

Can Prisons Rehabilitate Criminals?

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Introduction

For most of the 20th century, society put more emphasis on rehabilitating criminals than on punishing them. But in the mid-1970s, with mounting public concern about the threat of crime and growing skepticism about the effectiveness of **rehabilitation**, Americans began to focus on two other purposes of prison—retribution and public safety. Now, however, prisons have become severely overcrowded, and policy makers are taking another look at **rehabilitation** and alternative corrections programs.

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Overview

When President Bush introduced his administration's crime-prevention package last May, there was no talk about rehabilitating criminals. Bush's recommendations had a different theme: "lock-them-up-and-throw-away-the -key."

"A common-sense approach to crime means that if we're going to affect people's behavior," the president said, "we must have a **criminal**-justice system in which there is an expectation that if you commit a crime, you will be caught; and if caught, you will be prosecuted; and if convicted, you will do the time. For far too long, a privileged class of violent and repeat offenders have calculated that crime really does pay—that our **criminal**-justice system is a crapshoot where the risks are worth the rewards. Well, it's time we change the odds—and up the stakes enormously,"¹

Bush called on Congress to authorize an additional \$1 billion for federal prison construction, a sum he said would boost federal prison capacity by nearly 80 percent. Too many offenders have "walked out of jail early, sometimes years early, because prisons are bursting at the seams," the president said. "... [I]t doesn't do any good to provide new federal agents, new assistant U.S. attorneys, and new laws with long-term penalties—if we don't have the prison cells to keep criminals where they belong."

Bush's emphasis on incarceration was criticized by Rep. Charles B. Rangel, D-N.Y., chairman of the House Narcotics Committee. "We will never be able to build enough prisons," Rangel said at a June 27 press conference where he unveiled his own crime-prevention package (HR 2374), which would give states federal aid to experiment with non-prison alternatives for nonviolent offenders. But Rangel conceded that the president's "lock-them-up" approach was more in tune with the temper of the times, and that his plan might be seen as coddling criminals.

The hard-line position taken by the president reflects the view that has dominated **criminal**-justice thinking for at least the past 15 years. After decades of focusing on the **rehabilitation** of **criminal** offenders, penologists have come to stress the other traditional goals of incarceration: punishment, retribution, deterrence and protection of society.

This shift in America's thinking about crime and punishment began in 1974, with an article by sociologist Robert Martinson of the City University of New York in the journal, *The Public Interest*. "With few and isolated exceptions," Martinson concluded after examining the results of more than 200 **rehabilitation** programs, "the rehabilitative efforts that have been supported so far have had no appreciable effect on recidivism," Martinson conceded that better programs might have more success than those he studied, but he remained skeptical. "It may be ... that education at its best, or that psychotherapy at its best, cannot overcome or even appreciably reduce the powerful tendency for offenders to continue in **criminal** behavior," he wrote.²

Martinson's conclusion, widely dubbed the "nothing-works" theory, was seized upon by conservative politicians and state legislatures as confirmation of a national crisis in law and order. Martinson found himself featured on network television, cited by state legislators urging changes in penal laws and lionized by conservative thinkers. Although Martinson would eventually change his views on **rehabilitation**, his analysis gave rise to a new body of literature by social scientists promoting a more conservative view of prison policy.

One of the most influential spokesmen for this new conservative position was James Q. Wilson, then a professor of government at Harvard University. In his 1975 book, *Thinking about Crime*, Wilson argued against the liberal notion that society should fight crime by getting at its root causes—poverty, unemployment, broken families. Government, Wilson suggested, should accept the idea that the main purpose of prisons is not to rehabilitate, but rather to isolate and punish. "It is a measure of our confusion," he wrote, "that such a statement will strike many enlightened readers today as cruel, even barbaric. It is not. It is merely a recognition that society at a minimum must be able to protect itself from dangerous offenders and to impose some costs ... on **criminal** acts; it is also a frank admission that society really does not know how to do much else."³

Such tough rhetoric was quickly accepted by the public and politicians, but American prisons did not eliminate their **rehabilitation** programs. "I don't think **rehabilitation** ever died in terms of the corrections profession's objective. There's always been a strong commitment among professionals to the idea," says Dale Parent, senior analyst at the Cambridge consulting firm of Abt Associates Inc. and a former director of the Minnesota Sentencing Guidelines Commission.

There were also practical advantages to keeping such programs going. Job training, counseling and educational programs “were not dismantled as a result of [Martinson’s] findings, because prison managers found they were useful tools,” says John J. Dilulio Jr., a professor of politics and public affairs at Princeton University. Such programs make it easier for prison administrators to run prisons smoothly because they help prevent the kind of violence that erupts among idle prisoners, Dilulio says. They also give the prison staff something to do and improve their morale, reducing staff turnover and consequently lowering the costs of operation.

During the 1970s and '80s, penologists also continued to experiment with alternatives to incarceration. These included placing prisoners in halfway houses, forcing them to do community service instead of prison time, and, more recently, confining prisoners within their own homes under electronic supervision. Advocates of these alternative corrections programs believe they help teach offenders how to lead normal, law-abiding lives.

Nevertheless, corrections officials are well aware of the public’s wariness toward **rehabilitation**. When they market community-based programs to their state legislatures, they tend to underplay their rehabilitative aspects and emphasize instead the programs’ potential for solving the problem of prison overcrowding and reducing the high costs of incarceration, “If you believe in **rehabilitation** and you’re trying to sell a program you believe will have a rehabilitative effect, you will try to make the program as attractive as possible to the people who provide the money,” Parent observes, “If you broaden the themes, you can broaden your support.”

While community-based programs are usually sold on the basis of their cost-effectiveness or their ability to impose appropriate punishment, many corrections officials believe they may be more effective in preventing offenders from returning to a life of crime than jail-or prison-based programs. But because most of these programs are relatively new, experts say it’s too early to assess their long-term impact on the future criminality of the participants.

