This part includes three chapters about corrections administration. Chapter 10 examines corrections organization and operation, including prisons, jails, and probation and parole agencies. Chapter 11 covers personnel roles and functions, and Chapter 12 reviews corrections issues and practices. Specific chapter content is previewed in the introductory section of each chapter. Case studies appear at the end of each chapter.
Key Terms and Concepts

Central office
Custodial organization
Customer model
Due deference doctrine
Employer model
Frivolous lawsuits
Hands-off doctrine
New-generation jail
Parole
Personnel model
Prison director
Prison industries
Prison Litigation Reform Act
Probation
Rehabilitation
Treatment organization
Warden

Learning Objectives

After reading this chapter, the student will:

• be familiar with the general features of a correctional organization
• have an idea of the personnel and divisions found in the central office and their functions
• be familiar with prison organization and the different responsibilities of the prison warden
• have an understanding of the different factors affecting prison and jail populations
• have an understanding of inmates’ rights
• understand the “hands-off” doctrine
• know the rationale, provisions, and impact of the Prison Litigation Reform Act
• know how the “new-generation” jail differs from the traditional model
• know the systems theory of probation, and the six categories of probation systems, including their resources, activities, and outcomes
• know the three services of parole agencies and the two models used for administering them
• know the advantages of the independent and consolidated models of parole
• be familiar with the intermediate-sanctions concept

The founders of a new colony … recognized it among their earliest practical necessities to allot a portion of the virgin soil as a cemetery, and another portion as the site of a prison.

—Nathaniel Hawthorne

Even I/Regained my freedom with a sigh.

—Lord Byron
Introduction

The administration of prisons, jails, and probation and parole functions in our society is largely unknown and misunderstood. Indeed, most of what the public “knows” about the inner workings of these organizations is obtained through Hollywood’s eyes and depictions—Shawshank Redemption, The Green Mile, Escape from Alcatraz, and Cool Hand Luke are a few examples of such popular depictions that are frequently shown on television.

These and other portrayals of prison and jail life typically show the administrators and their staff being cruel, bigoted, corrupt, and morally base. In addition, prison literature of the past such as Jack Henry Abbott’s In the Belly of the Beast, Eldridge Cleaver’s Soul on Ice, George Jackson’s Soledad Brother, and Malcolm Braly’s On the Yard, among others, have presented similar views. This chapter presents a more contemporary and realistic view.

The beginning of the next section shows that corrections is now a boom industry in terms of both expenditures and employment; I look at some reasons for the increases in corrections populations. Then I focus on correctional agencies as organizations, including a view of the statewide central offices overseeing prison systems and their related functions, as well as a typical individual prison organization and administration. Then I review inmate rights and civil rights litigation (including the new Prison Litigation Reform Act, enacted to decrease frivolous prisoners’ petitions). I also look at the organization of local jails, and then examine probation and parole agencies as organizations. The chapter ends with two case studies.

Correctional Organizations

Inmates, Employment, Expenditures

Even with the recent, widely reported decline in crime in the United States, corrections can still be regarded as a boom industry. The number of people under some form of correctional supervision has been increasing, and today about 6.9 million people are in prison or jail or on probation or parole—3.1 percent of all adult U.S. residents, or about 1 in every 32 adults. Figure 10.1 depicts this increase.

In order of frequency, about 4,800,000 individuals are on probation, 2,130,000 are in prison, 775,000 are on parole, and 713,000 are in local jails awaiting trial or serving a sentence. Correctional administrators are also responsible for holding about 3,400 persons on death rows; 37 states and the federal government have capital punishment statutes.

There are about 717,000 correctional employees in the United States; most (about 450,000) are state employees and 228,000 are local. The custody and treatment of criminals make corrections an expensive undertaking. It now costs nearly $50 billion per year for corrections activities in the United States, compared with $65 billion for the police functions and $32 billion for courts.
Why the Increase in Corrections Populations?

Several factors affect prison and jail populations, which now total about 2.13 million men and women. First is the nation’s drug problem. Data show that the number of persons admitted to state prisons for drug offenses has for several years exceeded the number entering for violent or property crimes. Other commonly cited factors include truth-in-sentencing laws, violence on television and in the movies, and a general deterioration of morals and of the family. In sum, the nation has become more punitive in nature.

Truth in sentencing for prison inmates began in 1984 in Washington State. The concept, which involves restriction or elimination of parole eligibility and good-time credits, quickly spread to other states after a determination in 1996 that prisoners were serving on average about 44 percent of their court sentence. To assure that offenders serve larger portions of their sentence, Congress authorized funding for additional state prisons and jails if states met eligibility criteria for truth-in-sentencing programs. To qualify, states must require violent offenders to serve at least 85 percent of their prison sentence. By 1998, 27 states and the District of Columbia qualified; 14 states have abolished early parole board release for all offenders.

