very effective; Greenberg (1982) goes as far as to claim the colonists had one of the most effective systems in seventeenth century America (p.299). However, it is easy to be effective when the entirety of the population is limited in numbers and composed of identical backgrounds, ideologies, and goals. Colonial communities

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had a high level of consensus over what constituted proper behavior, they were highly invested in the concept of obedience since it, "reinforced the structure of authority in the family as well as in the community" (Walker, 1998, p.16). The real challenge in creating an effective criminal justice system is when population numbers soar and there is considerable diversity.

In the face of growing diversity and a breakdown of the early criminal law establishments, colonists were faced with a choice on how to proceed. Legal historians like Matthew Meskell argue that colonists could have simply expanded the list of capital crimes but by this point in early American history (1999). Colonists were becoming increasingly repelled from the English criminal code and wanted to separate themselves from its severity. The result was the adoption of the Quaker code known as the "Great Law", under which the majority of offenses were punishable through the use of hard labor (Ferro, 2006, p.10). This model was quickly adopted in colonial Pennsylvania but without the proper training this approach quickly fell short of its potential and resulted in mass riots.

Beginning the Need for Prisons

As the eighteenth century approached, there was a transformation in the population that required the colonies to adopt a new criminal justice tactic. Small numbers and homogeny were essential for the colonial criminal justice model, however, by 1790, there was a population boom, an influx of African Americans, and increasing contact with Native Americans that changed the status quo (Walker, 1998, p.23). The colonists began to realize that their penal tactics were not as effective within large populations simply because communities were less tight-knit and self-policing. What resulted was a growing reliance on criminal courts to settle problems and the decline of crimes against morality. By the eighteenth century the old New Haven colony had been absorbed into Connecticut State, though this region was previously known for its oppressive moral law, between 1750 and 1775 moral offenses in the New Haven County court accounted for only 25% of cases (Greenberg, 1982, p.305). Morality was becoming less of a focus in criminal law and turned to a more secular focus.

Waves of Criminal Justice Philosophy

Considerable scholarly debate exists as to the exact number of waves there have been in American criminal justice but three main eras generalize how the philosophies on prison systems changed over the course of history. The first era is that of the early correctional establishments, this time period dates from the American Revolution through the Civil War. The earliest establishments of prisons and their original philosophies of correction characterize this era. What followed was the Progressive Era, which spanned after the reconstruction through the 1920s. During the Progressive Era came the development of what is, to this day, understood as prison reformation programs. In this era a renewed focus on the needs of prisoners and ways to improve their lives emerged. Finally, the Punitive Era arose following the civil rights movement, roughly the 1970s, until present day. This era grew from the social unrest resulting from 1960s and focused on more punitive approaches.

Early Correctional Facilities

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Post-revolution America made immense efforts to distance themselves from the oppressive English criminal justice model, turning its focus to a slightly more rehabilitation-centered model. Unlike the earlier Calvinist philosophy, prison reformers believed criminals were not born but created as a result of corrupting social conditions (Meskell, 1999). This era can be characterized as having a great democratization movement, which continued to improve American correctional facilities, steering them away from the more barbaric punishments of the colonial period. The philosophies of the early correctional facilities spanned through the end of the Civil War when they were turned to more punitive tendencies as the country reconstructed itself.

Pennsylvania System 1790

The Pennsylvania system is known as the original model for prisons in the United States. As the population of Pennsylvania increased, the state government began to invest heavily in prisons. The Walnut Street Jail was the largest prison of the state, known for receiving the most hardened offenders, became the setting for the first prison reforms of the country (Skidmore, 1948, p.168). In 1790, the Pennsylvanian legislature allowed for a group of Quakers to operate a wing of this jail. Under the philosophy that external influences are the underlying reasons for crime, the Walnut Street jail began experimenting with complete isolation of convicted felons, in order to reflect upon their crimes (Ferro, 2006, p.10). This approach came to be known as the Pennsylvania system. Prisons functioning under the Pennsylvania system ensured prisoners were confined to their cells all day, except for a single hour of exercise, and were permitted no contact with other prisoners or outsiders (Walker, 1998, p.81). Inmates worked on individual labor tasks but never had contact with other inmates.

In some respects, the Pennsylvania system was an improvement on previous prison establishments but there were serious problems that led to its end. Early prisons were run on business model where essentials like food and clothing, as well as luxury goods like tobacco and alcohol, were sold to prisoners at ridiculously overpriced rates (Meskell, 1999). With the Pennsylvania system prison focus was changed and the business model was eliminated. Upon entry, inmates were provided with a uniform and daily meals, luxury items were no longer offered as a means to ensure penitence. This was a significant reform within prisons but the concept of complete isolation soon revealed a larger issue.

Problems with the Pennsylvania system

As complete isolation became the norm it was evident that prisons would be unable to deal with increasing numbers in the prison population. Faced with problem of overcrowding new prisons were built in order to continue using isolation. Soon, isolation itself became the problem. "Prolonged effects of isolation and inactivity began to physically and psychologically debilitate inmates" (Ferro, 2006, p.10). Total isolation drove a high number of inmates insane and led to the breakout of prison riots. In 1802, a bloody riot broke out that was only suppressed by military intervention (McKelvey, 1977, p.9). What resulted was a new trend toward the need for additional punishments within prisons.

Auburn System 1819

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The Auburn system, also known as the congregate system, came about as a result of the failures of the Pennsylvania system. Beginning with addressing the mental health of inmates, the Auburn system found new alternatives for prisons. The new philosophy of the Auburn system was to, "give inmates the incentive to avoid permanent solitary confinement by obeying prison rules" (Ferro, 2006, p.11). Solitary confinement was still an integral part of the Auburn system but something needed to be done to address the psychological debilitation experienced by prior inmates. Unlike the inmates of prisons using the Pennsylvania system, Auburn prisons allowed inmates to "work and eat together in groups, although in total silence" (Walker, 1998, p.81). Allowing inmates to work and be around one another, even in silence, would counteract the psychological issues of the Pennsylvania system.