Corrections officials do agree, however, that no one program will work for everyone. No one would expect a hospital to cure every patient with the same drug, argues Charles F. Wellford, director of the University of Maryland Institute of **Criminal** Justice and Criminology at College Park, Md. “We wouldn’t even think of [proposing that], but we do in corrections. The problem is not identifying the programs; it’s being able to specify what we’re going to provide to individuals while they’re in institutions. There will be some sets of programs that fit different kinds of people.”

Taking a second look at rehabilitation

Proponents of carefully tailored **rehabilitation** programs have gotten a boost from a group of Canadian researchers who took another look at some of the studies originally considered by Martinson, as well as some more recent studies. After reviewing hundreds of studies, the Canadians concluded that **rehabilitation** does reduce the rate at which participants return to prison, at least some of the time. According to their study, the success rate depends on the kind of program and on the kind of participants. 

“The great mistake we made in the past...,” says Paul Gendreau, the study’s leader who is director of research for Centracare, a public mental health facility in St. John, New Brunswick, “was to lump a bunch of studies together ... and, since they all canceled each other out, [say,] ‘Nothing works.’ ... [I]n fact, some programs were working and some weren’t. You have to look at the specific conditions of the various programs.”

Ironically, this is the same conclusion Martinson eventually reached. In an article published in the winter of 1979, Martinson said new evidence, based on an entirely different set of studies more representative of the **criminal**-justice system as a whole, led him to reject his original conclusion. “[C]ontrary to my previous position, some treatment programs *do* have an appreciable effect on recidivism,” he wrote.  Echoing his earlier findings, Martinson concluded “that no treatment program now used in **criminal** justice is inherently either substantially helpful or harmful. The critical fact seems to be the *conditions* under which the program is delivered.” For example, Martinson found that formal education programs produced a detrimental effect on the standard recidivism rates of juvenile delinquents when taught in a group home but had a beneficial effect when taught to juveniles in prisons.

Martinson’s later article was not as widely publicized as the first, and it had little impact on the anti-**rehabilitation** mood of the nation at the time.  Yet it took the middle-ground view that many experts today believe is the right one: Some **rehabilitation** programs work for some prisoners some of the time.

Which ones work for which prisoners, however, is a matter of debate. Gendreau says his research indicates that the most successful programs are those that concentrate on offenders most likely to commit crimes in the future. These individuals tend to be younger, less educated and possess few job skills. They also tend to have substantial **criminal** records, anti-social attitudes and frequently serious drug habits, “[I]t’s much tougher to run a work program for people with no work skills,” he says, “but they’re the ones who can benefit the most.”

Princeton’s Dilulio is not convinced by Gendreau’s argument that hard-core offenders are the best bet for **rehabilitation**. Dilulio says that while Gendreau’s statistics may show an impressive percentage of chronic criminals responding to treatment, the end-result remains unsatisfactory from society’s point of view. For example, a successful **rehabilitation** program by Gendreau’s standards is one that reduces the proportion of graduates who are convicted of a new crime to 60 percent; without **rehabilitation**, the number would be 90 percent. While Gendreau stresses that 30 percent of the prisoners have profited from the program, Dilulio points out that the majority are still committing new crimes.

For Dilulio, the best payback in terms of public spending on **rehabilitation** is to be found with the opposite end of the spectrum—those offenders who are less likely to commit new crimes in the first place. “People who commit violent crimes tend to be violence-prone,” he says. “People who are hardened convicts aren’t amenable to having their behavior changed by what people in prison and jails can do. When you have someone who hasn’t reached that point, [like] a first-time offender, and give him any kind of intensive treatment or education, the statistical probability of resulting in change in his lifestyle is greater.”

Dilulio also notes that most of the programs described as successful by Gendreau are in community settings, not in jails or prisons. He says this confirms the view that prison- and jail-based **rehabilitation** programs tend to fail. One reason for this failure, says Dilulio, is that within a maximum-security prison, one is forced to deal with experienced criminals—the very population most resistant to any treatment. The other reason may be that the harsh demands of confining someone’s liberty, especially within maximum-security prisons, are inconsistent with efforts to teach someone how to behave in freedom. “You try to teach someone to exercise responsibility when you cannot afford to give them responsibility for themselves [within prison],” he says. “You say, ‘We’re trying to teach you ways of thinking that will help you in the future.’ Well, many of them don’t have a future. They’re not going out to anybody or to jobs and some of them literally have no prospects of ever being released.”

What about the Hollywood vision of the **criminal** who “goes straight”? “There aren’t many people like that, not when you’re talking about penitentiary populations,” says Francis L. Carney, chief of psychology services at Patuxent Institution in Maryland, an institution devoted, until recently, to the **rehabilitation** of violent criminals. For Carney, **rehabilitation** realistically would be achieved if a former armed robber limited himself to smoking marijuana, shoplifting or maybe peddling a few drugs on the side. “You have to give them a certain amount of leeway to be bad,” says Carney. “If you do, . . . then they don’t get any urges to be very bad. All you can really hope for is that this personality will keep his criminality in bounds which are socially acceptable and not socially destructive.”

Susan Turner, a researcher in the **criminal**-justice program at the RAND Corp. in Santa Monica, Calif., sounds a similar note in talking about chronic juvenile delinquents. “These kids are so bad, that what you’re trying to do is keep them out of the adult prison system. Maybe they won’t commit *terrible* crimes. When you’re looking at **rehabilitation**, you can’t expect that you’re going to turn them into model citizens.”

The political mood shifts toward punishment and protecting society

The high rates of recidivism have fueled public skepticism about the effectiveness of **rehabilitation** and produced support for programs that concentrate on getting more offenders into prison and keeping them there. The hardening of public attitudes was evident in the reaction to the well-publicized case of Willy Horton during the 1988 presidential campaign. Horton, a Massachusetts inmate, was charged with sexually assaulting a Maryland woman while on a temporary leave from prison. President Bush made much of the fact that Massachusetts had granted a furlough to a first-degree murderer like Horton, who had been sentenced to life without parole. Only one other state, Maryland, permits furloughs for prisoners who have been sentenced to life without parole.⁶ But many states—and the federal government—grant furloughs to violent offenders; 37 states, the District of Columbia and the federal Bureau of Prisons make inmates serving life sentences eligible for furloughs.

