

ARCHITECTURE OF INCARCERATION

Class 3

How We Got Here

Evolution of Punishment

In what ways did early civilizations respond to crime?

Eye for an eye: Where did that concept come from?

Retaliation

Revenge

God, State, Personal



Boiling People Alive

Public viewing

Deter crime?

Tough on crime?

Political value?



Guillotines of France

More humane way to kill:

Everyone got same punishment

Uniform machine

Takes off all heads the same

Ideas of Joseph Guillotin, 1789



Era of the Enlightenment

Also known as “The Age of Reason,” an intellectual movement that rose during the 18th century.

Focus on natural laws that govern society and human life.

Movement away from church and monarchy.



Cesare Beccaria (1738-1794)

Essay on Crimes and Punishments

Abolish torture or capital punishment

Bring law and justice into conformity with rational laws of nature.

Swift and certain punishment more effective at deterring crime than barbarous punishments.



Jeremy Bentham (1748-1832)

Utilitarianism: Greatest good for the greatest number of people.

Responsible for drafting a legal code of statutes.

Designed the Panopticon prison

Inmates labor in their cells while being watched



Pan Opticon Prison

People could work inside of their cells while serving a sentence.

Guards, placed in the center of the panopticon, could theoretically watch all of the prisoners.

What was the flaw?



Quakers and Walnut Street Jail (1773)

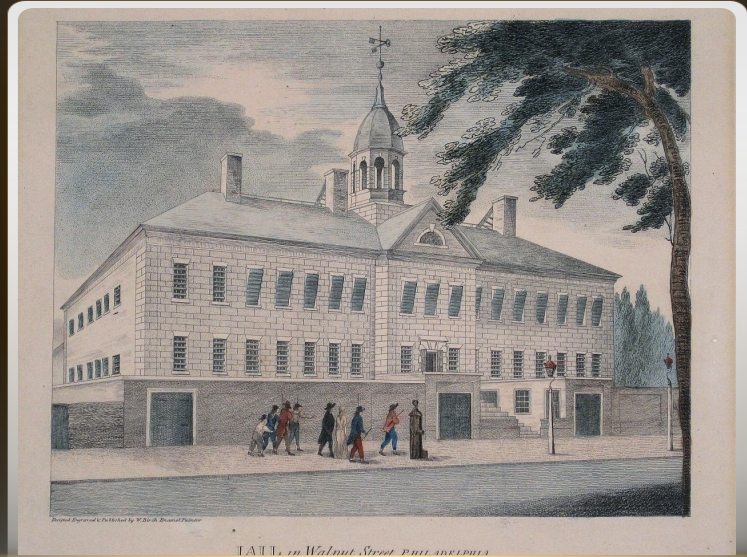
Oppose death penalty

More humane approach to punishment

Confinement rather than corporal punishment

Solitary confinement

Work



Eastern State Penitentiary, Pennsylvania

Abandon Hope, All Ye Who Enter Here

Mask at entrance, led to solitary cell

Cut off from world until expiration of sentence.

Silent System, solitary system

Penance, Bible, solitary



Auburn State Prison, New York

Congregate System

Lockstep movement

Work



Reformatory Movement, 1870 to 1910

Elmira Reformatory

Zebulon Brockway

Primarily for younger offenders

Requires education and training

Conditional release, on parole

Possible revocation of parole

Move to Indeterminate sentencing



Southern Prison Plantations

Southern states were not as quick to join penitentiary movement.

Sent criminals to work in servitude on prison farms.

Parchman's Plantation still exists in Mississippi

Convict leasing: No convict lived to serve a sentence of 10 years or more.



Great Depression Era, Industrial prisons

Prison populations highest when unemployment rates are high

In 1939, 137 people per 100,000 in population were incarcerated

Rates dropped with escalation of WWII

Produce and sell products to government agencies.