With the Auburn system came a reintroduction of harsh punishments adopted to address the disciplinary issues experienced in the Pennsylvania system. Harsh discipline once again became a part of the criminal justice system, resulting from the public's need for retribution against the damages caused by inmate uprisings. Inmates were then closely monitored throughout the day. The institution of new regulations meant inmates were kept too occupied to protest or act out of line. Such regulations as downcast eyes, lockstep marching, no talking or other communications between prisoners, and constant activity under close supervision attracted the praise of many visitors (McKelvey, 1977, p.14).

Despite the praise of the new stringent efforts to control inmates, the community needed more retribution. Alarmed by the violent uprisings within prisons the Legislature was quick to authorize the use of flogging within Auburn prisons (p.15). Despite some protests, brutal punishments and increasingly poor conditions became the norm in prisons through the end of the Civil War.

Reconstruction

The period following the Civil War was one of continued retribution. After all the significant loses from the war the public wanted justice and did so by enacting a less humanistic approach to criminal justice. The conditions of prisons had become atrocious; prisoners were poorly fed and dressed, they worked under bad conditions, and were subject to a routine of severe corporal punishment (Bosworth, 2010, p.46). Prisons had become a far cry from the rehabilitation institutions they were originally intended to be.

The Progressive Era

Early prison philosophy meant to reform prisoners but that mission was lost with the societal pressures to take retaliation on inmates for the harms they caused within society. As a result, prisons saw a reduction of quality and an increase in barbaric treatment and conditions. The Progressive era brought on two fundamental changes to criminal justice: It extended the amount of discretion in sentencing and enacted programs to the system that promoted this new discretionary philosophy (Walker, 1998, p.113). Reformation of offenders during the Progressive era was dependent on the individual; this understanding also shaped the way legislation was enacted. In the past the philosophy of criminal justice determined that crime came as a result of the offender's lacking grasp on societal values and being morally deficient. This perspective supported the practice of prisoners being under complete control of prison officials, they were deficient and it was the responsibility of prison wardens and staff to provide discipline.

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Alternatively, Progressive reformers focused on individual needs as a means of rehabilitating inmates, to them the main rule was for the punishment to fit the crime (Bosworth, 2010, p.46). To the new wave of reformers, it was the duty of the institution and its government factions to follow through with offenders even after their release. With this philosophy reformers moved to change the established notions of prisons and rehabilitation with a great deal of success thanks to their ability of gathering of public support.

National Prison Association

Responding to the inhumane practices and conditions of U.S. prisons, the Progressive Era ushered in new humanistic approaches to incarceration. In 1870, a congress of prison professionals came together and formed the National Prison Association (NPA), later called the American Correctional Association (American Correctional Association, 2014). This meeting brought together influential thinkers on the topic of prisons and rehabilitation where they condoned the isolationist punishment and rigid discipline model of imprisonment. Resulting from this congress was the "Declaration of Principals", which called for the primary purpose of incarceration to be rehabilitation (Bosworth, 2010, p.46). Behind these changes was a new individual centered philosophy of rehabilitation. These new reformers believed in the relation between the criminal and the crime itself needed treating rather than simply punishing the offender.

Treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than the crime, its great object should be his moral regeneration (Ohlin, 1974, p.248). This individualized attention to prisoners was a product of the developments in the field of sociology. One of the most influential thinkers of this time, Emile Durkheim, argued criminal law was defined by the basic values of society; addressing crime thus became a matter of creating consensus on societal values (Walker, 1998, p.123). Based on their committed crimes, criminal offenders demonstrated a lack of understanding in the community's values that needed to be addressed. Additionally, the criminal justice system had a duty to ensure inmates learned how they can become better functioning citizens and to follow up with them once their sentences were served.

Changes in Prisons

A growing problem of the prison system was overcrowding, the Progressive era expanded prisons as a way to encourage humane conditions of inmates. Overcrowding was a widely accepted issue that many agreed needed to be dealt with by expanding prison institutions. With the coming of prison expansions, reformers took advantage by working to influence the establishment of prisons as they were being built (McKelvey, 1977, p.98). One of the first changes was the establishment of separate institutions for men, women, and juveniles. In light of the growing scandals, the popular support was gained for the building of prisons with separate populations (p.98). Separating prison populations promoted discretion under the belief that these individual groups had separate needs. With the establishment of more progressive prisons a decrease in the use of the silent isolationist system was also seen. Overcrowding made this made the isolationist system difficult to administer and with new prisons this method was ultimately abandoned (p.110). It was convenient to simply cut-out this practice from new prison facilities. This change was one of the most significant contributions of the Progressive era.

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One of the changes to prisons came in the form of educational programs. Standards in prison schools rose during this time period, a new found value was seen in the education of inmates (p.107). Educating inmates gave them the tools to function in society without the need to regress to a life of crime. In this development, prisons also worked toward expanding their libraries. Amidst the wide range of projects prisons were now supporting some apportionment was given to acquiring desirable books and magazines, however, it should be noted that books were primarily donated by those who knew particular inmates and charitable people, there was a need for diversifying the topics available to inmates (p.108-109). There were limitations to the ability to expand resources to inmates but the initial actions are what highlighted the progression made by Progressive reformers.

Progressive Changes

One of the biggest changes of this time period was the institution of indeterminate sentencing. Laws varied from state to state but the commonality was the establishment of broad sentencing, this granted discretion to judges to determine a minimum and maximum sentence (Walker, 1998, p.119). In accordance with new progressive philosophy, it was accepted that individual offenders would experience progress and success in rehabilitating at different paces. With this in mind, broad sentences offered a time period within which inmates were expected to participate in the rehabilitation process. Broad sentencing provided an incentive for inmates to engage in rehabilitate programs. Once in prison, parole boards would determine the actual date for release dependent on the rehabilitation demonstrated by the inmate (p.119). Inmates were expected to take advantage of the newly developed programs and take initiative over their reformation; ultimately they would be the ones to determine how long their sentence would be.

The second biggest change of the Progressive era was the establishment of parole programs within prison settings that expanded discretion. Parole programs served a number of functions, for one they were a useful way of controlling prisoner behavior (Walker, 1998, p.126). Inmates knew that their sentences could be reduced if a parole board found their good behavior indicative of being rehabilitated. It was in their best interests to behave and this was a welcomed result for prison officials. By permitting the early release of some inmates, parole programs also helped control the size of the prison population (p.126). Parole programs allowed reformed prisoners to shortened their sentences but more conveniently paroling inmates meant more could be done for inmates when population size was lowered. Outside of prison parole officers were intended to meet with parolees and help them transition into society.