Professionals in the corrections field regard the well-established furlough programs as a great success. They point out that more than 99.5 percent of prison furloughs result neither in a violation of the terms of the furlough nor in a new crime. A 50-state survey conducted by the Contact Center Inc. of Lincoln, Neb., reports that “Virtually every [state prison] system considered furloughs helpful in preparing inmates for release and improving institutional morale.” Furloughs are granted primarily to help inmates maintain ties with their families, to let inmates look for work and housing before parole, and to begin the process of returning to normal life. All but three states reported success rates higher than 90 percent, according to the survey.⁷

Ironically, the Massachusetts program that furloughed Horton was even more successful than the norm for prisoners’ abiding by the rules of their furloughs. Yet the public uproar over the Horton case suggests that even a national failure rate of one-half percent may be too great when it comes to public safety. Even the most impressive statistical record will not be convincing to those citizens who identify with the few unlucky victims and fear for their safety.

Two incidents involving furloughed prisoners created a public uproar in the state of Maryland last year. As a result, the Maryland Legislature decided to dismantle a 38-year-old **rehabilitation** program at Maryland’s maximum-security Patuxent Institution. On March 20, Maryland Gov. William Donald Schaefer signed a bill removing Patuxent’s statutory responsibility to rehabilitate its prisoners, specifying that **rehabilitation** was now merely a “goal.” The institution’s power to decide when prisoners would be released, considered unique in the nation, was also severely curtailed by the new law.⁸

The controversy over Patuxent erupted last November after newspapers reported that Patuxent inmate and convicted murderer Robert Angell had been granted day-leaves from the prison 11 times between March and November. Angell was serving three consecutive life sentences, two of them for shooting two Montgomery County police officers and one for shooting a 17-year-old boy. While Angell did not do anything wrong during his leaves, the fact that he was free and unsupervised created a furor, particularly among Montgomery County police and the slain officers’ relatives. The public uproar intensified after James Stavarakas, a Patuxent inmate who was serving a 25-year sentence for first-degree rape, was charged with another rape in Prince George’s County during an escape from his work-release job.⁹

Donald J. Hogan Jr., who served as counsel to the Maryland Assembly's special joint committee that recommended the change in Patuxent's mission, says the legislation reflected, in part, a disillusionment with Patuxent for its inability to predict whether inmates were rehabilitated or to prove that the institution had lower recidivism rates than other Maryland institutions. But Hogan also sees the shift in the legislative mood as part of an increasingly punitive attitude toward criminals in general. "It's all tied in with the victims' rights movement, where they're saying, 'Even if [the prisoners] were rehabilitated, nevertheless these people deserve to be punished for their crimes.'"

Francis Carney, who has served as chief of psychology services at Patuxent Institution for the past 20 years, agrees that it's this attitude more than the success or failure of **rehabilitation** that gave impetus to the Legislature's move. He points out that Robert Angell was a model prisoner, who in some 20 day-leaves in his career at Patuxent never violated any rules. "Our society has become much more punitive than it was in the '50s," when Patuxent was created, says Carney. "We got into trouble with Robert Angell not because we failed but because we succeeded. ... No one can say he was dangerous.... It didn't matter how rehabilitated Robert Angell was; he wasn't punished enough."

Carney observes that the kind of serious crime with which Stavarakas was charged during his work-release escape is a risk that **rehabilitation** programs, as well as conventional work-release and parole programs, take on a routine basis. "The public expects too much, or maybe psychiatry promises too much," says Carney. "We never said that we're going to cure everybody that we treat; I don't think we ever said that everybody we let out would never commit another crime. They might even commit a horrible crime. It would be lovely if we could make 100 percent predictions, but we can't. This is something that the public just doesn't like to understand: that if you let people out of prison, at some point along the line you're going to guess wrong. If it's a professional guess, you're going to be right 80 to 90 percent of the time. But it's still a guess."

Prison overcrowding perpetuates revolving door

The uncertainty about the effectiveness of **rehabilitation** has helped generate the swing in favor of longer prison sentences for convicted offenders. Since the 1970s, many states have enacted laws mandating fixed sentences, establishing sentencing guidelines and eliminating parole for those who commit certain crimes. The Omnibus Drug Act of 1986, which stiffened penalties for drug sellers, manufacturers and users, is expected to lead to a significant increase in the federal prison population by the year 2000. ⁸

The influx of inmates has already put a great strain on the nation's prison system. According to the Justice Department's Bureau of Justice Statistics, the number of prisoners in federal and state prisons nearly doubled from 1980 to 1988, rising from 330,000 to 627,000. ⁹ The influx has had unexpected results—to accommodate incoming prisoners, corrections officials have been forced to release other prisoners because of severe overcrowding.

The pressure to grant early releases is particularly strong in the 37 states where at least one institution is under court order to reduce prison crowding. One such state is Florida, where a federal court order prohibits the prisons from exceeding 99 percent of the state system's capacity. The order has forced the state to take drastic measures to shorten prisoners' sentences. According to *The New York Times*, every prisoner in Florida, except those serving mandatory sentences for firearms offenses or those on death row, has one-third of his or her sentence lopped off automatically on the day the sentence begins. ¹⁰

A more common way states are dealing with the crowding problem is to have prisoners serve their time in the community under probation, parole or a variety of other supervised programs, such as work release or electronic monitoring at home. ^{*} As a result, the number of people on probation or parole has actually increased faster than the prison population since 1980.

