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National Platform

on

Corrections Committee

Towards a national policy
corrections' policy

Issued by

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FOREWORD

The need for a nationwide corrections policy has been an ongoing concern for representatives of the criminal justice field.

After participating in numerous discussions with colleagues at the 1982 American Correctional Association Conference concerning this recognized need, I proposed to establish a committee to examine the concerns facing the criminal justice field. Subsequently, in 1982, I received a grant from the National Institute of Corrections to address the issues currently confronting corrections.

To formulate a nationwide corrections policy, the following twenty-one national corrections specialists with expertise and experience in the criminal justice field were selected:

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The first full quorum committee meeting was held in Tampa, Florida, January 24th - 26th, 1983. During this seminar, the committee determined the major issues facing corrections and separate sub-committees were formed to address individual issues. The full committee convened April 11th - 13th, at the Federal Bureau of Prisons Training Center in Denver, Colorado. Following the April conference, the sub-committees again met to prepare for the final seminar which was held July 7th - 9th, at the University of California in Berkeley.

In the following policy statement, the committee initially, describes prisons as a historical legacy. Our current legacy, however, is a concern with the issues of confinement, programs, human resource development, and public awareness.

This statement identifies the most basic issues confronting society, the courts, and the entire criminal justice field; therefore, the scope of the policy- which follows is limited to a selection of the complex issues related to corrections.

This policy statement will be provided to the American Correctional Association for review and further development into a more comprehensive set of policy statements to be adopted by the Association.

This policy statement is also addressed to a concerned public. Informed of the major issues and made more aware of how corrections exists as a discipline, readers of this policy statement will have a starting point for beginning to develop public policy as it affects the corrections programs in their jurisdiction.

LOUIE L. WAINWRIGHT
Secretary
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December 2, 1983

PRISON AS AN AMERICAN LEGACY

Prior to the establishment of an American criminal justice system, the punishments for crime generally consisted of public work, indentureship or servitude, mutilation, death, or banishment. History records that jails had always existed primarily, to detain individuals awaiting trial; thus prison as a form of criminal justice is an American institution.

In 1650, England began banishing its major offenders to America. A typical sentence was “to serve beyond the seas in the American colonies” (New ***Horizons in Criminology*** by Barnes and Teeters). Indeed, the Mayflower brought to America 102 persons, half of whom were Pilgrims and half of whom were “rogues”. In 1717, the British Parliament made America its official penal colony. It is estimated that 125,000 English convicts came to America, or more than those who immigrated in search of religious freedom. It is this legacy as a penal colony that has engendered the present philosophy. of criminal justice in the United States.

In its historical development, this American philosophy, of criminal justice includes three major innovations: prison detention as a punishment for the crime, probation and parole systems, and the recognition of the special needs of the juvenile offender by the establishment of juvenile courts and training schools.

MISSION STATEMENT

The mission of criminal justice-law enforcement, prosecution, courts, and corrections-is to ensure social order and public safety. Corrections is that component of the criminal justice system which administers the sanctions imposed by the courts upon individuals. To carry out its part of the criminal justice mission, corrections should provide a range of safe, just, and humane options-including community corrections, probation, institutions, and parole. Corrections subscribes to the principle of utilizing the least restrictive element of the system necessary to meet the needs both of society and of the individual.

Even though the executive branch of government has the responsibility for operating correctional programs, it must be recognized that legislative decisions ultimately shape any corrections system. Legislative decisions determine the number of potential offenders under correctional jurisdiction. Legislative bodies must, in turn, allocate resources to ensure adequate food, clothing, shelter, and protection; medical and psychological services; and all programs necessary to meet the essential needs of incarcerated offenders. Administration of corrections systems requires that legislatures provide adequate funds to operate probation, parole, and other community programs. Staffing corrections systems requires that legislative bodies provide standards for staffing levels, selection procedures, staff development, remuneration, and advancement opportunity to establish and maintain the professionalism of correctional staffs.

The specific mission of corrections as it relates to the criminal justice system may be stated as a threefold purpose:

- Pursuant to an arrest or a court order, to provide supervision, to afford pretrial detention when necessary, and to provide pre-sentence reports to the courts
- To maintain the integrity of the substantive law proscribing certain behavior by administering the penalties imposed by the courts, and by encouraging the development of individual responsibility for lawful behavior. This purpose should be pursued through means that are fair, just, and humane.
- To provide programs and service opportunities which may assist the offender in becoming a non-offender

To fulfill what was originally a more generalized social or legal need, corrections has evolved as an established professional discipline. Adult and juvenile correctional agencies should be governed by the following professional principles:

- Impose only those sanctions ordered by the court and authorized by law. Standards of discipline and levels of security should be utilized to ensure safe, just, and humane operations.
- Respect the rights and dignity of the victims, other citizens, staff, and the offender
- Recognize that the offender, regardless of the offense, remains a member of society. Under the guarantees of the United States Constitution, the offender shall

retain all of his civil and human rights except those denied by law and legally imposed by corrections to maintain custody, security, and supervision.