A philosophical shift about the purpose of incarceration also contributed to prison crowding. In response to the apparent failure of rehabilitation policies, the now-prevailing philosophy sees prisons as places to incarcerate and punish inmates in an effort to deter crime. This philosophy has resulted in get-tough sentencing practices (including mandatory sentencing laws), which contribute to rising prison populations. Legislators have essentially removed the word rehabilitation from the penal code while focusing on fixed sentences. This shift from rehabilitating inmates to “just desserts” is based on the view that offenders make “free will” decisions to commit crimes and, therefore, no longer deserve compassion and “correction.” U.S. citizens, however, may be leaning more toward rehabilitative efforts. One survey found that about 48 percent of Americans believed that it is more important to try to rehabilitate people who are in prison than merely to punish them (14.6 percent).
Robert Martinson’s well-publicized finding that “almost nothing works” in correctional treatment programs served to ignite a firestorm of debate that has lasted nearly two decades. Although Martinson’s methodology was brought into serious question and he later attempted to recant his findings, his assessment clearly had a major impact. Legislators and corrections administrators became unwilling to fund treatment programs from dwindling budgets, whereas academics and policymakers claimed that the medical model of correctional treatment programs failed to accomplish its goals. Paul Louis and Jerry Sparger noted that “perhaps the most lasting effect of the ‘nothing works’ philosophy is the spread of cynicism and hopelessness” among prison administrators and staff members.

An even greater widening between the rehabilitation and just-deserts approaches occurred in the 1980s. Ted Palmer identified these modified positions as the “skeptical” and “sanguine” camps. The skeptics believed that relatively few prison programs work and that successful ones account for only negligible reductions in recidivism. Furthermore, they believed that rehabilitation programs had not been given an adequate chance in correctional settings because they were either poorly designed or badly implemented. The sanguine perspective is that although the existing rehabilitation programs have not been very effective to date, evidence indicates that many programs provide positive treatment for selected portions of the offender population. A reassessment of Martinson’s “nothing works” statement by Palmer and others has given new hope for rehabilitation. Palmer rejected Martinson’s indictment of correctional treatment modalities and demonstrated that many of the programs initially reviewed by Martinson were actually quite successful. Other research has supported Palmer’s position. Still, the rehabilitative philosophy is not expected to see a resurgence in the foreseeable future.

Some observers, however, also believe that the just-deserts logic is defeated by a combination of demography and justice system inefficiency. Each year, a new crop of youths in their upper teens constitutes the majority of those arrested for serious crimes. As these offenders are arrested and removed from the crime scene, a new crop replaces them: “The justice system is eating its young. It imprisons them, paroles them, and rearrests them with no rehabilitation in between,” according to Dale Secrest.

Still, large-scale, long-term imprisonment unquestionably keeps truly serious offenders behind bars, preventing them from committing more crimes.

**General Mission and Features**

Correctional organizations are complex, hybrid organizations that utilize two distinct yet related management subsystems to achieve their goals: One is concerned primarily with managing correctional employees, and the other is concerned primarily with delivering correctional services to a designated offender population. The correctional organization, therefore, employs one group of people—correctional personnel—to work with and control another group—offenders.
The mission of corrections agencies has changed little over time. It is as follows: to protect the citizens from crime by safely and securely handling criminal offenders while providing offenders some opportunities for self-improvement and increasing the chance that they will become productive and law-abiding citizens.\(^\text{17}\)

An interesting feature of the correctional organization is that every correctional employee who exercises legal authority over offenders is a supervisor, even if the person is the lowest-ranking member in the agency or institution. Another feature of the correctional organization is that—as with the police—everything a correctional supervisor does may have civil or criminal ramifications, both for himself or herself and for the agency or institution. Therefore, the legal and ethical responsibility for the correctional (and police) supervisor is greater than it is for supervisors in other types of organizations.

Finally, two different philosophies exist as to what a correctional organization should be: (1) a custodial organization, which emphasizes the caretaker functions of controlling and observing inmates, and (2) a treatment organization, which emphasizes rehabilitation of inmates. These different philosophies contain potential conflict for correctional personnel.

Prisons as Organizations

As noted earlier in this chapter, the mission of most prisons is to provide a safe and secure environment for staff and inmates, as well as programs for offenders that can assist them after release.\(^\text{18}\) This section describes how prisons are organized to accomplish this mission. First, I look at the larger picture—the typical organization of the central office within the state government that oversees all prisons within its jurisdiction, and then I look at the characteristic organization of an individual prison.

Statewide Central Offices

The state’s central organization that oversees its prison system is often called the central office. Some of the personnel and functions that are typically found in a central office are discussed in the following subsections.

Office of the Director

Each state normally has a central department of corrections that is headed by a secretary (or someone with a similar title); in turn, the secretary appoints a person to direct the operation of all of the prisons in the state. The prison director sets policy for all wardens to follow in terms of how the institutions should be managed and inmates treated (with regard to both custody and treatment). In addition to the director, the staff within the office of the director includes public or media affairs coordinators, legislative liaisons, legal advisers, and internal affairs representatives.

As one of the largest state agencies, a tremendous demand for public information is made on correctional agencies. If a policy issue or a major incident is
involved, the media will contact the director for a response. The office of public affairs also oversees the preparation of standards reports, such as an annual review of the department and its status or information regarding a high-profile program or project. In addition, because state correctional agencies use a large percentage of the state budget, the legislature is always interested in its operations. Therefore, there is usually an office of legislative affairs, which responds to legislative requests and tries to build support for resources and programs.\textsuperscript{19}

Legal divisions, typically composed of four to six attorneys, often report to the director as well. The work of the legal division includes responding to inmate lawsuits, reviewing policy for its legal impact, and offering general advice regarding the implementation of programs in terms of past legal decisions. These attorneys will predict how the courts are likely to respond to a new program in light of legal precedents.