Short comings of the Progressive era

Focusing in the needs of prison inmates was the highlight of the Progressive era, along with this focus came a much needed reorganization of prisons, however, not all aspects of prison functions were addressed. While prisoners were seeming new benefits not enough reform was made to the administration aspect of prisons. Prison personnel was constantly changing, making them unable to keep up with managing the reform goals of the era (McKelvey, 1977, p.111). Prison officials were never provided tenure which created high turnover rates. New officials would become misinformed as to the gains of the movement and lose interest in maintaining its agenda (p.112). This disconnect in personnel development was one of the aspects that saw the end of the Progressive era.

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Funding was another deciding factor in the decline of the Progressive era. As seen with the development of prison libraries, not enough resources were provided to accomplish its full potential. Some state governments provided funding but it was a minuscule amount, ranging between $25 and $200 (McKelvey, 1977, p.108). Prison libraries were so limited, their unintended purpose became to provide inmates relief from the monotony of daily life in prison. At the hight of the movement, the parole programs were met with much praise but this also experienced significant issues. Large caseloads, for example, limited the potential for success of the program. Recommended caseloads were of fifty clients per probation officer but the reality was that the average officer had three times, or more, the recommended amount (Walker, 1998, p.125). More needed to be done to recruit effective parole officers and control caseloads for these programs to succeed. However, despite these issues reformers continued to expand their efforts without making changes to what had already been established.

End of the Progressive era

Major changes on a global scale were what brought the end of the Progressive era and halted the progression of prison reformation. World War I deterred all social attention from continued development of prison reform. Issues regarding the use of discretion were never fully addressed, in fact, the issue was ignored until the 1970s (Walker, 1998, p.144). Following the war came a period of economic growth and development of the U.S. as a world leader. This period was succeeded by the Great Depression and then World War II. Roughly 30 years passed before a new philosophy took over prison development.

The rise of the Punitive era

Though characterized by movements of social change, the 1950s and early1970s created the groundwork for the punitive era of criminal justice. Massive protests against the Vietnam War, the exposing of corruption at all levels of government, the highly controversial Great Society programs, highly organized labor strikes, increasing demands of marginalized groups for equality, mixed with the increases in crime rates created the beginnings of distrust and resentment that brought punitive change (Baker, 2009; Paterson, 2012). It would seem paradoxical that a time period so focused on humanistic goals would lead to a time period known for its disregard of the wellbeing of certain groups, however, the polarization of public opinion led to a trend of resentment that changed the dominating social opinion toward favoring punishment for criminals (Baker, 2009, p.27). Facing social unrest and an increase in crime rates, the public began to question its previously held opinions on criminal justice and its purpose.

Transformations in American society also contributed to the advancement of the punitive era. Prior to this era, there was a distance felt between members of society, the middle class in particular, and crime. From 1964-1968, every summer was characterized by a serious of race riots, each year bringing more property damage, violence, and deaths (Walker, 1998, p.196). A wave of crime erupted as never seen before through many of the largest cities of the United States and with technological advances like the television, every household was brought face-to-face with all the chaos. Established to investigate the cases of the riots, the Kerner Commission linked police relations between communities, particularly of the lower economic class, were at the root of the riots (p.197). Though initially accurate, the commission's later conclusions brought forth a new perspective that would change the way criminal justice was framed. The

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Kerner Commission reported that riots occurred in cities with the best police forces in the country were found and that their tactic of "aggressive preventative patrol" was highly successful, however, it tended to raise conflicts within minority communities (p.197). From this conclusion the Kerner Commission promoted the belief that crime needed to be addressed by highly aggressive action, though retaliation would result in the beginning, the long-term would result in the containment of crime.

Public opinion became polarized in the midst of social and civil unrest, people turned to a re-examination of rehabilitative process within prisons. During the mid 1970s, two trends arose leading to a shift claiming the rehabilitative model of criminal justice had no empirical proof of functioning. A trend of criminology reports emerged during this time finding no significant benefits to prison rehabilitative programs, a popular interpretation of the 1974 Martinson report concluded that nothing worked to rehabilitate prisoners therefore there was no need to focus on rehabilitation (Phelps, 2011, p.37). At the same time a growing consensus arose on the need for determinate parole methods. Critics argued judges were too liberal in their sentences and parole boards coddled offenders (p.36). This claim aligned with the polarization of public opinion, people began to lose confidence in the malleability of human beings. It was believed that the progressive era's changes had created an over-enabling welfare state and increasingly accepted the belief people choose a life of crime and cannot be changed by extended rehabilitation (Allen, 1981, p.12). Essentially, new challenges to rehabilitation and the removal of discretion led to the elimination of a humanistic approach to the needs of prisoners and responsibilities of prisons. Following the changes in social opinion, Richard Nixon led the first tough on crime campaign (Selman & Leighton, 2010, p.19). This campaign centered on the philosophy that the government needed to enforce tougher sentencing to deter crime, sparking the growth of the punitive era.

Determinate Sentencing

As it became widely accepted that rehabilitative notions from the progressive era did not function, one of the first things to change were sentencing trends. Controversy existed over the manner in which sentencing should be framed, most believed that there should be a more systematic however, some still saw a value conflict in maintaining a certain level of discretion. Eventually sentencing shifted from a discretionary model and was replaced by determinate sentencing beginning with the adoption of the first determinate sentencing laws in 1976 (Walker, 1998, p.219). Nonetheless discretion was not entirely eliminated. The new sentencing laws sought to "guide" discretion based on the new idea of "selective incapacitation", which targeted career criminals (p.219). This meant that longer sentences would be given to high-rate offenders and shorter terms to low-rate. In the face of stricter sentencing laws and reduced discretion, prison populations rose to new levels.