In fact, very few offenders spend their entire sentence behind bars. A 1987 study by the Bureau of Justice Statistics indicates that violent criminals (including murderers, rapists and robbers) serve about half of their sentence in the community. Many lawbreakers never enter prison in the first place. Only about a third of all convicted criminals go to prison or jail; the other two-thirds are sentenced to probation. Probation was originally designed as a way to supervise first-time offenders, primarily people convicted of misdemeanors. Today, however, about half of those granted probation are convicted felons and many of these are repeat offenders, who would not have been considered for probation in the past. ¹¹

One way to keep prisoners behind bars, of course, is to build more prisons. But in spite of the public's get-tough attitude toward crime and criminals, it's still difficult to win public support for new prison construction. The objections include the high construction costs (typically ranging from \$50,000 to \$70,000 per cell), the cost of locking someone up (averaging about \$14,000 to \$20,000 annually per prisoner), and residents' opposition to siting new prisons near their homes. ^{*}

Community-based programs: Do benefits outweigh the risks

The problem of prison overcrowding has given those who favor alternative corrections programs new, practical arguments in favor of non-prison forms of punishment. And there are signs that they are winning support in the states: -More than 40 states now offer "intermediate sanction" programs, which are tougher than traditional probation but less punitive than prison.

Among the most popular programs is “intensive supervision probation,” a closely supervised form of probation under which the offender may live at home or in a dormitory setting that has strict rules and curfews but no bars. For example, Georgia’s program, which began in 1982, requires offenders to work, to have five in-person contacts per week with their probation officers and to have frequent drug and alcohol tests. Probation officers are able to oversee the offenders closely because of much lower caseloads— an average nationwide of 21 cases per officer compared with 113 cases per officer in conventional probation programs.¹²

According to a 1988 survey, 35 states have implemented intensive supervision probation and 10 have plans to do so.¹³

Another increasingly popular alternative to incarceration is house arrest, in which the offender lives at home but has his comings and goings electronically monitored by a device that he wears. About 33 states used electronic monitoring to supervise nearly 2,300 offenders in 1988. The most common offenses committed by electronically monitored offenders are major traffic violations and property offenses.¹⁴

Besides helping with the prison overcrowding problem, alternative corrections programs also are less expensive than keeping someone in prison. In Florida, for example, it costs less than \$5 a day to keep someone under house arrest, compared with the nearly \$30 a day it costs to keep someone in prison,¹⁵ “We pay more to lock up people who are stealing than they stole in the first place,” says Mark Corrigan, director of Brandeis University’s National Institute for Sentencing Alternatives. He estimates that in most states “20 to 30 percent of the prison population doesn’t need to be there for purposes of public protection. They’re locked up because there wasn’t an alternative punishment there.”

Not everyone agrees with Corrigan’s assessment of the prison population. According to national estimates cited by Dilulio, more than 90 percent of all prisoners are violent offenders, repeat offenders with two or more felony convictions or violent repeat offenders.¹⁶

Most states experimenting with community-based corrections programs place restrictions on who may participate in an effort to bar the most dangerous criminals. If all of these restrictions were applied to the kinds of offenders now sentenced to prison nationwide, less than 20 percent of them would qualify for community programs, two researchers from the RAND Corp. reported.¹⁷ Although about 70 percent of the nation’s prison-bound offenders have been convicted of non-violent crimes, only 25 percent could qualify for a program that demanded no previous jail or prison sentence, and only 13 percent would qualify if the programs also required that the offender have no history of drug selling or use, have no history of alcohol abuse, or have no previous jail or prison sentence for a violent crime.

But the pressures of prison overcrowding are forcing some states to relax the restrictions on who may participate in alternative corrections programs. In Oregon, for example, the initial criteria for entering intensive supervision probation excluded individuals with violent histories. The number yielded by such stringent criteria was so small, however, that the state soon loosened its requirements. According to a recent National Institute of Justice report, many states have expanded their electronic monitoring programs to include more people convicted of property, drug and sex crimes; initially, many of these programs were restricted primarily to those convicted of serious traffic violations.¹⁸

Because it appears that many of the offenders participating in community programs would otherwise have been sentenced to probation, community approaches might actually be more expensive, RAND researcher Susan Turner acknowledges. But, she says, the new experiments may offer more protection for the community because the participants are more closely supervised. The number of people who commit crimes while on routine probation is dishearteningly high. A study done by Turner’s colleague, Joan Petersilia, found that of a sample of felons granted probation in Los Angeles and Alameda counties in California, two-thirds had been rearrested within two years—many of them for serious offenses such as burglary, assault and robbery.¹⁹

Advocates of alternative corrections programs generally maintain that the price of additional crimes committed is outweighed by the prison costs saved. But it’s not clear that the average citizen feels comfortable with such a cost-benefit reckoning, knowing that if the offender had been locked up he would not have been able to steal the family jewelry or the car radio. “[T]he American people are not concerned about crime simply, or even chiefly, because it is expensive,” argues James Q. Wilson, now a professor of management at the University of California at Los Angeles. “[P]redatory crime, in particular crime committed by strangers on innocent victims, causes the kind of fear that drives people apart from one another and thus impedes or even prevents the formation of meaningful communities.”²⁰

Two goals in conflict: Rehabilitation vs. crime prevention

Traditionally, liberals have sympathized with the rights of prisoners while conservatives have sympathized with the victims of crime. Liberals point to the high proportion of black males in jail as evidence that poverty, racism and broken families are largely responsible for their **criminal** careers. One of every nine adult black males in this country is under some form of correctional supervision (prison, jail, probation or parole), with a disproportionate number concentrated in poor inner-city neighborhoods.