War on Crime / Law and Order Legislation

Nixon administration / War on Drugs

Federal support for law enforcement

Nothing Works

Robert Martinson



Stated Goals of Incarceration

1. Deterrence
2. Punishment
3. Rehabilitation
4. Incapacitation



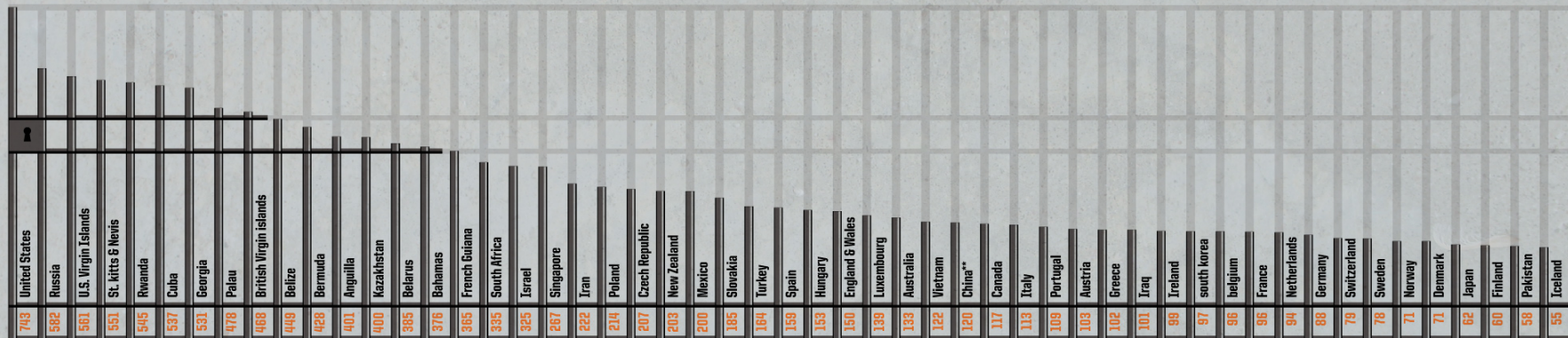
INCARCERATION NATION

THE RISE OF AN IMPRISONED AMERICA

The United States is often touted as the Land of the Free. However, its overcrowded prisons and jails, brimming with inmates at unprecedented rates, paint a very different picture.



INCARCERATION RATES* (PER 100,000 PEOPLE)



COMPARED TO:

ALL COUNTRIES

743 out of **100,000**

people are in prison or jail in the United States.



An average of

168 out of **100,000**

people are incarcerated in the whole world.

OTHER DEVELOPING NATIONS

The United States easily takes the lead in incarceration rates when stacked up against all the countries in the Organization for Economic Cooperation and Development.

It has a figure close to

14x higher

than that of **Iceland**, the OECD country with the lowest lock-up rate.



As one of the countries with the lowest record incarceration rates, **Norway's** maximum imposed jail term is

21 years.

It also permits inmates to retain the right to vote while imprisoned.



Sources: Center for Economic and Policy Research | Bureau of Justice Statistics
New York Times | International Center for Prison Studies, King's College London
US Census Bureau | The Sentencing Project | Pew Research Center | Global Post

*Most recent data gathered from 2006 to 2010.

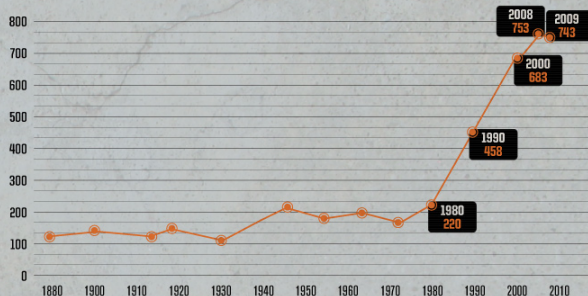
**Sentenced prisoners only. A further 85,000 are reportedly held in "administrative detention."

NEARLY **1 in 100**

U.S. ADULTS ARE BEHIND BARS.

U.S. INCARCERATION RATES ARE GROWING ASTRONOMICALLY

Since 1980, the number of prisoners per 100,000 U.S. residents has more than tripled, an increase brought on partially by the War on Drugs and longer sentences.



COUNTRIES WITH THE HIGHEST INCARCERATION RATES

Rwanda's statistics include

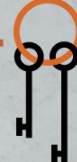
53,000

inmates being held for crimes relating to the 1994 genocide.

Even so, the rates in the United States still surpass them by at least

20%.

Russia has a notoriously stringent penitentiary system.



