

## Correctional Systems - Notes

### Chapter 2

#### Philosophies of Punishment

##### I. Social Control

A. Norms, folkways, mores, laws (covered in prior lecture)

##### B. Sanctions

###### 1. Positive

A. Encourage continuation of norm-abiding behavior

B. Invited to parties, congratulated, extra pay

###### 2. Negative

A. Discourage norm-violating behavior

B. ignored by friends, demoted, fined

##### C. Sanction Styles

###### 1. Informal

A. family members, friends, neighbors

B. friendly or hostile greetings, hug/punch

C. May be more effective at controlling behavior than  
Formal

###### 2. Formal

A. By school, company/employer, government

B. time off, fines, prison

##### D. Sanction types

###### 1. Physical

A. spanking, hugging, jail/ prison, execution

###### 2. Financial

A. Raise, fines, restitution

###### 3. Psychological

A. Smiles, frowns, hand gestures, invitations

B. Results - proud, favored, appreciated, guilty, ashamed,  
snubbed

###### 4. Sanction could be one or all three

E. Sanction = penalty or punishment

F. Prison = what if some misbehaves in prison?

How are they sanctioned?

##### II. Philosophy of Punishment

A. Different cultures have different approaches

1. Islam - Qu-oran

2. American Indian

3. European

B. No one approach appears better/much disagreement

5 basic philosophies

C. Deterrence -Punishment's aim is to prevent future offenses by the Offender and others

1. Invoke discomfort/pain then pleasure in offender to associate W/ offending behavior
2. Demonstrate to other who may be considering criminal activity They may also suffer
  - \* Specific Deterrence
    - Pain associated w/ crime outweighs pleasure from Committing
    - must be certain, severe and swift
  - \* General Deterrence
    - Willingness to take action against anyone who violates the law - discourages criminal behavior
    - punishment must also be certain, severe, swift, public

D. Incapacitation - Restricts offender's movement

1. Prison/jail
2. Electronic monitoring
3. House arrest

E. Incapacitation thru Imprisonment

1. Selective Incapacitation
  - A. Imprisonment
  - B. Reserved for only the worst of worst
2. General Incapacitation
  - A. Broad use of imprisonment
  - B. Locks up run of mill felons

Illinois - ???? What type of system

At one time locked up misdemeanors - explain

\* Minor crimes, theft under \$300, disorderly conduct, minor damage to property, shoplifting, simple battery

\* At one time sentenced to prison - Vandalia 364 days

\* No longer accepted by IDOC

\* Felonies - more serious crimes. Not all felons go to prisons  
May get probation

\* Class X felonies - no probation, prison mandatory  
Armed Robbery, Some drug offenses, some sex crimes  
Home invasion

\* More and more laws passed making certain behaviors illegal and/or requiring prison terms

3. Retributivists - people should be punished only for what they Have done. Punishment should be earned.
4. Argument - general incapacitation avoids racial & ethnic bias of Specific incapacitation

#### F. Incapacitation thru technology

1. Chemotherapy - *A Clockwork Orange*
2. 1921 USSC ruled surgical castration unconstitutional
3. Some states allow offenders to volunteer for chemical castration
4. Prefrontal lobotomies - darning needle through corner of eye
5. Alcoholics - ant abuse > induces illness
6. 60's Cyproterone Acetate - reduce/elim sexual behavior - not Aggression
7. May not work with many sex offenders as crime due to aggression

#### G. Rehabilitation

1. To restore to good health or useful life through therapy/education
2. Based upon medical model (chapter 4) - treats criminality as illness
3. Skeptical - prison induces offender to succumb to will of system Or learn to cheat it with success
4. Explain two sentencing systems - Indeterminate vs. determinate
5. Explain differences in security levels and programs in each
6. Opportunities to improve oneself are offered, making rehabilitation a choice influenced by good time

#### H. Rehabilitation as Reclamation

1. Rescued wrongdoers from evil/brought back to correct ways
2. Religious motives by Quakers - reclaim the offender's soul
3. Quakers > Prison humane alternative to corporate or capitol punishment

I. Rehabilitation as Reformation

1. Changes must occur in offender
2. Change must be from bad to good
3. Educational, vocational, religious opportunities provided
4. Offender responsible for deciding which to take

J. Rehabilitation as Individualized Treatment

1. Criminal behavior compared to illness
2. Could be treated in similar manner
3. **Problem** - program plans may be developed but offenders are not mandated to participate.
4. Subsequently, most prisons fall under Rehab as Reform

K. Retribution

1. A formal penal sanction seeking:
2. Equity
3. Just deserts
4. Proportional to severity of offense & culpability of offender
- \* **Do not confuse retribution with Justice which is often done today!**
5. Retributivists
  - do not care of criminals or others are deterred
  - if offenders are rehabilitated
  - moral obligation to punish people who commit crime
6. **Norm of Reciprocity = punishment is natural response to a wrongful act.**
7. Problem - How much punishment is just for the offense?
  - Court system attempts to sentence Accordingly, but
  - Our prison system is exemplified by 3 sizes fits all:  
Maximum, medium and minimum
8. Proportionality - of crime and penalty
  - as # of crimes increase or become more severe, penalty becomes theoretically  
More harsh. Ladder approach

9. See figure 2.2 page 54 - two ladder system - Penalty and Harm Ladders

#### L. Restoration

1. Attempts to make the victim and community whole again
  - Restorative Justice - Native Americans
2. Compromises what the offender deserves (retribution) w/  
What the victim deserves (restoration)
3. Saudi Arabia
  - Islamic law = law and faith inseparable
  - Must follow Shari'a (the path to follow) which is a combo Of Qur'an (Islam's Holy Book) and Sunna (M'hammed's Statements and deeds)
  - State has no role, all crimes are against the individual  
Not a gov't
  - Retaliation is accepted response to murder in Islamic faith  
However, charity is considered act of atonement.
  - When retaliation is not used replace by **diyya** or  
Monetary compensation

#### M. Contemporary Aspects of Restorative Philosophy

1. Wergild (similar to diyya) - Anglo-Saxon/ancient German compensation to feuds in pre gov't society
2. As gov'ts developed, state assumed responsibility of righting Social wrongs. Crimes were against society not an individual
3. This was moving away from reparative justice
4. 1970's focus on victims began returning to England, Canada And U.S.

#### N. Restorative Justice and the Balanced Approach

1. Crime must be sanctioned (punished)
2. Offenders rehabilitated and reintegrated
3. Community is to be protected
4. **Mediation** is involved
  - victim, offender and community work out a fair/just way to Restore balance to the community which the crime upset
5. Problems - Net widening i.e. more people will be brought into the

system

- Why should the victim be required to participate in Mediation?
- this may be a long term healing process for both!

O. Restorative Justice and Discrimination

1. One group of society may supervise and control the lives of others.....this already exists i.e., those employed by the CJS supervising those in the CJS.
2. May not be possible for all situations....but could be effective for Some. Explain personal experience.