The issue has been given a new political cast by research showing that the victims of crime, like the criminals themselves, are

disproportionately poor, black city-dwellers. Blacks are victims of violent crimes at much higher rates than whites, and usually such crimes are committed within a few blocks of their homes. Most violent crimes against blacks are committed by individuals of their own race. In 1987, for example, 82 percent of violent crimes against blacks were committed by blacks, according to the Bureau of Justice Statistics. In Washington, D.C., now known as the murder capital of the nation, 82 percent of the killings in 1988 were committed by young black males against other young black males. ²¹

Unless the social conditions in the neighborhoods where these crimes are committed are improved, reformers argue, imprisonment will have very little effect on crime rates. But those who lean toward the conservative position say there's still a good, simple reason for imprisonment—the removal of criminals from the streets of the poorest neighborhoods where their victims live. “In these neighborhoods, the problem which must be solved before you can solve anything else is the problem of predatory street crime,” says Dilulio, who has been studying crime-torn neighborhoods in Washington, D.C. “It's a simple problem of people afraid to send their kids to school, afraid to send their kids outside to play, afraid to go outside their doors.”

Dilulio's prescription for underclass neighborhoods is stepped-up law enforcement, more prisons and the judicious use of community techniques like intensive supervision probation. But he's doubtful that community alternatives can be expanded to include as broad a population of criminals as foreseen by the advocates of such programs. “The great joke here is that people who champion alternatives to incarceration and don't like incarceration at all [and] pose as champions of people in the underclass neighborhoods are supporting policies in which you get these guys off the street, put them in jail for a while, and [then] they return to the same street and victimize the same people over and over again.”

Jerome Miller, a leader of the movement to deinstitutionalize punishment for juveniles, reacts angrily to this analysis of the situation. Miller, now president of the National Center on Institutions and Alternatives in Alexandria, Va., is renowned for closing down Massachusetts' reform schools in the early 1970s when he headed the state's youth-corrections system. Miller contends that the majority of black men in the poorest of the inner-city neighborhoods have been in prison at one time in their life, evidence that crime has become more of an endemic sickness there than a sign of deviance. “There are so many alumni of the prison system now in the inner city that there's no way people are going to join together to go after the offenders, because they'll be going after their neighbors, friends and relatives.... You're talking about average Joes living in the community, out of work, making a bit here and there. ... They're from fragmented families, fragmented lives, and you see the end point of it in the crack houses, which are really places of ultimate despair. You're talking about people who have lost all hope. A side effect of that is that they're dangerous.”

To Miller, the hopeless environment from which criminals come and to which they must return is largely responsible for their lives of crime and escape through drug use. His prescription is treatment and **rehabilitation**, a prescription he acknowledges is currently unpopular. “If there were a majority of white suburban men locked up, there would be a crisis around ‘what are we going to do to treat them?’” says Miller. “No one would be talking about what the Bush administration is talking about: locking more and more people up. It's precisely because everybody knows who we lock up that we talk that way.”

Differences of opinion about human nature

Embedded in all of the debates over the purpose of **criminal** penalties are widely different assumptions about human nature. Is crime a disease that can be cured? Is it an inevitable result of a cruel environment? Or is it a moral choice exercised by the **criminal**? If it is a disease, then every **criminal** should be given treatment, and, presumably, at least some can be cured. That's the position taken by Francis Carney of Patuxent Institution. He believes that what causes crime in most people is the feeling early in childhood that the world is an untrustworthy place in which they will never be loved. When faced with a new inmate, he asks himself: “Is there something there—one positive human trait you can grab on and build on? Usually you can find something. You can't always build on it.” Yet even Carney acknowledges that not everyone can be cured. “I've also met a few people where no matter how hard I looked, no matter how hard I tried, I couldn't find that one positive human trait. Whatever it was in their lives that destroyed them, [it] destroyed them long before I ever got to them.”

Others believe it's the environment that's responsible for most crime, and, therefore, it is environmental changes that will cure most criminals. Parent notes with alarm the growing gap between the comfortable lives of suburban youth and the deprived lives of poor, urban youth. “We're increasingly turning out a major segment of our population unequipped to serve lawfully in our society. ... So long as we don't attend to problems of urban youth, we're going to continue to produce a population that needs to be locked up. We're in some respect generating our own problem.”

Parent contends that the best rehabilitative program is one that teaches the basic skills a poor urban juvenile never received: learning to read, learning a job skill, learning the difference between right and wrong, learning how to get up in the morning and get to a job on time.

Dilulio says he has a problem with what he calls the liberal view that “there are no bad boys, just bad homes.” On this point, he says, he identifies with conservatives, who “tend to believe that some people are just plain wicked.... They chose to inflict pain and suffering and therefore deserve punishment, whether or not it will lead to anything else.”

Corrigan disputes the idea that the purpose of punishment is to make people miserable. The public's desire for retribution, he suggests, should be satisfied by exacting compensation for the victim or for the community that has been wronged, as community service programs do. The appropriate response in Corrigan's view is: “If you steal, we'll make you pay back, and if you don't have the money to

do it, you're going to work. So there's a real and symbolic payback there." But conservatives like Dilulio don't believe community service is retributive enough. "I want the person who's imposed pain and suffering to suffer some pain and suffering on his own," he says.

Former White House counsel Charles W. Colson, who served seven months of a one- to three-year sentence for his role in the Watergate conspiracy, dismisses **rehabilitation** as a "human engineering approach" that "has proven a dismal failure." "Pursuing false dreams of **rehabilitation** undermines the principle of personal accountability," says Colson, who is now chairman of the Board of Prison Fellowship Ministries, a Christian outreach program for prisoners and their families. "By treating victimizers as victims, society robs them of the dignity belonging to moral agents. They are denied the opportunity to 'pay the price' and move on with life." 

The pendulum of public opinion has swung from the aim of curing criminals to that of punishing them. But it seems clear that all of the conflicting purposes of imprisonment will continue to play a role in the American corrections system, albeit to different degrees. Even those who believe in the power of curing know that some people can never be cured, while those who believe in punishment still hope that some can be saved.