Ancillary Consequences

Mass incarceration influences the lives of all citizens.

More than \$75 Billion per year

2.3 million incarcerated

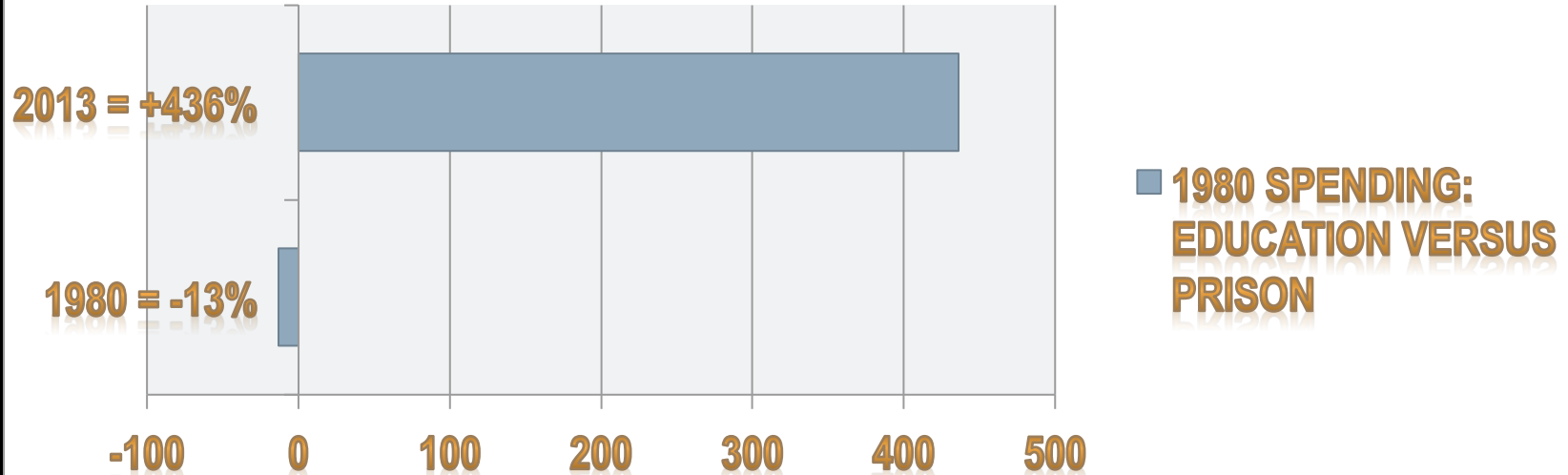
Proliferation of gangs

Unsafe society



WHERE ARE YOUR TAX DOLLARS GOING?