Finally, the director's office usually has an inspector or internal affairs division. Ethics in government is a major priority; corrections staff may be enticed to bring contraband into a prison or may be physically abusive to inmates. Whenever there is a complaint of staff misconduct by anyone, the allegation needs to be investigated.

**Administration Division**

Two major areas of the administrative division of a corrections central office are budget development/auditing and new prison construction. The administrative division collects information from all of the state's prisons, other divisions, and the governor's office to create a budget that represents ongoing operations and desired programs and growth. Once approved by the governor's office, this division begins to explain the budget to the legislative budget committee, which reviews the request and makes a recommendation for funding to the full legislative body. After a budget is approved, this division maintains accountability of funds and oversees design and construction of new and renovated facilities.\textsuperscript{20}

**Correctional Programs Division**

A central office will usually have a division that oversees the operation of correctional programs, such as security, education, religious services, mental health, and unit management. It is clear that

> Offenders enter prison with a variety of deficits. Some are socially or morally inept; others are intellectually or vocationally handicapped; some have emotional hangups that stem from … psychological problems; still others have a mixture of varying proportions of some or even all of these.\textsuperscript{21}

Having to deal with inmates suffering from such serious and varied problems is a daunting task for correctional organizations. Prison culture makes the environment inhospitable to programs designed to rehabilitate or reform.

A major contemporary problem among persons entering prison is drug addiction. Drug-addicted offenders are subjected to one of three types of treatment programming, which attempts to address the problem: punitive (largely involving withdrawal and punishment), medical (consisting of detoxification,
Figure 10.2
Organizational structure for a correctional central office.
(EEO = Equal Employment Opportunity).
rebuilding physical health, counseling, and social services), and the communal approach (using group encounters and seminars conducted by former addicts who serve as positive role models). Chapter 12 discusses what prison administrators are doing to interdict drugs coming into prisons and the kinds of treatment programs that are maintained in them.

**Medical or Health Care Division**

One of the most complicated and expensive functions within a prison is health care. As a result, this division develops policy, performs quality assurance, and looks for ways to make health care more efficient for inmates and less expensive for the prison. One of the best outcomes for a corrections health care program involved HIV/AIDS. A widespread epidemic of HIV/AIDS cases was initially feared in prisons (through homosexual acts and prior drug use), but such an outbreak never happened: Today, the overall rate of confirmed AIDS among the nation’s prison population is 0.6 percent, and has been growing at a much slower rate than that of the overall prison population.

**Human Resource Management Division**

The usual personnel functions of recruitment, hiring, training, evaluations, and retirement are accomplished in the human resource management division. Affirmative action and labor relations (discussed in Chapter 15) may also be included. Workplace diversity is important for corrections agencies, particularly with the growing number of African American and Hispanic inmates (4,848 black male inmates per 100,000 male blacks in the United States and 1,668 Hispanic male inmates per 100,000 male Hispanic, as compared with 705 white inmates per 100,000 male whites). Most states have a unionized workforce, and negotiating and managing labor issues are time consuming. Therefore, this division has staff with expertise in labor relations.

Figure 10.2 shows the organizational structure of a central office in a state of 3 million people.

**Prison Organization and Administration**

Over time, prison organizational structures (Figure 10.3) have changed considerably to respond to external needs. Until the beginning of the twentieth century, prisons were administered by state boards of charities, boards composed of citizens, boards of inspectors, state prison commissions, or individual prison keepers. Most prisons were individual provinces; wardens, who were given absolute control over their domain, were appointed by governors through a system of political patronage. Individuals were attracted to the position of warden because it carried many fringe benefits, such as a lavish residence, unlimited inmate servants, food and supplies from institutional farms and warehouses, furnishings, and a personal automobile. Now most wardens or superintendents are civil service employees who have earned their position through seniority and merit.
*Correctional Emergency Response Team

**Figure 10.3**

Organizational structure for a maximum security prison.

(\textit{AA} = Administrative Aide; \textit{PE & Rec.} = Physical Education and Recreation).
Attached to the warden’s office are (possibly by some other title) an institutional services inspector and the institutional investigator who deals with inmate complaints against staff. As mentioned in the earlier section about the central office, prisons also need personnel who deal with labor contracts and the media and who collect and provide this information to the central office. A computer services manager maintains the management information systems.

Also reporting to the warden are deputy or associate wardens, each of whom supervises a department within the prison. The deputy warden for operations will normally oversee correctional security, unit management, the inmate disciplinary committee, and recreation. The deputy warden for special services will typically be responsible for the library, mental health services, drug and alcohol recovery services, education, prison job assignments, religious services, and prison industries. The deputy warden for administration will manage the business office, prison maintenance, laundry, food service, medical services, prison farms, and the issuance of clothing.26

I now discuss correctional security, unit management, education, and penal industries in greater detail:

- The correctional security department is normally the largest department in a prison, with 50 to 70 percent of all staff. It supervises all of the security activities within a prison, including any special housing units, inmate transportation, and the inmate disciplinary process. Security staff wears military-style uniforms; a captain normally runs each 8-hour shift, and lieutenants often are responsible for an area of the prison; sergeants oversee the rank-and-file correctional staff.