Private Prisons

As a whole, the national government turned to stricter criminal justice policies, however, as incarceration rates grew groups began to look for solutions to the crime problem outside the government. During times of conflict it becomes common practice to question the abilities of the government, the belief is that government capabilities are limited due to expansive red tape, as a result, private businesses gain favor (Selman & Leighton, 2010, p.129). Elevated incarceration

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rates strained government run prisons, overcrowding became a significant issue of the punitive era that needed to be dealt with. Finally, in the 1980s private prisons were allowed to take over government run prisons and later to build their own (Bosworth, 2010, p.138). This model of outsourcing government functions to private businesses was very popular during this time but the privatization of prisons was met with some debate. Kenneth F. Schoen, the former Commissioner of Corrections in Minnesota had very clear concerns over the implications of privatization. Private investors are eager to share in the $10 billion-a-year business of imprisoning the nation's almost 750,000 offenders. This industry will capitalize on the public's fears to assure an ever expanding system (Schoen, 1985).

Concerns of like Schoen's were shadowed by the overall enthusiasm for privatization. As people turned away from rehabilitation and government responsibilities the new prevailing philosophy can be summarized by then Governor of New York State, Mario Cuomo; "It is not the government's obligation to provide services, but to see that they're provided" (Tolchin, 1985). Private prisons grew considerably during the following years, as did a void in the demand for reasonable treatment for those incarcerated.

RESTORATIVE JUSTICE

A worldwide movement, primarily concentrated in Western countries, toward restorative justice has grown in the last 30 years. Restorative justice is a criminal justice approach that is focused on repairing the harm crime inflicts on victims, offenders, and the community (Strickland, 2004, p.1). The philosophy behind the restorative approach was first seen in the early 1970s however, punitive approach was able to succeed due to the overwhelming public demand for retributive action toward crime. Restorative justice has been adopted in various forms in a number of countries and is accumulating a following in the United States. With its innovative way to approach crime and justice, restorative justice has the potential to transform American society.

History of Restorative Justice

Restorative justice practices have existed throughout world history, however, its modern form is composed of a multidisciplinary approach. Originating from the criticism of the punitive system, specifically its inability to ensure peace in society, a multitude of separate initiatives toward improvement have led to the creation of modern restorative justice (Walker, 1998, p.15). Developed by these separate initiatives was the understanding that crime is a function of multiple factors that affect society as a whole and in turn, should be addressed by different areas of society.

Restorative justice principles spread far beyond criminal matters, penetrating the regulation of disputes and problems of discipline in schools, neighborhood conflicts, child welfare and protection matters, labor and business regulations, and even the resolution of conflicts involving systematic political violence (Walker, 1998 p.15-16).

It is this broad field of involvement that separates restorative justice from previous criminal justice theories. Like the punitive approach, restorative justice tries to reduce the occurrence of a "big government" stake over criminal justice. However, while the punitive approach turns to private groups and businesses, restorative justice favors giving some of the responsibility to communities and individual citizens.

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Restorative Justice Process

With restorative justice, the concept of active responsibility becomes an important point of focus. Current criminal proceedings are based on passive responsibility, offenders are shielded by the legal process, their only acceptance of responsibility comes with receiving a sentence (Walgrave, 2008, p.61). Offenders rely on their lawyers and never directly confronted with the harm caused by their actions. Active responsibility is the main focus of the restorative approach, involving direct confrontation with those affected and the disapproval of their own loved ones (p.47). Restorative justice may seem like a soft option for criminal justice but that is not the case. In addition, offenders must apologize to their victims, a process that forces the offender to feel a mixture of emotions such as "shame, guilt, remorse, embarrassment, and humiliation, which may have an enduring impact on [the offender's] life" (p.47). Ultimately, the restorative justice approach serves to impose a 'double punishment' on offenders bringing forth a new level of accountability on that no other criminal justice theory has before.

Restorative Justice and Corrections

A primary focus of restorative justice when incorporated to criminal justice systems is to settle the effects of crimes. One of the ways this is accomplished is by including a public dimension to criminal justice. Restorative justice calls for voluntary deliberation among all those affected by a given offense (Walgrave, 2008, p.45). By including all those involved, restorative justice allows for reconciliation to occur. Reconciliation serves multiple purposes, for one, offenders acknowledge responsibility and confront the victims of their actions allowing victims to heal but more importantly, with reconciliation offenders take on a less stigmatized persona within their communities allowing them to reintegrate more efficiently (Strickland, 2004, p.19-20). Recidivism is influenced by an offender's inability to reintegrate successfully into society. Therefore, a significant benefit of this interaction is the potential it has to significantly reduce recidivism rates in the U.S.

Reconciliation within the confines of prisons can take place in the form of victim-offender panels and mediation. Victim-offender panels (VOPs), are discussions between a group of victims and offenders who did not participate in the offenses against those victims (Strickland, 2004, p.122). Within these panels victims share their experiences and explain the effects that the offense has made in their lives. VOPs have shown to be highly successful, particularly in cases involving drunk drivers and victims of burglary (p.122). Confronting the consequences of their actions, offenders are more likely to acknowledge their wrong doing. Additionally, VOPs promote reconciliation that may promote change in the anti-social attitudes and behaviors of offenders (p.122). This type of approach sets apart restorative justice from other criminal justice models. Panels promote recovery for victims, change in offenders, and reconciliation as a whole that creates a sense of closure for all involved parties.

Victim-offender mediation is one of the primary ways restorative justice can take place within criminal justice. In victim-offender mediation (VOM), impartial mediators creates dialogue between the offender and victim with the goal to find appropriate restitution for the harm caused by the offense (Walgrave, 2008, p.33). Mediators primarily serve as facilitators to promote discussion and reconciliation. VOM can have different points of focus, while some may focus on mental healing, others look for material compensation or simply aim to reconcile

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(Strickland, 2004, p.48; Walgave, 2008, p.33). Mediation demonstrates an alternative approach to the way criminal justice is given. From VOM offenders are given "double punishments", on top of their sentences they must also comply with the agreements established in mediation (Walgrave, 2008, p.47). The combination of these sanctions adds a restorative element to criminal justice that is necessary for the development of society.