1980 SPENDING: HIGHER EDUCATION VERSUS PRISON



California Prison Population

1977

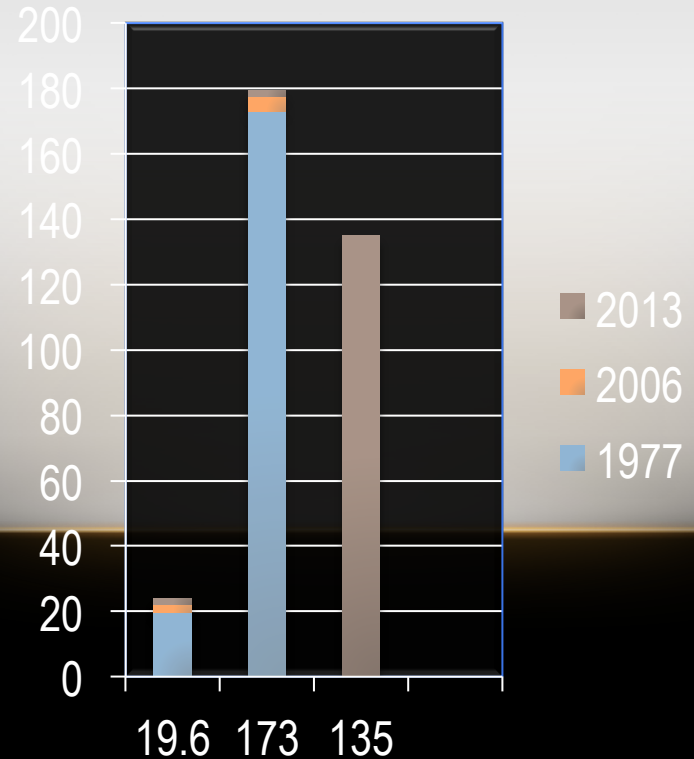
19,600 People in Prison

2006

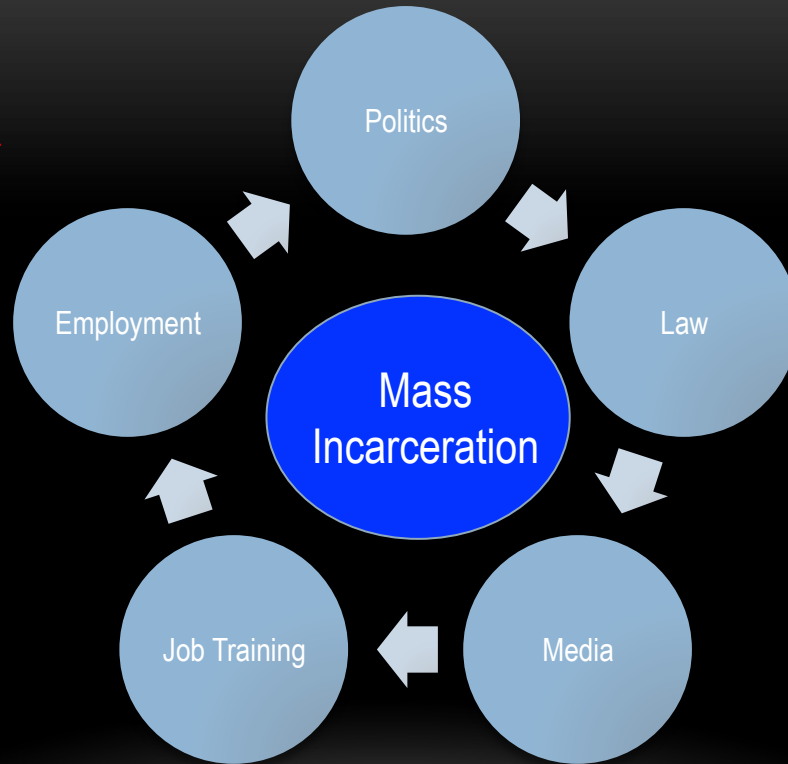
173,000 People in Prison

2013

135,000 People in Prison



COMPLEX PROBLEM



Justice Anthony Kennedy

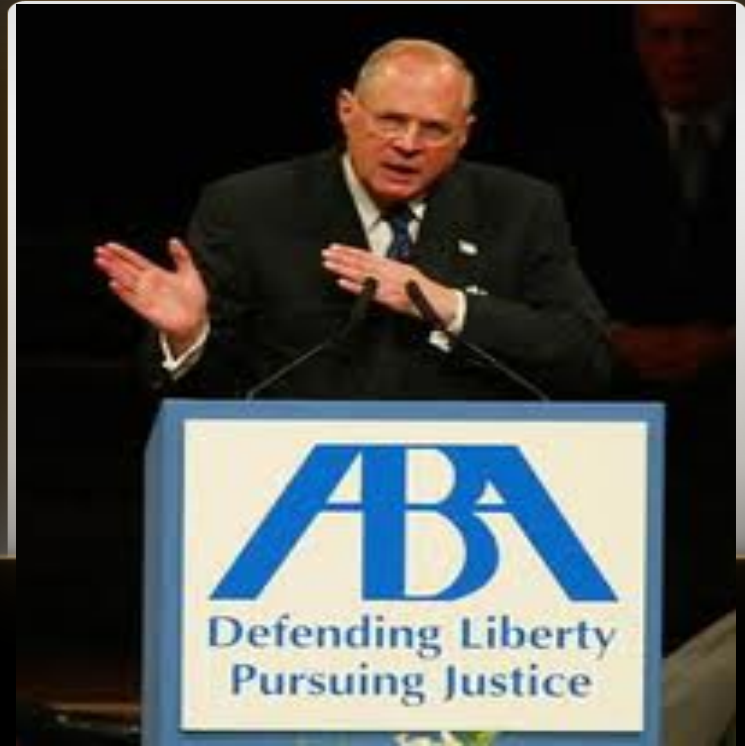
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This is your justice system and they're your prisons and there's something seriously wrong with them.