- The unit management concept was originated by the federal prison system in the 1970s and now is used in nearly every state to control prisons by providing a “small, self-contained, inmate living and staff office area that operates semi-autonomously within the larger institution.”27 The purpose of unit management is twofold: to decentralize the administration of the prison and to enhance communication among staff and between staff and inmates. Unit management breaks the prison into more manageable sections based on housing assignments; assignment of staff to a particular unit; and staff authority to make decisions, manage the unit, and deal directly with inmates. Units are usually composed of 200 to 300 inmates; staff are not only assigned to units, but their offices are also located in the housing area, making them more accessible to inmates and better able to monitor inmate activities and behavior. Directly reporting to the unit manager are “case managers,” or social workers, who develop the program of work and rehabilitation for each inmate and write progress reports for parole authorities, classification, or transfer to another prison. Correctional counselors also work with inmates in the units on daily issues, such as finding a prison job, working with their prison finances, and creating a visiting and telephone list.28

- Education departments operate the academic teaching, vocational training, library services, and sometimes recreation programs for inmates. An education
department is managed in similar fashion to a conventional elementary or high school, with certified teachers for all subjects that are required by the state department of education or are part of the General Education Degree (GED) test. Vocational training can include carpentry, landscaping or horticulture, food service, and office skills.

- **Prison industries** are legislatively chartered as separate government corporations and report directly to the warden because there is often a requirement that the industry be self-supporting or operate from funds generated from the sale of products. Generally, no tax dollars are used to run the programs, and there is strict accountability of funds. A typical prison industry organizational structure is presented in Figure 10.4. Correctional administrators report that joint ventures provide meaningful, productive employment that helps to reduce inmate idleness and supplies companies with a readily available and dependable source of labor, as well as the partial return to society of inmate earnings to pay state and federal taxes, offset incarceration costs, contribute to the support of inmates’ families, and compensate victims. Different types of business relationships have been developed. In the **personnel model**, prisoners are employed by the state division of correctional industries, which in turn charges the companies a fixed rate for their labor. In the **employer model**, the company employs the inmates, and private companies own and operate their prison-based businesses, with prison officials providing the space in which the companies operate as well as a qualified labor pool from which the companies hire employees. In the **customer model**, the company contracts with the prison to provide a finished product at an agreed-on price. The correctional institution owns and operates the business that employs the inmates. To be sure, these joint ventures provide challenges and problems: absenteeism and rapid turnover of employees, limited
opportunities for training, and logistical concerns. Still, many inmates participate in these programs, show up for their jobs on time, work hard during their shifts, and have been hired by companies after their release. 

Inmate Litigation

Rights of Inmates

Incarceration in prisons and jails entails stringent restrictions on freedom of movement and the loss of numerous privileges; however, inmates enjoy several important constitutional rights. The legal standing of prison inmates has changed tremendously since 1871 when the Virginia Supreme Court told Woody Ruffin, a convicted murderer, that he was a “slave of the state” with no rights that need be recognized.

The demise of the hands-off doctrine, by which courts deferred to the expertise of correctional administrators in the operation of their institutions, began in the mid-1960s; in Cooper v. Pate, the U.S. Supreme Court held that state inmates could bring lawsuits against prison authorities under Title 42, Section 1983, of the Civil Rights Act. This decision began a new era for inmates and represented the beginning of what has been an explosion in inmate litigation. During the 1971–1972 Supreme Court term, following the deadly prison riot at Attica, New York, additional court decisions expanded prisoners’ rights and remedies. One of the major decisions was Wolff v. McDonnell (1974), in which the U.S. Supreme Court stated that “there is no Iron Curtain drawn between the Constitution and the prisons of this country.” Previous to Wolff, inmates had no universally recognized due process rights during disciplinary hearings; the widespread discretion given to correctional administrators was open to potential abuse. In Wolff, the Court gave inmates facing severe disciplinary action certain due process protections, including advance written notice of the charges, the right to a fair and impartial hearing, the right to present evidence and call witnesses in their behalf, the use of counsel, and a written statement of the decision reached and reasons for it.

A Resurgence of the Hands-off Doctrine?

The turning point in this expansion of inmates’ rights was the 1979 case of Bell v. Wolfish, termed the “cornerstone of the future edifice of correctional law.” This case involved, among other issues, double-bunking in the Metropolitan Correctional Center in New York City. The Court seemed to revert to the original hands-off, due deference doctrine, declaring in a 6–3 decision that jail management should be left to corrections personnel. In other words, the Court said that deference should be extended to persons with expertise in correctional matters, and administrative decisions should not be invalidated by the Court unless extreme circumstances required it. From this point to the present, federal courts have generally deferred to the expertise of prison administrators in cases involving day-to-day operations (court activism concerning overcrowding notwithstanding).
Increases in Litigation and Frivolous Lawsuits prior to the New Millennium

The volume of inmate litigation increased significantly following the *Cooper v. Pate* decision in 1964. In 1966, 218 petitions were filed, and the number increased to 16,741 in 1981. In 1980, inmates in state and federal correctional institutions filed 23,287 petitions alleging both civil and criminal violations and seeking compensatory damages, injunctions, and property claims. By 1990, the number of such petitions had swollen to nearly 43,000, and more than 64,000 petitions were filed in 1996.