- Assist the offender by providing or facilitating his attainment of opportunities for educational growth, job skills, and acceptable human behavior
- Encourage and motivate the offender to accept and demonstrate responsible, law-abiding behavior
- Promote and support efforts to further the state of correctional knowledge through planning, evaluation and research, and to communicate such knowledge within the field of criminal justice and to the public
- Remain accessible and accountable to the public without compromising the security of correctional operations and the privacy of the offender
- In making discretionary decisions, be governed by professionally established policies which shall assure reasonable, consistent, and equitable treatment

SANCTIONS

Since an orderly society cannot condone illegal behavior, society maintains the integrity of its laws by imposing penalties upon 'those who break the law.

Corrections has as one of its main functions the administration of sanctions imposed upon illegal behavior while exercising a range of options which best serves society, the legal system, and the offender.

The following approach to sanctions should be followed:

- Legislative bodies should provide the courts and corrections with a full range of options in determining appropriate sanctions for violations of the law.
- Sanctions imposed by the court should be commensurate with the extent of the offender's participation in the current crime, the seriousness of the offense, and his past criminal history. Unwarranted disparity, undue length of sentences, and rigid sentencing structures are an unnecessary economic burden to society and create circumstances which are not in the best interests of justice or the public's protection.
- Both the courts and corrections should be guided by the principle of using the least restrictive element of the system necessary to meet the needs of both society and the offender.
- The use of institutions for control and supervision of pretrial detention and post-conviction dispositions should be based on judicious and restricted use of a limited resource.
- Incarceration should only be used with juveniles or adults charged with, or convicted of, criminal offenses and for whom no other alternative disposition is safe or acceptable to society.
- Incarceration is an extremely expensive sanction which is finite in nature. With due consideration for public safety, other forms of non-institutional punishment should be utilized whenever appropriate.
- Restitution, community service, or fines should be a consideration in every sanctioning decision where appropriate.

SYSTEMS APPROACH

To administer sanctions upon illegal behavior as imposed by the courts, corrections should develop a systems approach. Effective implementation of a systems approach works best under the following conditions:

IMPLEMENTATION The effective implementation of a systems approach requires the cooperative efforts of the executive, legislative, and judicial branches of government at the local, state, and federal levels, as well as the interactive efforts of government with private entities. As public and private entities function to implement a corrections system, each one must recognize that actions taken in one component of the criminal justice system will impact one or more of the other components.

OPERATION Effective operation of the criminal justice system-law enforcement, prosecution, courts, and corrections-requires that each single component has sufficient knowledge and understanding of the roles, responsibilities, objectives, and problems of every other component. Thus, the various components must achieve at least a broad consensus on their shared purpose and mission.

Corrections must maintain a corresponding knowledge, understanding, and working relationship with other human service agencies.

COORDINATION Accomplishing the purpose of effective operation requires a criminal justice coordinating body established at each of the several levels of government.

Both quality and professional stability in the corrections components should be coordinated at all levels of government by organizational structure and by the enforcement of established standards. The corrections component - probation, institutions, parole, and community programs - are interdependent elements, and must be cooperative and supportive of each other.

A critical element in systems decisions must be the most effective, humane, and safe method in implementing programs and services. To optimize effectiveness, programs and services should be provided in proximity to the offender's community.

PROGRAMS AND SERVICES

A full range of professional programs and services-both public and private and drawn from both internal and external resources-functions on a broad spectrum to meet the needs of a diverse population. This comprehensive system also works to ensure that the individual offender served by the corrections system is better able to meet society's expectations after release.

Taken together, these separate governmental, legal, and professional components comprise a highly interactive and interdependent system.

CONDITIONS OF CONFINEMENT

As placement in prison is an integral part of the American system of criminal justice, corrections has as one of its primary functions the adoption of standards and conditions for confinement.

To that end, this committee advocates certain general principles and specific standards.