And once the trial process, and the appellate process and the collateral review process have been completed, and once the prisoner is taken away, the legal profession by and large loses all interest in the prisoner.

The door is locked against the prisoner and he goes to live in a hidden world.

Forty percent of the prisoners nationwide are African Americans.

In the United States one in 10 African Americans [in their mid to late 20s] are behind bars.

Our incarceration rate in the US, per capita, is about eight times as high as that of England, France or Germany.

In my view our resources are misspent, our punishments are too severe and our sentences are too long.

I accept neither the wisdom, the justice, nor the necessity of mandatory minimum sentences. In all too many cases they are unjust.

Every day in prison is much longer than most any day you have ever spent.

A country that is secure in its institutions and confident in its laws should not be ashamed of the concept of mercy.

Professor Whittman (a Yale law professor) makes the charge that the purpose and the mission of our prisons is to degrade and to demean the prisoners and to deprive them of their dignity.

Out of sight out of mind is not acceptable for any part of our justice system.

Eric Holder, ABA Speech, August 12, 2013

We need to stop sending nonviolent offenders to prison for such lengthy sentences.

People serving sentences that are far too long.





HeroicImaginationTV. (n.d.). *The Stanford Prison Experiment*. Retrieved September 2013, from <https://www.youtube.com/watch?v=sZwfNs1pqG0>

[HTTPS://WWW.YOUTUBE.COM/WATCH?V=SZWFNS1PQG0](https://www.youtube.com/watch?v=sZwfNs1pqG0)

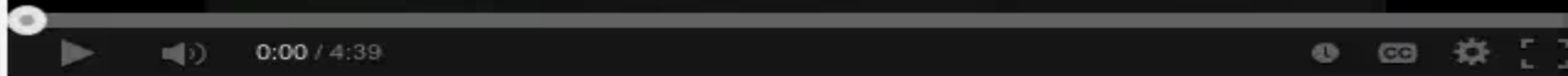


▶ PLAY CBS NEWS VIDEO

[HTTP://WWW.CBSNEWS.COM/VIDEO/WATCH/?ID=7423194N](http://www.cbsnews.com/video/watch/?id=7423194N)