Prisoners sued primarily because they were either unwilling to accept their conviction or wished to harass their keepers. Inmate litigants tend to fall into one of two categories. First are those who file a single suit during their entire period of incarceration (usually requiring the assistance of others to do it); one study found that 71 percent of all litigants filed only one action but accounted for about half of all litigation. The other group is composed of inmates who make law a prison career—the so-called “jailhouse lawyers.”

Whereas in past decades the media brought to light many abuses inside prisons, in the 1980s and 1990s media attention began turning in another direction: reports of trivial and frivolous lawsuits filed by inmates. Following are some examples:

- A death row inmate sued corrections officials for taking away his Gameboy electronic game
- A prisoner sued 66 defendants alleging that unidentified physicians implanted mind control devices in his head
- A prisoner sued demanding L.A. Gear or Reebok “Pumps” instead of Converse
- An inmate claimed his rights were violated because he was forced to send packages via UPS rather than U.S. mail
- An inmate sued for $100 million alleging he was told that he would be earning $29.40 within three months, but only made $21
- An inmate sued because he was served chunky instead of smooth peanut butter
- An inmate claimed it was cruel and unusual punishment that he was forced to listen to his unit manager’s country and western music
- An inmate claimed $1 million in damages because his ice cream melted (the judge ruled that the “right to eat ice cream . . . was clearly not within the contemplation” of our nation’s forefathers).

Such examples of litigation caused an uproar over frivolous civil rights lawsuits brought by inmates. Furthermore, the expense of defending against such lawsuits, coupled with the fact that the United States has the world’s largest and costliest prison system, combined to foster public resentment against prisons and prisoners.
The Prison Litigation Reform Act

By the late 1980s the courts were displaying more tolerance for minor violations of prisoners’ constitutional rights, as exemplified by the following three cases:

1. **Turner v. Safley** (1987), in which the U.S. Supreme Court stated that “when a prison regulation impinges on inmates’ constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interests.”

2. **Wilson v. Seiter** (1991), which stated that when an inmate claims that the conditions of his or her confinement violate the Eighth Amendment, he or she must show a culpable state of mind on the part of prison officials.

3. **Sandin v. Conner** (1995), which emphasized the Supreme Court’s desire to give “deference and flexibility to state officials trying to maintain a volatile environment.” This decision made it “more difficult to bring constitutional suits challenging prison management.”

Then, in April 1996, the Prison Litigation Reform Act of 1995 (PLRA) was enacted. The PLRA has been praised by proponents as necessary “to provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes.”

The PLRA has four main parts:

- **Exhausting of administrative remedies.** Before inmates may file a lawsuit, they must first try to resolve their complaint through the prison’s grievance procedure, which usually includes giving a written description of their complaint to a prison official; if the prison requires additional steps, such as appealing to the warden, then the inmate must also follow those steps.

- **Filing fees.** All prisoners must pay court filing fees in full. If they do not have the money up front, they can pay the fee over time through monthly installments from their prison commissary account. A complex statutory formula requires the indigent prisoner to pay an initial fee of 20 percent of the greater of the prisoner’s average balance or the average deposits to the account for the preceding 6 months.

- **Three-strikes provision.** Each lawsuit or appeal that an inmate files that is dismissed for being frivolous, malicious, or not stating a proper claim counts as a “strike.” After an inmate receives three strikes, he or she cannot file another lawsuit *in forma pauperis*—that is, he or she cannot file another lawsuit unless he or she pays the entire court filing fee up front (an exception is if the inmate is at risk of suffering serious physical injury in the immediate future, described in the next point). An appeal of a dismissed action that is dismissed is a separate strike, and even dismissals that occurred prior to the effective date of the PLRA count as strikes.

- **Physical injury requirement.** An inmate cannot file a lawsuit for mental or emotional injury unless he or she can also show physical injury. (The courts differ in their evaluation of what constitutes sufficient harm to qualify as physical injury).
Did the PLRA achieve its goal of decreasing frivolous lawsuits by inmates? According to the U.S. Department of Justice’s Bureau of Justice Statistics, the PLRA appears to have resulted in a decrease in the number of civil rights petitions filed by state and federal prison inmates. Between 1995 (the year before implementation) and 2000, the number of civil rights petitions filed in U.S. district courts decreased from 41,679 to 25,504 (or 39 percent); furthermore, the filing rate, as number of civil rights petitions filed per 1,000 inmates, fell from 37 to 19. Time will tell whether this downward trend will continue and whether the PLRA is solely responsible if it does, but early indications are positive that the kinds of frivolous petitions as those shown earlier are going away.49

Jails as Organizations

Across the United States, approximately 3,316 jails are locally administered.50 Their organization and hierarchical levels are determined by several factors: size, budget, level of crowding, local views toward punishment and treatment, and even the levels of training and education of the jail administrator. An organizational structure for a jail serving a population of about 250,000 is suggested in Figure 10.5.

The administration of jails is frequently one of the major tasks of county sheriffs. Several writers have concluded that sheriff and police personnel primarily see themselves as law enforcers first and view the responsibility of organizing and operating the jail as an unwelcome task.51 Therefore, their approach is often said to be at odds with advanced corrections philosophy and trends.