PRINCIPLES

The value of human life need not be diminished by incarceration. Corrections has the responsibility of ensuring that the value of human life is maintained by utilizing the following initiatives:

- Correctional facilities should provide an environment which will ensure the health and safety of both staff and the offender. The environment includes the design, construction, and maintenance of an adequate physical plant as well as the operation of the facility.
- A safe and legal inmate population limit should be established for each institution. When the limit is reached, the legislative bodies should initiate one or more of the following three measures:

Establishment of alternative sentencing options which reduce prison intake and length of stay.

Authorization for additional correctional facilities and resources.

Authorization for the implementation of a mandatory inmate release procedure which brings the population within the established safe and legal limit.

STANDARDS

Each correctional entity shall adopt or establish a set of standards based on the current American Correctional Association edition of **Standards for Adult Correctional Institutions**, or **Manual of Standards for Juvenile Detention Facilities**, or **Standards for Local Detention Facilities**, or **Standards for Juvenile Training Schools** and/or other nationally recognized standards.

These standards should describe the overall operation of a correctional facility and should address the following topic areas.

Training and Staff Development	Sanitation and Hygiene
Physical Plant	Medical and Health Care Services
Safety and Emergency Procedures	Inmate Rights
Security and Control	Classification
Special Management Inmates	Inmate Work Program
Food Services	

PROGRAM RATIONALES

Corrections theory operates through four rationales to address society's problem with criminal offenders: punishment, incapacitation, deterrence, and rehabilitation. Generally speaking, deterrence and incapacitation can be subsumed under the punishment rationale. Rehabilitation, however, lies within a separate body of theory.

PUNISHMENT If an orderly society is to survive, it must maintain some degree of social control. Society should maintain the integrity of its laws by imposing penalties on offenders for their criminal activity. Illegal behavior should not be condoned.

INCAPACITATION Society has traditionally considered incapacitation, or confinement to prison, an appropriate social control for certain serious offenders. As a rationale for corrections, incapacitation is the most expensive form of punishment. The expense of incapacitation requires that it be judiciously used; a second limitation is that the availability of this sanction is finite.

DETERRENCE Although a body of empirical data has yet to prove that deterrence is a completely effective crime prevention technique, deterrence is an accepted part of corrections theory. There is a general agreement that establishing an appropriate form of punishment for a given offense may have a deterrent effect on the future behavior of some potential offenders.

REHABILITATION While sufficient data are lacking either to prove the ultimate effectiveness of rehabilitation or to disprove many criticisms leveled at this rationale, a democratic society must nevertheless recognize its responsibility to citizens whose liberty has been restricted. Most offenders will return to society as neighbors and co-workers; rehabilitation opportunities provided to help offenders become non-offenders may determine what kind of citizens they will become. Under the rehabilitation rationale, a full range of rehabilitation activities is afforded all offenders, whether in the community, or in institutions. These include the opportunity to engage in productive work and to participate in such programs as educational training, vocational training, religious counseling, time management, and other activities designed to enhance community integration and economic self-sufficiency.

HUMAN RESOURCE DEVELOPMENT

The key element for the effective management of correctional systems is the professionalism of all correctional staff. This is achieved through enhanced knowledge, training, standards, and high ethics. The recommended standards for the attainment of professionalism are as follows:

- Recruitment of staff should be from society at large in order to attain reasonable representation based on sex, age, racial and ethnic groups.
- Applicants should be screened for dependability, appropriate educational levels, and related experience. An additional requisite is the ability to form an accepting, non-judgemental relationship with the offender which is neither punitive nor overly sympathetic.
- Nondiscriminatory merit principles should determine selection and advancement of staff. Transfers and promotions within and between correctional systems should be encouraged.
- Mechanisms should be implemented to attain parity between correctional staff and comparable criminal justice system staff in a jurisdictional area. Parity includes, but is not limited to, salaries and benefits, uniforms, training, continuing education, career ladders, transfers, promotions, grievance resolution and retirement.
- Staff are the primary agents for promoting safety, health, and welfare within the correctional environment as well as facilitating constructive change; therefore, staff development should be the highest priority. In the executive and legislative allocation of resources. Training programs should include a balance between operational requirements and the development of personal, social and cultural understanding and skills. Training for corrections must involve both community colleges and universities with emphasis on coursework in corrections and the behavioral sciences.