There are limitations to the extent restorative justice can be practically used in prisons. Victim-offender reconciliation methods like are highly limited by the willingness of offenders to participate. Therefore VOM and VOPs are not initiated until the offenders have admitted guilt and demonstrate remorse (Strickland, 2004, p.46-47). Participation is increased by making it a requirement for offenders to go through victim-offender reconciliation at some point. Another limitation lies in the influence restorative justice can have with serious offenders. When repeated restorative actions prove to be ineffective in deterring certain offenders, the focus shifts to addressing the threat posed by the offender (Walgrave, 2008, p.153). Such cases demonstrate the reach of restorative justice and call for a new approach. Dangerous offenders are deemed a considerable threat to public safety, calling for incapacitation (p.154). With incapacitation, offenders are imprisoned as a safety measure for society. The incapacitation option is used when all others are exhausted but even at its most "punitive" point, restorative approaches can still serve toward reparative means. While imprisoned, these inmates would still be encouraged to take part in restorative efforts or to work for a fund designated to repay damages to victims (p.155). Restorative justice functions as a way to repair damages while acknowledging its limitations. At all levels this approach does well to restore and turn criminal justice toward a less punitive path.

RESULTS

This chapter will focus on determining the influence of the punitive era on the criminal justice system. Various aspects of the punitive era will be looked at, particularly, crime rates, incarceration rates, and the success of prison rehabilitation programs assessed through recidivism patterns. As discussed, the punitive era has been associated with mass incarceration resulting from increased crime rates. Therefore, the first thing to be examined will be the quantitative relationship between incarceration and crime rates. Identifying the relationship between the two rates will uncover the how the punitive era has developed and the extent to which its influence has changed criminal justice. Next will be a look into the presence of rehabilitation during the punitive era. For the purposes of this study, successful prison rehabilitation programs are identified by low recidivism rates. Looking at statistical data on recidivism will illuminate the tendencies of released inmates. Analysis of these aspects will provide a clear picture of how punitive the current criminal justice era is and its implications as a whole.

The Punitive Era: Incarceration and Crime Rates

As discussed, the punitive era was brought upon by the increased visibility of crime. The American people were so fearful of criminal activity that a shift was seen in public opinion from favoring rehabilitation toward retribution for damages. From this shift came a demand for government to provide control, the result was a movement of stricter punishments for offenders through war on crime policies.

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The punitive era began as a result of a perceived rise in crime. Evidence shows that crime rates did experience significant gains at the beginning of the era. Looking over the complete crime data through the course of the punitive era, *Figure 1* indicates that property and violent crime generally changed in a similar way. While the amount of violent crimes is a great deal less than property crimes, on average, the rates of both types of crime are about the same. It should be noted that the violent crime rate experienced an irregular surge from the late 1980s through the late 1990s. This trend caused violent crime rates to grow disproportionately higher than property crime rates. Yet, despite this trend, there is an overall decline in the total U.S. crime rate beginning in 1991. As illustrated in *Figure 1,* crime rates dropped in a gradual pace through 2012.

The punitive movement centered on the philosophy that government needed to enforce tougher sentencing laws, leading to high imprisonment levels. Once this campaign began the incarceration population skyrocketed to levels never seen before, *Figure 2* illustrates how dramatic that increase really was. From 1925 to the early 1970s, the U.S. population hardly surpassed 200,000 inmates, as the punitive era took full effect the prison population changed this trend that spanned nearly half a century. By 1980 the population had reached 315,974, well beyond the trend of the previous forty years. Extraordinarily, *Figure 2* indicates that in the forty years following the start of the punitive era, prison population reached just over 1.4 million. This is over a 700% growth and it should be noted that this rate highly surpasses the growth rate seen in the general population (Public Safety Performance Project, 2007). Such a growth rate indicates a new trend of mass incarcerations.

In examining the development of the punitive era, there is a need to see the reality of incarceration and crime rates. As seen on *Figure 3*, crime was on the rise, reaching heights that were never seen before. In 1960, crime rate was just under 2,000 incidents per 100,000 residents, in 1970, that rate had more than doubled, and then in 1980 the crime rate had grown over three times the rate of 1960. Crime rates escalated dramatically, providing insight to the reasons why public opinion had changed and led to the new era. As established, the shift in public opinion led to changes in the way the U.S. approached criminal justice. The criminal justice system became stricter in its sentences as a result, looking to control the growth of crime. *Figure 3* demonstrates that from 1980 to 2000, crime rates were successfully slowed. By 2000, the crime rate had returned to the levels seen in 1970.

As crime rates rose and public opinion shifted there was also a change in the rate of incarceration. With the tough on crime methodology motivating order, *Figure* 3 also illustrates how prisoner rates began to increase from the late 1970s and on. The rate of prisoners per crime had a slow start, but took off in the 1980s. In 1980, there were roughly 25 prisoners per 100,000 crimes that number doubled by 1990 and quadrupled by 2000. Unlike with the crime rate increase, that had spikes and slight drops, prisoner rates increased more deliberately and dramatically. It can be said that the shift toward punitive policy was highly successful in holding more people accountable for crimes.

To determine if a relationship truly exists with crime rates and incarceration rates it is necessary to examine the data from both categories over the same scope of time. Looking back at the data from *Figures* 1 and 2 will provide a thorough evaluation of the relationship. In the first twenty years of the punitive era, total crime rates grew by 207%, increasing from 1887.2 crimes per 100,000 residents in 1970 to a rate of 5802.7 in 1990 (*Figure 1)*. From 1991 to 2012, crime rates changed respectively from 5898.4 to 3246.1 (*Figure 1*), a decrease of about 45%. Shifting focus on prison population, in the first twenty years of the punitive era, prison population

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increased by 277% and increased an additional 91% from 1991 to 2012 (*Figure 2*). In the first part of the punitive era crime rates and prison population grew drastically, however, in the second part of the era crime rates declined while prison population continued to grow at an unprecedented rate.

Rehabilitation in the Criminal Justice System

Since the progressive era it has been established that the role of prisons is to provide rehabilitation for inmates. The purpose of rehabilitation is to help inmates gain the tools necessary to become better functioning members of society upon their release. A great variety of programs exist but the most common include education and job skills programs. One of the ways to measure the success of rehabilitation is to evaluate recidivism rates of released prisoners. In a special report conducted by the Bureau of Justice Statistics, released prison inmates were tracked through the course of five years to determine patterns of recidivism. As shown in *Figure* 4, by the end of five years over 50% of released prisoners will return to prison. Furthermore, the most significant statistic from *Figure 4* is that within the first three years of release 67.8% of released inmates were rearrested and by the fifth year the percentage increased to 76.6%. This signifies that following the first five years, the vast majority of released prisoners will return to prison.