The “New-Generation” Jail

As noted previously, in the past the federal courts have at times abandoned their traditional hands-off philosophy toward prison and jail administration, largely in response to the deplorable conditions and inappropriate treatment of inmates. The courts became more willing to hear inmate allegations of constitutional violations ranging from inadequate heating, lighting, and ventilation to the censorship of mail. One of every five cases filed in federal courts was on behalf of prisoners,52 and 20 percent of all jails were a party in a pending lawsuit.53 In response to this deluge of lawsuits and to improve conditions, many local jurisdictions constructed new jail facilities. The court-ordered pressures to improve jail conditions afforded an opportunity for administrators to explore new ideas and designs. The term new-generation jail was coined to characterize a style of architecture and inmate management totally new and unique to local detention facilities, and it represented a new era in correctional thought.54 The concept was endorsed by the American Correctional Association and the Advisory Board of the National Institute of Corrections. W. Walter Menninger, director of law and psychiatry at the Menninger Foundation in Topeka, Kansas, observed that

Careful studies of these new generation facilities have found significant benefits for inmates, staff and society at large. There are fewer untoward incidents and assaults,
Figure 10.5
Organizational structure for a jail serving a county of 250,000 population.
(DW = day watch; NW = night watch; MW = mid-watch; CC = conservation camps; CRTS/Trans. = Courts Transportation; OPS/Admin. = Operations/Administration; Comm. Clerks = Commissary clerks).
[a] greater level of personal safety for both staff and inmates, greater staff satisfaction, more orderly and relaxed inmate housing areas, [and] a better maintained physical plant. Finally, these facilities are cost effective to construct and to operate.55

There are several reasons for the fact that new-generation jails are not expanding in number, however. First, new jails are not typically built until old jails either wear out or become too small. Second, there is often a public perception that such facilities are “soft on crime.” Finally, these facilities simply do not have the appearance of being a jail.56 To the extent possible, symbols of incarceration were to be removed in these new jails, which were to have no bars in the living units; windows were to be provided in every prisoner’s room; and padded carpets, movable furniture, and colorful wall coverings were to be used to reduce the facility’s institutional atmosphere. Inmates were to be divided into small groups of approximately 40 to 50 for housing purposes. Officers were to interact with inmates rather than remain inside an office or behind a desk. The interior features of the facility were designed to reduce the “trauma” of incarceration.57

The most important features of many of these facilities were one cell per inmate; direct staff supervision; and “functional inmate living units,” which were to locate all “sleeping, food, and hygiene facilities … in one self-contained, multi-level space.”58 A corrections officer was to be assigned to each unit to ensure direct and continuous supervision.

The first facility of the new generation style opened in the 1970s in Contra Costa County, California. This facility quickly became a success and was deemed cost effective to build and safer for inmates and staff.

Making Jails Productive

The 1984 Justice Assistance Act removed some of the long-standing restrictions on interstate commerce of prisoner-made goods. By 1987, private sector work programs were under way in 14 state correctional institutions and two county jails.59 Today, many inmates in U.S. jails are involved in productive work. Some simply work to earn privileges, and others earn wages applied to their custodial costs and compensation to crime victims. Some hone new job skills, improving their chances for success following release. At one end of the continuum is the trusty (an inmate requiring a low security level) who mows the grass in front of the jail and thereby earns privileges; at the other end are jail inmates working for private industry for real dollars.60

Some jails have undertaken training programs for their inmates, following the recommendations of the American Jail Association. For example, one state-of-the-art facility in the West trains inmates to operate a plastic sign-engraving machine and has plans to teach dog grooming at the local animal control center. The engraving equipment, as well as the facility’s 24 computers for inmate use, cost taxpayers nothing; they were purchased through commissary funds (monies acquired from sales of canned goods, cigarettes, coffee, and other such items). This jail’s inmates can also earn a GED, and the facility is considering programs in auto detailing, food service, book mending, mailing service, painting, printing, carpet installation, and upholstering.
Probation and Parole Agencies as Organizations

Community corrections originated in the years following World War II, when returning veterans encountered adjustment problems as they attempted to reenter civilian life.\(^\text{61}\) It has also been stated that community corrections is “the last bastion of discretion in the criminal justice system.”\(^\text{62}\) Community corrections is typically viewed as a humane, logical, and effective approach for working with and changing criminal offenders.\(^\text{63}\)

**Probation Systems**

**Types of Systems**

Figure 10.6 depicts an organizational structure for a regional probation and parole organization. **Probation** is the most frequently used sanction of all; it costs offenders their privacy and self-determination and usually includes some element of the other sanctions: jail time, fines, restitution, or community service.\(^\text{64}\) Probation in the United States is administered by more than 2,000 different agencies. Its organization is a patchwork that defies simple explanation. In about three fourths of the states, adult probation is part of the executive branch of state government.\(^\text{65}\) By contrast, more than half of the agencies providing juvenile probation services are administered in juvenile courts on the local level.\(^\text{66}\)

According to Howard Abadinsky, the administration of probation systems can be separated into six categories:\(^\text{67}\):

1. **Juvenile.** Separate probation services for juveniles are administered on a county, municipal, or state level.
2. **Municipal.** Independent probation units are administered by the lower courts under state laws and guidelines.
3. **County.** Under laws and guidelines established by the state, a county operates its own probation agency.
4. **State.** One agency administers a central probation system, which provides services throughout the state.
5. **State combined.** Probation and parole services are administered on a statewide basis by one agency.
6. **Federal.** Probation is administered as an arm of the federal courts.