PUBLIC AWARENESS

The objective in establishing an appropriate policy regarding public awareness is to increase the public knowledge of the purpose and role of corrections. By moving away from an “out of sight - out of mind” approach toward a full awareness of system realities, the public will be better equipped to guide and support corrections as a societal and an individual responsibility. Some realities which need to be communicated include:

- What corrections is today as opposed to what is generally conveyed by the standard stereotypes
- The major and recurrent problems of corrections, many of which are rarely understood by the public: that there are many different types of people in prison - ranging from highly assaultive individuals to persons who committed assaultive crimes in a moment of passion, and from youthful property offenders to chronic bad check writers - and that such diversity dictates different security and programming requirements
- The cost and risks which will accrue from continuation of the current policy of incarcerating many more offenders than the correctional system can safely and humanely confine
- What alternatives to the status quo are available, and what will be their effects regarding costs and safety
- The course of action recommended by the nation’s correctional professionals, and the reasons for that recommendation
- The purpose and objectives of corrections
- Information about services and programs which are provided by corrections
- Public attitudes and actions which have an impact on corrections

The components discussed in this statement together comprise an objective based on a philosophy of openness and public participation. Achieving the objective will effectively return the accountability for responsible social action to the public from which the corrections mandate originates.

The support of an informed public is a necessary requisite for the success of corrections in a criminal justice system. Given the similarities of correctional issues facing the nation’s different states, correctional professionals must take responsibility to develop and implement a consistent and constructive nationwide policy regarding public awareness and actions in corrections.

COMMITTEE POSITIONS

Experience has demonstrated the worth of an effective system of parole as being essential to any corrections system. Additionally, there has been an increase in the number of juvenile offenders entering the adult correctional system. Recognizing the importance of parole and the special needs of the juvenile offender, the committee determined it necessary to adopt the following position statements.

PAROLE

Parole, a procedure for serving the remainder of a sentence to incarceration under community supervision, is coming under increasing attack. The most common approach to the elimination of parole has been the legislative adoption of determinate sentencing and sentencing guidelines. Whether in the name of reducing sentence disparity, injecting certainty into sentencing, increasing deterrence, or structuring discretion, this policy has reduced critically needed corrections options.

Current changes obscure the fact that discretion, which may be suppressed or severely limited in one area, will surface in another. Thus, when paroling authorities lose the discretion to selectively and objectively release an offender from incarceration to serve the remainder of his sentence under supervision, de facto parole frequently reappears in the guise of early release through “gain time” awards.

Under circumstances which prevent official discretionary action there is much less likelihood that release decisions will be made uniformly and equitably. Additionally, in some jurisdictions, there is no provision for supervision following release or for revocation, if warranted.

The field of corrections should strongly reaffirm the position adopted by the American Correctional Association in 1976 and strengthened in 1982, in support of the retention of parole. Parole serves the following six important- purposes:

- A tool for use by correctional managers in motivating offenders towards constructive activities and responsible behavior
- A means of hindering residual disparity and dealing with inmate changes over time
- A way to conserve human and economic resources
- Hope for that group of potentially desperate inmates serving extremely long or life sentences
- Post-release assistance to ex-inmates in their reintegration efforts in society; and, perhaps most importantly

- Public protection through community surveillance, with provision for removal from the community should the parolee violate release conditions

To abandon parole is, in large measure, to remove from corrections the concepts of mercy and compassion and the opportunity to render some human judgement as unusual cases warrant. To remove the parole option is a policy unworthy a civilized society.

THE JUVENILE OFFENDER

Policy, as it relates to juveniles, is based on the recognition that there are differences between juvenile and adult systems as to the court of jurisdiction, sentencing procedures, length of stay, and in some cases the underlying purpose and philosophy of operations. Having recognized these differences, the committee advocates the application of the suggested public policy for corrections that applies to both juvenile and adult systems with the understanding that particular attention would be given to the following three principles:

- Under no circumstances should wards of the juvenile court be placed in facilities housing adult offenders.
- Status offenders should be programmatically separated from delinquents and not placed in secure institutional settings.
- Special recognition should be given to the fact that juveniles have special programming needs which are required for personal growth and development.

RECOMMENDATIONS FOR FURTHER STUDY

There are many other areas of concern facing corrections that this policy statement does not specifically address. Correctional professionals must develop position statements in the immediate future in order to focus appropriate public attention on the discipline as it develops to address public needs. The following list is presented for consideration:

- Probation
- Correctional Research and Development
- Correctional Standardization and Accreditation
- Prison Construction
- Corrections Technology (security systems)
- Information Systems
- Contractural Services (medical, food, maintenance, etc.)
- Regionalization
- Overcrowding
- Jails
- Community Resource Utilization
- Mandatory vs. Indeterminate Sentencing
- Inmate Classification System
- Managing the Special Offender
 - Elderly Offender
 - Mentally Ill Offender
 - Youthful Offender
 - Violent Offender
 - Female Offender
- Long Term Offender Programming
- Inmate Idleness
- Correctional Industries

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