Following the patterns recidivism from 2005-2010, it is useful to understand the breakdown of offences leading to the re-arrest of released inmates. *Table 1* indicates the post-release arrest charges and their frequency in the population examined in the study. The most common post-release charges, accounting for 58% of all charges, are under the "Public order" category, followed by the "Drug" and "Property" offense categories. Within each of these categories the most amount of arrest charges is from drug possession with 26.8%, violation of probation/parole with 25.3%, and larceny/vehicle theft with 21.3%. Something to be inferred from these figures is a need for rehabilitation programs focus on teaching inmate's better ways to cope with their problems and re-assimilate to society. The high level of probation/parole violation charges also shows additional monitoring needed to prevent released prisoners from reoffending.

DISCUSSION, CONCLUSION AND RECOMMENDATIONS

Criminal justice models are a matter that has changed dramatically since the beginning of the country's founding. Key changes have been fueled by the major events and movements experienced by society as a whole. The general sentiments of given time periods determine the level of severity in prison conditions and the level of focus in rehabilitation. In the current punitive era of criminal justice, a reduced social demand for humanistic treatment has resulted in over-inflated prison rates that render prisoners' incapable of re-assimilating into society. The effects of this mass incarceration threaten the stability of the nation as a whole.

Discussion

The United States criminal justice system has become punitive to the point of disregarding human dignity. From its development, the punitive era evolved from a movement with the intent to discredit rehabilitation. The belief in the seventies was that crime was increasing significantly, regardless of rehabilitation programs in place, demonstrating that

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rehabilitation was unnecessary; it was impossible to change people. A sentiment that is similar to the early Calvinist philosophy during the colonial era. As seen in the statistical data, incarceration rates continue to grow despite the decrease in crime. Not only are people being put in prisons at rates higher than ever before, they are also returning to prison at staggering rates. This reality threatens to discredit the United States as a leader in democratic treatment and procedures.

Looking to restorative justice practices has a great potential of improving the status quo and democratizing the criminal justice system. Restorative justice has made small appearances in the United States but it has shown a great deal of success in Europe and other Western nations. The goal of prisons has been to provide rehabilitation but current practices are proving to be ineffective. U.S. recidivism rates dictate that the majority of released prisoners will return within the first five years of their release. From that statistic, it is evident that something needs to be done to change the direction the punitive era is leading. There is a need to empower communities to take part in criminal proceedings and speak out against injustices.

Conclusion

The turn to punitive practices resembles a trend that has been repeated throughout time. Criminal justice models take on increasingly disciplinary measures following periods of elevated crime and, or, social unrest. For example, in the time of early corrections, the Auburn system reinstated corporal punishment and stringent monitoring as a result of a wave of riots. In the same way, the punitive era came about from an unprecedented rise in crime and social instability. These retributive turns originate from the need for control in times of immense change. Using this reasoning, can explain the reasoning of many of the major eras of criminal justice. During the colonial era the use of harsh punishments were deemed necessary for survival. However, in terms of a democratic society, this latest punitive turn has far surpassed all previous eras.

Criminal justice under the punitive era is based off of strong feelings of resentment. As discussed retributive shifts are common following times of change, however, what sets the punitive era apart from the other eras is the dramatic way its retributive nature has affected criminal justice. No stable relation is seen between crime rates and incarceration rates. Incarceration rates simply continue to skyrocket despite drops in crime. Additionally, it is evident that the "rehabilitation" provided in prisons is not functioning as almost all released prisoners will ultimately return to prison. This is all carried out by emotionally backed policies that sought to control crime and have now gotten out of hand.

While the Department of Justice aims to treat people with dignity, regardless of their crimes, current practices create a population of second-class citizens devoid of some of the most basic considerations. Being "tough on crime" has translated into reducing the visibility of crime to the general public by indiscriminately punishing countless people and putting them in prison. Removing the visibility of criminal punishment has reduced its democratic capabilities. The general public is not aware of proceedings and is therefore unable to participate or express their distaste for the methods used. In essence, reducing the visibility of criminal procedures leaves this sector of government unregulated thus accounting for the severely punitive current state of criminal justice.

Recommendations

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The need exists for a re-examination of current incarceration practices and goals. Change is necessary to refocus the criminal justice model on the improvement of lives and communities. By adopting restorative justice practices and prioritizing their use, the U.S. criminal justice stands to become a more democratized system. The criminal justice system isolates a growing population of prisoners that threatens the stability of society. Incapacitation is the real outcome of the current system. A simple start would include utilizing victim-offender mediation. Allowing prisoners to take responsibility for their actions, a process that is beneficial for enacting justice and creating a means to which prisoners can move forward from their previous actions.

Prioritizing restorative justice practices empowers communities and repair the damages caused by crime. In this model, prisoners are not incapacitated from the first instance of incarceration. They are given the opportunity to right their wrongs and make amends to those whose lives they affected. This method focuses on bringing a level accountability to offenders that is not currently experienced. As a sort of double punishment, inmates serve their terms and must confront their actions. Another benefit of confrontation is the act of reconciliation. Victims, offenders, and communities work together to allow offenders to return to society as functional members. This is highly compatible with the democratic mission of the United States. Empowerment of individuals and encouraged participation of citizens is the best scenario for improving the nation's criminal justice system.

The comparison between prisons using restorative justice programs and prisons that are not would be conveyed through the use of surveys over the course of, at least, five years. Prison surveys would focus on gathering data particularly in the areas of rehabilitating programs, participation, and recidivism. It would be crucial to find and conduct these surveys on samples of both types of prisons, those using restorative justice inspired rehabilitation (restorative prisons) and those that are not (traditional prisons). To ensure cohesion and accuracy of data the same prisons would be surveyed quarterly throughout the five years.