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Carney, chief of Patuxent's psychology services, describes what it's like to treat hardened criminals at Patuxent Institution, a maximum security prison in Maryland that until recently was devoted to **rehabilitation** through psychiatric treatment. Carney's fascinating case studies paint a vivid picture of those who have and have not responded to treatment.

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Dilulio, a professor of political science at Princeton University, argues for orderly prisons replete with educational programs and activities. Whether or not such programs successfully rehabilitate prisoners, he asserts, society has a moral duty to provide a civilized environment inside prison. "A prison government that is lax in enforcing prohibitions against illicit activities, ignores rate violations, tolerates violence ... gives tacit if unintentional approval to such behavior and invites the offenders' contempt for the 'straight society' that permits and pays for such treatment,"

McDonald, Douglas Corry, *Punishment without Walls: Community Service Sentences in New York City*, Rutgers University Press, 1986.

An eyewitness report on the community service program conducted in New York City by the reform-oriented Vera Institute of Justice as an alternative to prison. The book also discusses the philosophy that led prison-reform groups to support such programs. McDonald found that graduates of community-service programs committed more crimes during their work sentence than if they had been in prison, but they returned to prison at about the same rate as traditional prisoners once their sentence was completed.

Wilson, James Q., *Thinking About Crime*, Basic Books, 1983.

This book is a revised edition of the 1975 essay that argued against rehabilitation as a realistic goal of prison. In this version, Wilson sounds many of the same themes as before but includes a critical look at more recent research questioning his conclusions. "It requires not merely optimistic but heroic assumptions about the nature of man," he writes, "to suppose that a person, finally sentenced after ... many brushes with the law ... should, by either the solemnity of prison or the skillfulness of a counselor, come to see the error of his ways and to experience a transformation of his character."

ARTICLES

Dilulio, John J. Jr., "Punishing Smarter: Penal Reforms for the 1990s," *The Brookings Review*, summer 1989, pp. 3–12.

"[T]he 1990s can be the decade when 'punishing harder' gives way to 'punishing smarter,' "writes Dilulio in this review of promising alternatives to traditional prisons.

Gendreau, Paul and Robert R. Ross, "Revivification of Rehabilitation: Evidence from the 1980s," *Justice Quarterly*, September 1987, pp. 349–407.

This article, which reports on the positive results of **rehabilitation** efforts from a variety of studies, revived social scientists' interest in **rehabilitation** after a decade in which many had declared that "nothing works."

The Journal of State Government, Special Issue: Alternatives to Prison Crowding, March/April 1989.

This issue contains informative articles on the innovative approaches to prisoners now being tried in a variety of states in response to prison crowding. Among other topics, the articles address the likely effect of community approaches on crowded prisons and the civil liberties problems raised by electronic monitoring of prisoners at home.

REPORTS AND STUDIES

Parent, Dale G., *Shock Incarceration: An Overview of Existing Programs*, Department of Justice, June 1989.

This report on boot-camp-style prisons raises questions about their success at **rehabilitation**, their expense and their tendencies toward physical abuse of prisoners. Available from U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, Washington, D.C. 20531.

Petersilia, Joan, *Expanding Options for Criminal Sentencing*, RANI) Corp., November 1987.

An excellent review of community-based alternatives to prison throughout the nation. RAND researcher Petersilia takes a close look at the successes and potential problems with house arrest and intensive supervision probation, among other approaches. "To date, participants in community-based programs are behaving extremely well," she reports. "However, as the programs expand and a wider array of offenders becomes eligible, the question of public safety will undoubtedly become more critical." Available from The RAND Corp., 1700 Main Street, P.O. Box 2138, Santa Monica, Calif. 90406-2138.

***Recidivism of Prisoners Released in 1983, Bureau of Justice Statistics Special Report*, Bureau of Justice Statistics, April 1989.**

A summary of the most recent Justice Department statistics on trends in prisoners' rearrests, reconvictions and return to prison. Available from Justice Statistics Clearinghouse/ NCJRS, U.S. Department of Justice, User Services Department 2, Box 6000, Rockville, Md. 20850.

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Footnotes

[1] Bush spoke May 15 at the National Peace Officers Memorial Day Service in Washington. A transcript of the president's remarks is printed in *Congressional Quarterly Weekly Report*, May 20, 1989, pp. 1211-1212.

[2] Robert Martinson. "What Works—Questions and Answers About Prison Reform," *The Public Interest*, spring 1974, reprinted in Nathan Glazer, ed., *The Public Interest on Crime and Punishment* (1984), pp. 1-34.

[3] James Q. Wilson, *Thinking about Crime* (1975), pp. 172-173.

[4] See Paul Gendreau and Robert R. Ross, "Revivification of **Rehabilitation**: Evidence from the 1980s," *Justice Quarterly*, September 1987, pp. 349-407.

[5] Robert Martinson, "New Findings, New Views: A Note of Caution Regarding Sentencing Reform," *Hofstra Lam Review*, winter 1979, pp. 243-258.

[6] Twenty-nine states have a life-without-parole statute. See Derrall Cheatwood, "Life-Without-Parole," *Crime and Delinquency*, January 1988, p. 45.

[7] The three states were Oregon, North Carolina and Hawaii- See "Furloughs for Lifers Successful," *Corrections Compendium*, September-October 1988, p. 11 and "Furlough Programs Widespread, Successful," *Corrections Compendium*, August 1988, p. 5.

[8] See John J. Dilulio Jr., "Punishing Smarter: Penal Reforms for the 1990s," *The Brookings Review*, summer 1989, p. 6.

[9] "Prisoners in 1988," *Bureau of Justice Statistics Bulletin*, April 1989.

[10] Andrew H- Malcolm, "Florida's jammed Prisons: More in Means More out," *The New York Times*, July 3, 1989.

[11] Juan Petersilia, *Expanding Options for **Criminal** Sentencing*, RAND Corp., November 1987, p. 3.

[12] From a survey conducted by Contact Center, Inc., a **criminal**-justice information clearinghouse in Lincoln, Neb- It is cited by Emily

Herrick in "Intensive Probation Supervision," *Corrections Compendium*, June 1988.