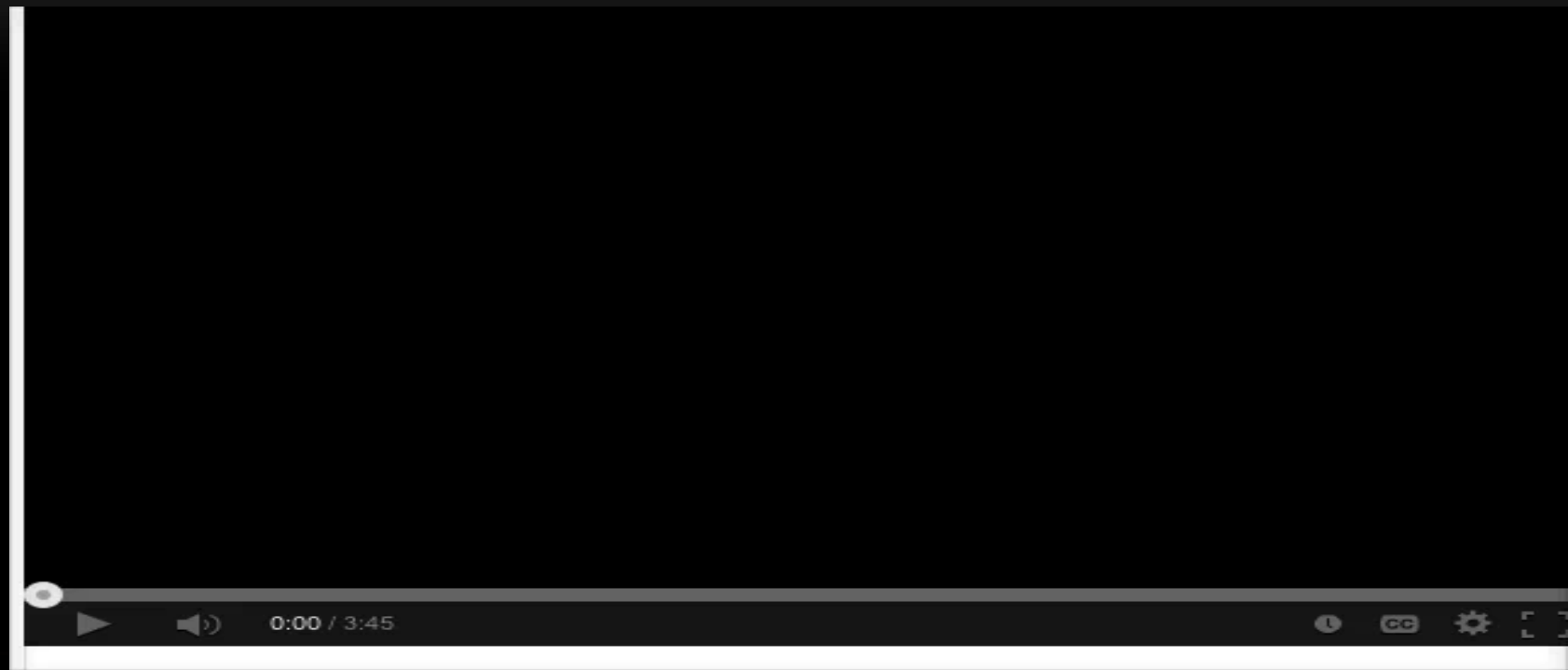
MSNBC



CORCORAN STATE PRISON

MSNBC. (N.D.). *CORCORAN STATE PRISON*. RETRIEVED SEPTEMBER 2013, FROM [HTTP://WWW.YOUTUBE.COM/WATCH?V=4JQGHKOGSNU](http://www.youtube.com/watch?v=4JQGHKOGSNU)

JAY ANDERSON



[HTTPS://WWW.YOUTUBE.COM/WATCH?
V=C4BEUC3-CKW](https://www.youtube.com/watch?v=C4BEUC3-CKW)



QUIZ TIME:
WRITE NAME ON TOP OF PAPER
LEGIBLY.
TURN PAPER IN TO ME FOR CREDIT

1. INDETERMINATE SENTENCE:
PRISONER'S BEHAVIOR HAS AN
INFLUENCE ON RELEASE DATE:

TRUE OR FALSE

2. FIRST AMERICAN PRISON
EXPERIMENT BEGAN IN NEW YORK:

TRUE OR FALSE

3. RECIDIVISM RATES SUGGEST THAT
OUR PRISON SYSTEM SUCCEEDS IN
CORRECTING PEOPLE:

TRUE OR FALSE

4. OUR NATION'S WAR ON DRUGS
BEGAN UNDER PRESIDENT
GEORGE W. BUSH:

TRUE OR FALSE

5. SPENDING ON PRISONS AND
EDUCATION HAVE KEPT PACE WITH
EACH OTHER OVER THE PAST 30 YEARS:

TRUE OR FALSE

6. SUPREME COURT JUSTICE ANTHONY
KENNEDY PUBLICLY SUPPORTS OUR
NATION'S APPROACH TO
INCARCERATION:

TRUE OR FALSE

7. ATTORNEY GENERAL ERIC HOLDER
BELIEVES THAT OUR DRUG LAWS ARE
BASICALLY FAIR:

TRUE OR FALSE

8. STATISTICS SHOW THAT PEOPLE WHO
SERVE TIME IN PRISON ARE MORE
LIKELY THAN NOT TO AVOID FURTHER
PROBLEMS WITH THE LAW:

TRUE OR FALSE

9. THE STATED PURPOSE OF THE SHU UNIT AT PELICAN BAY IS TO CONFINE PEOPLE WHO COMMITTED HEINOUS CRIMES PRIOR TO THEIR CONFINEMENT:

TRUE OR FALSE

10. PEOPLE AROUND THE WORLD
ADMIRE OUR NATION'S PRISON SYSTEM
AS A HUMANE MODEL OF CRIMINAL
JUSTICE:

TRUE OR FALSE