As data is accumulated close attention would be placed on identifying trends. Carefully examined would be the variation of rehabilitation services available to inmates, the level of participation in these programs, the number of inmates that have participated in rehabilitative programs, and the number that have returned to prison after being released. Serving as a control group, it would be necessary to also collect data on inmates who chose not to partake in rehabilitation programs and their recidivism rates.

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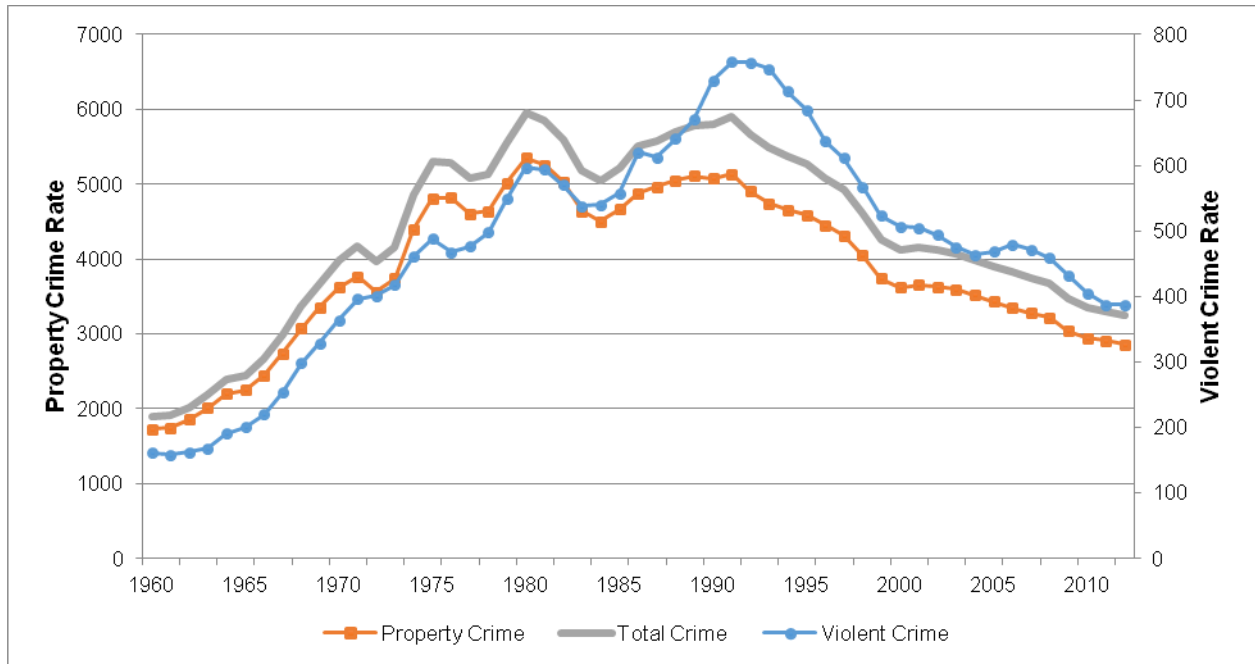
Figure 1. Crime Rate per 100,000 Inhabitants, 1960-2012.
Note. From *Estimated number and rate (per 100,000 inhabitants) of offenses known to police, United States, 1960-2012*, Sourcebook.
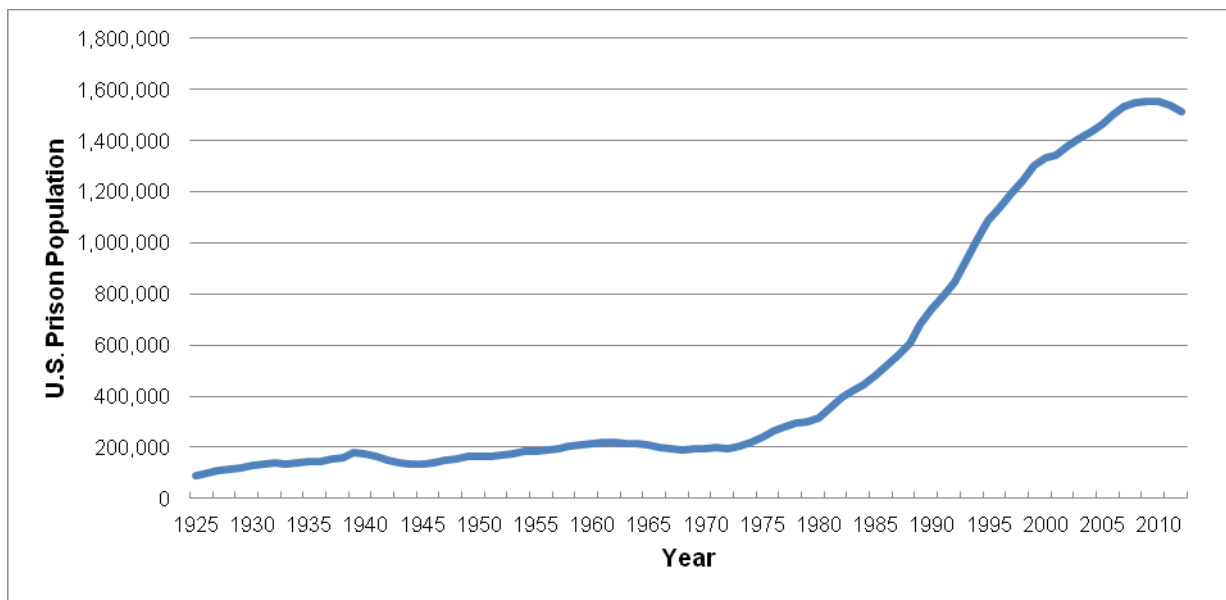