[13] *Idem*.

[14] Annesley K. Schmidt, "Electronic Monitoring of Offenders Increases," *National Institute of Justice NIJ Reports*, January/February 1989, p. 2.

[15] Dilulio, *op. cit.*, p. 9.

[16] *Ibid.*, p. 4.

[17] Joan Petersilia and Susan Turner, "Reducing Prison Admissions: The Potential of Intermediate Sanctions," *The Journal of State Government*, March/April 1989, pp. 65–69.

[18] Schmidt, *op. cit.*, pp. 3–4.

[19] Petersilia, *op. cit.*, p. 4.

[20] James Q. Wilson, *Thinking about Crime* (revised edition, 1983), p. 5.

[21] John J. Dilulio, Jr., "The Impact of Inner-City Crime," *The Public Interest* (in press).

[22] Charles Colson and Daniel W. Van Ness, "A Conservative Perspective: Alternatives to Incarceration," *The Journal of State Governments*, March/April 1989, pp. 59–64.

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*Several months after completing the article, Martinson committed suicide. He died on Aug. 11, 1976.

*Before the new legislation, an independent review board, in consultation with the staff, had determined when prisoners were ready to be released or given temporary leaves, based on their degree of **rehabilitation**. In most other prison systems, this power lies with the state parole board or the state corrections department, Patuxent was also highly unusual for the 1980s in that it stressed psychiatric treatment for its generally violent offenders and provided a comprehensive therapeutic environment overseen by psychiatric staff.

*Stavarakas was convicted of the second rape on July 21, 1989.

*For more information, see "Prison Crowding," *E.R.R.*, 1987 Vol. II, pp. 333–408.

*For background, see "Not In My Backyard!" *E.R.R.*, 1989 Vol I, pp. 305–320.

Special Focus

How States Are Coping with Prison Crowding

As the chart below shows, most state prison systems are operating at or over capacity. States are dealing with the crowding problems by having some prisoners serve their time in the community in a variety of supervised programs, such as electronic monitoring at home. A few states are sending first-time offenders to boot-camp prisons.

	Prison capacity	Population as percent of capacity	Intensive supervision probation	Electronic monitoring	Furloughs for prisoners with life sentences	Boot camp
Alabama	11,162	109%				✓
Alaska	2,793	93	✓		✓	
Arizona	12,240	99		✓	✓	
Arkansas	5,530	100	✓		✓	
California	70,706	108		✓		
Colorado	5,058	112	✓	✓	✓	

Connecticut	7,731	104	✓	✓	✓	
Delaware	2,880	110	✓	✓		
District of Columbia	7,417	113	✓		✓	
Florida	38,894	89	✓	✓	✓	✓
Georgia	17,296	109	✓	✓	✓	✓
Hawaii	2,130	111		✓	✓	
Idaho	1,406	110	✓			
Illinois	20,100	105	✓	✓		
Indiana	10,412	110		✓		
Iowa	2,918	104	✓			
Kansas	4,293	138		✓	✓	
Kentucky	6,649	94	✓	✓	✓	
Louisiana	12,330	100	✓		✓	✓
Maine	934	137	✓		✓	
Maryland	14,561	98	✓	✓	✓	
Massachusetts	3,891	173		✓	✓	
Michigan	21,454	129	✓	✓	✓	
Minnesota	2,976	94		✓	✓	
Mississippi	6,651	96	✓		✓	✓
Missouri	12,800	97	✓	✓	✓	
Montana	1,073	119	✓	✓	✓	
Nebraska	1,651	134		✓	✓	
Nevada	4,637	105	✓	✓	✓	
New Hampshire	998	100	✓			
New Jersey	13,324	110	✓	✓	✓	✓
New Mexico	2,751	103	✓	✓	✓	
New York	45,141	99	✓	✓	✓	✓
North Carolina	18,668	91	✓	✓	✓	
North Dakota	516	90			✓	
Ohio	18,482	141		✓	✓	
Oklahoma	7,378	142	✓		✓	✓
Oregon	4,722	127		✓	✓	
Pennsylvania	12,972	138		✓		
Rhode Island	1,579	121			✓	
South Carolina	11,793	113	✓		✓	✓
South Dakota	1,189	86	✓			
Tennessee	7,754	97	✓	✓	✓	
Texas	41,319	95	✓	✓	✓	✓
Utah	2,464	79	✓	✓	✓	
Vermont	597	130	✓		✓	

Virginia	11,460	115	✓	✓	✓
Washington	6,523	89	✓	✓	
West Virginia	1,640	85	✓		
Wisconsin	4,683	134	✓	✓	✓
Wyoming	950	101			