This patchwork nature of probation systems has raised two central organizational issues concerning the administration of probation services: Should probation be part of the judicial or the executive branch of government? Does the lack of uniformity in administering probation make justice less equitable statewide?\(^\text{68}\) These important and lingering issues were first considered nearly 40 years ago by the President’s Commission.\(^\text{69}\)

Abadinsky argued that probation administered by the judiciary on a county level promotes diversity:

Innovative programming can be implemented more easily in a county agency since it has a shorter line of bureaucratic control than would a statewide agency. A
county agency can more easily adapt to change, and the successful programs of one agency can more easily be adopted by other probation departments ... and unsuccessful programs avoided. Although the judiciary is nominally responsible for administering probation, the day-to-day operations are in the hands of a professional administrator—the chief probation officer.\(^7\)

One problem with the county-level administration of probation services, however, is that of reduced oversight of operations. The officer/client ratios may

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*Figure 10.6*

Organizational structure for a regional adult probation and parole agency.
differ from one county to another, which would probably not occur if services were monitored by a statewide agency whose personnel could easily be shifted from one county to another to equalize caseloads.

**Systems Theory**

As with the administration of police, court, or prison organizations, the probation department administrator’s goals may affect the services provided to the client, which in turn may have an impact on the client’s request for services. This systematic interaction between an organization’s resources and structure and the community has been referred to as its “socio-technical environment,” meaning that the principles of the system are organized to execute the basic production technologies of the organization.

Each probation administrator needs to recognize that the organization is a system of inputs, processes, and outputs (discussed in chapter 2). For probation, inputs are clients coming into the office for counseling and supervision (the processes); outputs are the probationer’s obtaining employment, acquiring a skill, observing a curfew, and so on. This understanding of probation, using systems theory, provides a means of learning how probation departments function and interact with their environment and of examining the resources, activities, and outcomes in a way that can identify the goals, describe the day-to-day activities, and link the department’s activities to resources and outcomes.

According to systems theory, probation may be conceptualized as a network of interwoven resources, activities, and outcomes. According to Hardyman, resources include the probation department’s funding level, goals, policies and procedures, organizational structure, and caseload; the probation staff’s characteristics; the services available to probationers; and the rates of unemployment, poverty, and crime in the county. Activities are supervision techniques, rewards, leadership style, contacts, and direct and indirect services provided by the probation department. Outcomes according to systems theory are the number of probationers who were arrested, incarcerated, and/or cited for a technical violation during the follow-up period, as well as the needs of probationers that were considered.

**Parole Systems**

**Models for Providing Services**

The administration of parole is much less complex than probation because parole services are administered centrally on a statewide basis. (It should also be noted that in about 20 states, probation officers also serve as parole officers; thus, much of the information presented in the previous section applies to parole as well.) One state agency administers the parole function on a statewide basis, except that in a number of states, parolees from a local jail come under the supervision of a county probation and parole department.

A parole agency can provide three basic services: parole release, parole supervision, and executive clemency. In a number of states that have abolished
parole release (such as California), parole officers continue to supervise offenders released by the prison on good time (reduction of sentence through good behavior).

The National Advisory Commission on Criminal Justice Standards and Goals delineated two basic models for administering parole services:

1. The independent model. A parole board is responsible for making release (parole) determinations as well as supervising persons released on parole (or good time). It is independent of any other state agency and reports directly to the governor.

2. The consolidated model. The parole board is a semiautonomous agency within a large department that also administers correctional institutions. Supervision of persons released on parole (or good time) is under the direction of the commissioner of corrections, not the parole board.

Both models sometimes combine probation services with parole services in a single statewide agency.

The President’s Commission summarized the advantages of the independent model:

1. The parole board is in the best position to promote the idea of parole and to generate public support and acceptance of it. Because the board is accountable for parole failures, it should be responsible for supervising parolees.

2. The parole board that is in direct control of administering parole services can evaluate and adjust the system more effectively.

3. Supervision by the parole board and its officers properly divorces parole release and parolees from the correctional institution.

4. An independent parole board in charge of its own services is in the best position to present its own budget request to the legislature.

The advantages of including both parole services and institutions in a consolidated department of corrections were summarized by the President’s Commission as follows:

1. The correctional process is a continuum; all staff, both institutional and parole, should be under a single administration rather than be divided, which avoids competition for public funds and friction in policies.

2. A consolidated correctional department has consistent administration, including staff selection and supervision.

3. Parole boards are ineffective in performing administrative functions; their major focus should be on case decision, not on day-to-day field operations.

4. Community-based programs that fall between institutions and parole, such as work release, can best be handled by a single centralized administration.

Clearly, the trend in this country, beginning in the late 1960s, has been in the direction of consolidation.
The following two case studies will help the reader to apply some of this chapter’s materials to real-world issues of prison organization and operations (case studies concerning jails and probation are presented in Chapters 11 and 12).