Figure 2. Prison Population in U.S. State and Federal prisons.
Note. From *Number and rate of sentenced prisoners under jurisdiction of State and Federal correctional authorities, United States, 1925-2012*, Sourcebook.
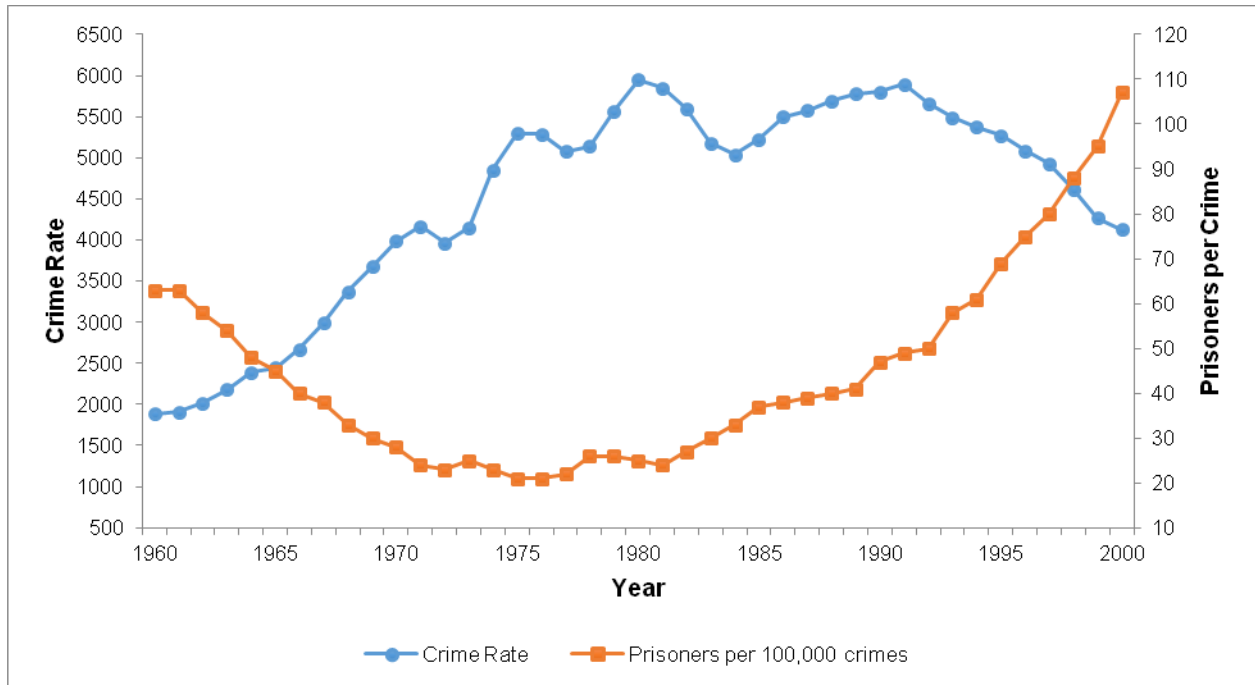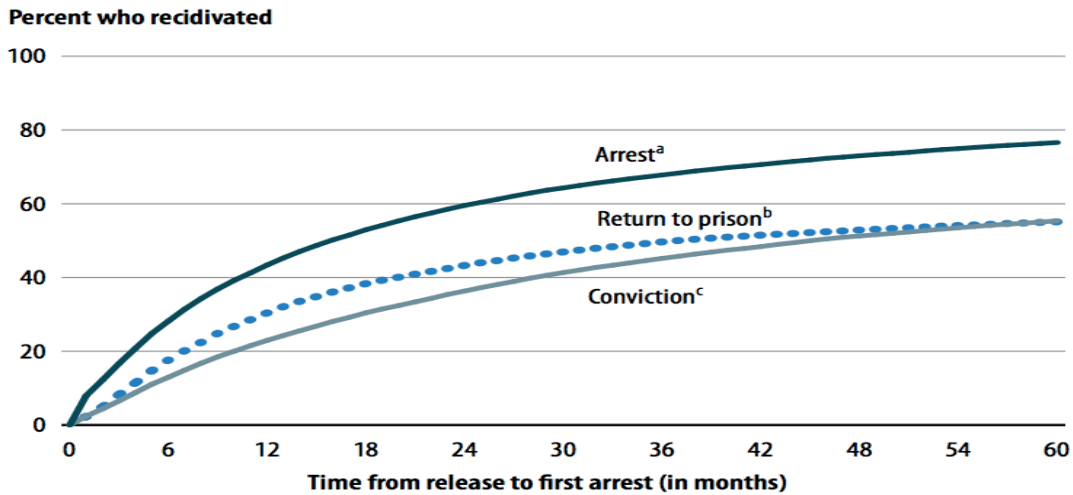
Figure 3. Crime Rate per 100,000 Residents and Prisoners per 100,000 Crimes, 1960-2000.
Note. Figure data is adapted from Punitive State: Crime, Punishment, and Imprisonment across the United States (p.3), by N. Frost, 2006, New York: LFB Scholarly Publishing LLC. Copyright 2006 by LFB Scholarly Publishing LLC.

Percent who recidivated

Note: Prisoners were tracked for 5 years following release in 30 states. Some states were excluded from the specific measures of recidivism. See *Methodology*.
[a]Based on time from release to first arrest among inmates released in 30 states.
[b]Based on time from release to first arrest that led to a prison sentence or first prison admission for a technical violation without a new sentence among inmates released in 23 states.
[c]Based on time from release to first arrest that led to a conviction among inmates released in 29 states.
Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection.

Figure 4. Recidivism of prisoners by time of release to first arrest.
Note. From *Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010*, United States, April 2014, Bureau of Justice Statistics.

Post-release arrest charge	Percent of released prisoners arrested within 5 years of release
Any offense	76.6%
Violent	28.6%
Homicide	0.9
Rape/sexual assault	1.7
Robbery	5.5
Assault	23.0
Other	4.0
Property	38.4%
Burglary	10.1
Larceny/motor vehicle theft	21.3
Fraud/forgery	11.9
Other	19.2
Drug	38.8%
Possession	26.8
Trafficking	13.1
Other	19.9
Public order	58.0%
Weapons	9.1
Driving under the influence	9.3
Probation/parole violation	25.3
Other*	39.9

Note: Prisoners were tracked for 5 years following release. Detail may not sum to total because a person may be arrested more than once and each arrest may involve more than one charge. When information on the arrest charge was missing in the criminal history records, the court disposition data were used to describe the charge. See appendix table 10 for standard errors.

*Includes 0.8% of cases in which the prisoner's most serious offense was unspecified.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection.

Table 1. Recidivism by type of post-release arrest charge.
Note. From *Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010*, United States, April 2014, Bureau of Justice Statistics.