**Question 1:** What type of punishment was available before the first prisons in America?

**Answer 1:** While incarceration has always been a cornerstone of corrections, it was not always the most popular form of punishment. In colonial America, the punishments were almost always conducted in public, and they consisted of whippings, brandings, or being placed in stocks for long periods of time. It was believed that the shame of the punishment would deter future activity. Other punishments were defined by the offense. Alleged witches were burned at the stake during the colonial era.

Most of the punishments rendered were for violations of the moral codes as opposed to any formal criminal codes that were enacted by legislatures, which is done today. Failure to attend worship on Sunday was an offense that would draw a public punishment. Lewd behavior in public, which might consist of a simple kiss, might also incur the wrath of the community.

**Question 2:** What are the differences among early models of corrections?

**Answer 2:** The early models of corrections attempted to lead the offender to redemption. It was believed that if an offender were segregated from human contact, and forced to engage in a period of introspection, that the offender would find the error of his/her ways, make peace with god, and be rehabilitated. It was a philosophy that led not only to models of punishment but also to the actual construction of the prisons.

Later, it was believed that hard labor and intensive work would be the tool that created a new person from the old offender. Inmates were required to work as much as 10 hours a day, 6 days a week in an attempt to create a harsh environment.

At various times, combinations of these philosophies have been implemented. It is a relatively new idea that the punishment and the treatment should be considered based upon the needs of the individual, and not a simple "one size fits all" approach through incarceration.

**Question 3:** Did any of these philosophies work?

**Answer 3:** To date, there has not been a simple solution to the problem of crime and recidivism. It is important to remember that the current approaches are indeed new. That is to say that the criminal justice system is
slow to change. Community-oriented corrections is a new approach and has not been uniformly adopted nationwide. Even when that occurs, it takes decades to get a true perspective on the state of corrections and the philosophies that actually work to reduce crime.

Corrections in and of itself will not remove recidivism nor will it provide a substantial impact on the crime rates in America. It will only be through a system-wide approach—police, the courts, and corrections—that changes will be implemented to have a true impact on crime.

**Question 4:** Are current prisons modeled after Elmira Reformatory?

**Answer 4:** The current trends in corrections are related to the theories that were incorporated at Elmira: individual needs, individual sentences and treatments, and steeping away from the traditional model of isolated incarceration.

The current trends go further than what was done at Elmira. Today, drug counseling, domestic violence counseling, public service, and restorative justice are all components of the modern corrections model. Corrections is an ever-evolving system, and new theories and innovative thinking are a reoccurring theme.

**Question 5:** How are mandatory minimum sentences viewed as racist?

**Answer 5:** Mandatory minimum sentences came about as a Congressional response to the war on drugs. In the 1980s, faced with an influx of illegal narcotics (primarily cocaine from Central and South America), the United States was embroiled in a battle against narcotics traffickers and a violent drug culture. Street gangs became the norm in medium and large cities, and the courts were swamped with drug arrests. The violence that was personified in many police-drama television shows at the time was indicative of the belief of most American citizens, and crime rates rose dramatically with dire predictions of the situation as the 1990s approached.

Congress responded by asserting mandatory minimum sentences. Judges no longer had the discretion in some cases to grant leniency or to shorten the length of a sentence based on mitigating factors. Judges were required to impose a certain sentence based on the crime, not on the individual.
African-Americans bore the brunt of this policy. The majority of narcotics traffickers and the majority of street gang members were black. Therefore, the majority of inmates flooding the system were black. This led to a still present cry of racism in corrections and incarceration.

The reality to the system is that the huge numbers of incarcerated persons created a substantial burden on the prison system specifically and the corrections system in general.

**Question 6:** Are privatized prisons successful?

**Answer 6:** Success can be measured in more than one manner. Private prisons appear to be successful in their main goal, reduce expenditures, and find more efficient ways to incarcerate large numbers of persons.

There is research covering the entire spectrum of results. Some research shows that there is a cost savings of as much as 10%–20%. Other research shows that there is a negligible amount of savings, and by using private corporations to house inmates, the state is neglecting its responsibility.

**Question 7:** Do private prisons lower recidivism?

**Answer 7:** There is no research available to show that there is a difference in recidivism between normal, government-operated prisons and privately operated prisons.

Many experts believe that it is the environment of the prison that makes a difference in the outcome of a particular individual. The construction of the prisons and the programs offered are the things that will contribute to an inmate’s willingness to accept rehabilitation measures. For example, many inmates who committed a property crime, such as a burglary, use the contacts made in prison to sharpen their skills in committing burglaries. Prisons have become a finishing school for convicts where prisoners give pointers to aid in committing the next crime when an offender is released.

Individual programs seek to intercept this type of education and substitute a more lasting and productive one. Whether this training is to complete a GED or it is more trade specific, such as auto work or painting, the offender can make a start as a productive member of society when released.
Question 8: Are individual punishments more effective than standard sentencing?

Answer 8: Again, the trend toward individual case management is relatively new; however, preliminary analysis would seem to indicate that there is substantial benefit to taking a specific approach to rehabilitation and sentencing than in simply imposing incarceration on an offender.

Before sentencing, the judge will receive a presentencing investigation that is normally conducted by a probation officer. This investigation looks at the offender's education level, employment, family status, addiction status, and the anticipated level of risk if an offender is not incarcerated. Normally, these investigations will result in a rating that indicates the risk of recidivism, and the anticipated success of rehabilitation.

Once granted probation or other alternative sentence, the offender will have the opportunity to engage in treatments and counseling. It is the decision of the offender whether to take advantage of the opportunity to remain free.

Question 9: Is the number of private prisons growing?

Answer 9: Yes. Currently, there are about 140 facilities nationwide. A relatively small number of companies manage private prisons, but as the trend grows in this area, there will certainly be more competition.

These private prisons are not used nationwide. Several states, such as Tennessee, have embraced the privatization option, and they have found that the concept works. The criminal justice system is a large drain on government resources, regardless of the level of government. All justice system components spend money, and there are few opportunities to recoup what is expended.

Private prisons are growing to alleviate the financial burden of prisons. State governments cannot afford to continue to build prisons every year, and with the crime rate relatively unchanged, there is no decrease in demand in the near future. In many jurisdictions, including Alabama, the prison overcrowding situation has led to lawsuits against the corrections department from local and county law enforcement agencies because the state refuses to accept state inmates being held at county facilities. In turn, this leads to overcrowding in the county facilities, further compounding the problem.
If nothing else, private prisons provide additional bed space for state corrections agencies without the costs of staffing an entire prison.

**Question 10:** Do all jurisdictions have community-based corrections programs?

**Answer 10:** All jurisdictions have some form of alternative sentence. Smaller jurisdictions without plentiful resources may be restricted to basic probation, but this is a better option in many cases than incarceration.

Larger jurisdictions have available resources to implement innovative programs that utilize social service organizations as well as government agencies to increase the options available at sentencing. Many jurisdictions have begun using pretrial diversion programs, which intervene before a person has been given a trial and gives him/her the option of completing some form of counseling or education program instead of facing the justice system. If this program is completed, then the criminal case is dropped and the individual is able to resume a normal, productive life.

Community-based corrections demand the attention of the courts. Programs that are not well-maintained or administered can become counterproductive. Not all offenders are good candidates for alternative sentences, and the decision to allow an offender to remain free among the public must be made responsibly.