As Bad as It Can Get

You are the deputy warden for operations in a comparatively small (500 inmates) maximum-security prison for adults. As is typical, you oversee correctional security, unit management, the inmate disciplinary committee, and recreation. One Wednesday at about 2:00 a.m., an inmate who is a minority group member with a history of mental health problems and violent behavior begins destroying his cell and injures himself by ramming into the walls. The supervisor in charge collects a group of four correctional officers with the intention of removing the inmate from his cell and isolating, medicating, and checking him for injuries. The group of four—all fairly new on the job, untrained in cell extraction or self-defense, and without any specialized extraction equipment—prepares to enter the cell. When the officers open the cell door, the inmate charges at them, knocking down two of the officers. They finally wrestle the inmate to the floor, although he is still struggling. One officer attempts to subdue him by wrapping his arm around the inmate’s neck, pressing on his carotid artery. Finally the inmate quiets down and is restrained and removed to another, larger cell. After 15 minutes, however, the inmate has failed to regain consciousness. A medical staff person rushes to the cell, sees the inmate in an unconscious state, and then has him taken to a local hospital. After the inmate has remained in a comatose condition for 2 months and has been classified as brain dead, the family opts to remove the life-support system that has sustained him.

Questions for Discussion

1. What, if any, inmate rights are involved in this case?
2. Which, if any, of the inmate’s rights were violated?
3. To what extent does the prison system’s central office become involved? What kinds of policies need to be developed to cover any similar occurrences in the future?
4. As deputy warden, what disciplinary action would you consider against the officers? Was there intent present?
5. What policy needs and problems exist with regard to new policies? Facilities for mentally ill inmates? Officer training? Equipment?
6. Assume that about 1 month prior to this incident, a minority woman was fired from a high-profile position by the warden for incompetence, and thus this incident adds more fuel to the flames. What would be your or the warden’s responses to claims by minority groups that your institution has obviously been shown to be racist?
When Politics Trumps Policy

For 2 years, you have been director of a prison system for adults in a medium-sized state. As a result of revenue shortfalls for several years, it has been a constant struggle to keep a full labor force in your state’s 10 prisons and to lure professional staff members to work and live in the more rural areas where they are located. During the last 6 months, however, you have managed to assemble a fine staff of wardens and other subordinates in the prisons and have implemented a number of policies that provide for educational, vocational, and treatment opportunities, which have been gaining national attention for their effectiveness. Recidivism has been reduced to 30 percent, and your policies are beginning to be accepted by staff and citizens alike. Running a “Take Back the Streets” anticrime campaign, a politically inexperienced person (formerly a popular college quarterback at a state university) was recently elected governor. The new governor has just sent you a letter stating in effect that your institution is not the “Ritz” and demanding that all “frivolous, mamby-pamby programs teaching the ABCs and where cons learn how to hammer nails” be ceased immediately. He asks for your written response, a plan for tightening security, and the implementation of tougher inmate programs within 1 month.

Questions for Discussion

1. How would you respond? Would you just capitulate and rescind some or all of these programs? Explain your answer.
2. Is there any room to negotiate with the governor? As a tradeoff, would you offer to put in place some programs that are known to be tough on inmates? If so, what kind?
3. Before dismantling your policies and programs, would you attempt to see how much internal and external support you have for them? If yes, whom would you contact, and how?
4. How might you go about demonstrating how successful your policies have been?

Summary

This chapter presented an overview of corrections as a “boom” industry; it discussed correctional, prison, and jail organization and administration; inmate rights and litigation; and probation and parole. The chapter also demonstrated how the times have changed with respect to the manner in which corrections is organized and administered, and provided a glimpse into some of the kinds of issues and problems that challenge administrators, all of which are furthered examined in later chapters.
Questions for Review

1. What is the typical organization of a “central office” that oversees a state’s prison system? An individual prison?
2. What are some of the major administrative positions within a prison system?
3. What factors contribute to the increase in the prison population in the United States?
4. What is a new-generation jail, and how might it help to reduce the effects of overcrowding and increase the quality of life in institutions?
5. What constitutional rights do inmates possess? What is the current doctrine concerning court oversight of prison administration?
6. What are the major rationales and provisions of the Prison Litigation Reform Act?
7. In what major ways do jails differ from prisons in their organization and administration?
8. What are the various types of probation system administered in the United States? Describe each.
9. Should probation services be placed within the judicial or the executive branch of government? Defend your answer.
10. What are the two basic models of parole administration?

Notes


12. Ibid., p. 149.


14. Ibid.


18. Ibid., p. 192.

19. Ibid., p. 189.


26. Ibid., p. 194.


39. Ibid., p. 50.


42. 107 S. Ct. 2254 (1987), at 2254.


44. 115 S. Ct. 2321 (1995), at 2293.


47. See 141 *Congressional Record* S14,413 (daily ed., Sept. 27, 1995), Senator Robert Dole’s statement in his introduction of the PLRA as a bill to the Senate. Senator Dole provided other examples of the frivolous litigation which he felt the PLRA was needed to cure: “insufficient storage locker space, a defective haircut by a prison barber, [and] the failure of prison officials to invite a prisoner to a pizza party for a departing prison employee.”


60. Ibid., p. 16.

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66. Ibid., p. 57.


68. Ibid., pp. 106–107.


75. Ibid.


78. Ibid.