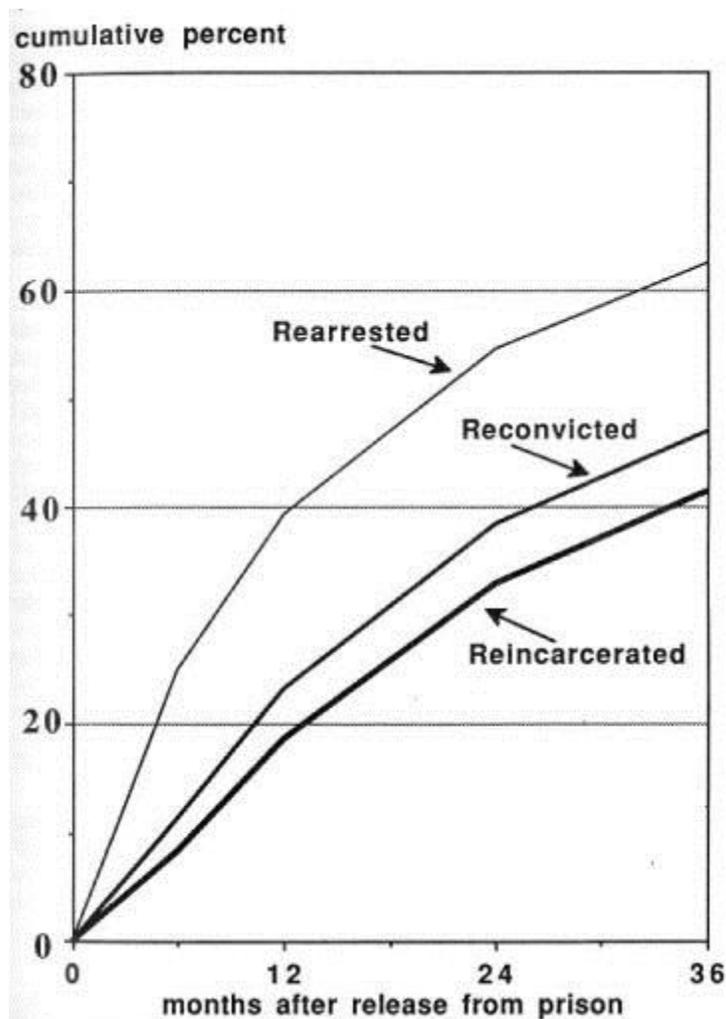
Sources; Corrections Compendium, *selected issues, 1988–89, U.S. Department of Justice.*

Note: Capacity data are the largest of three measures used in the Justice Department survey, thus producing a conservative estimate of crowding. Data for New-Hampshire and West Virginia are for males only.

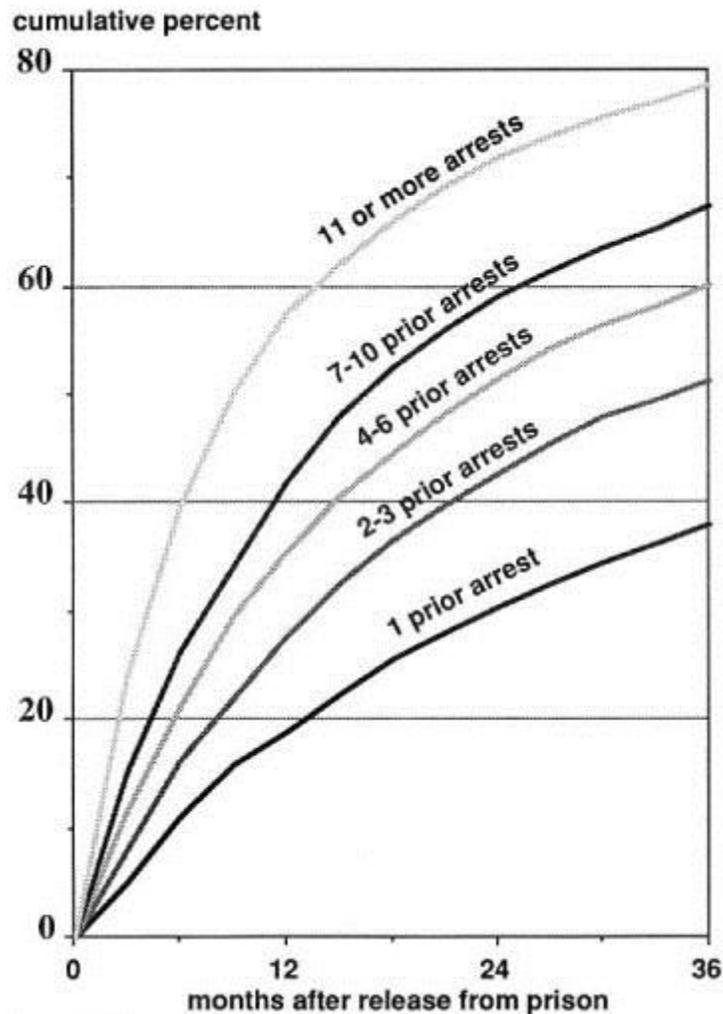
Returning to a Life of Crime

Within three years of their release from prison in 1983, 62.5 percent of the released prisoners had been rearrested; 46.8 percent had been reconvicted and 41.4 percent had been reincarcerated. Recidivism rates were the highest in the first year after release.

Recidivism rates are strongly related to the number of prior adult arrests: the more extensive a prisoner's prior arrest record, the higher the rate of rearrest after release from prison.



Source: U.S. Department of Justice; Bureau of Justice Statistics.



Source: U.S. Department of Justice; Bureau of Justice Statistics.

Boot Camp Prisons: A Money-Saving Alternative or Cruel and Unusual Punishment?

At first blush they look like soldiers. The young men in shaved heads and uniforms start their days at 5:30 a.m. and end them at 9:30 p.m. In between, they lead a military life, barking out responses like “motivated!” and “fired up!” They learn to address their superiors as “sir” and “ma’am,” to keep their mouths shut and to keep their ears open to orders.

But these young men are prisoners. They are experiencing “shock incarceration,” popularly known as boot camps, the latest vogue in corrections for first-time lawbreakers. Nine states now have boot camp programs and about 10 more are considering them.

Boot camps have been endorsed enthusiastically by politicians of varying stripes as a money-saving alternative to the nation's traditional, overcrowded prisons. Advocates also believe it will leave a memorable impression on novice criminals. National Drug Control Policy Director William J. Bennett, a vocal conservative, says he is considering recommending model state legislation that would send first-time drug offenders to boot camp prisons. According to Bennett's spokesman, the model legislation would be part of Bennett's national anti-drug strategy, scheduled to be unveiled in September. Bennett first endorsed boot camps in May, saying the recidivism rate is “very, very low because it is so grueling and so unpleasant; people don't want to go back to it.” ¹

Democratic Congressman Charles B. Rangel of New York is also excited about boot camps, but more for their rehabilitative than for their deterrent potential. Rangel, who went into the military as a black high school dropout, looks back fondly on his own boot camp experience. He says it taught him discipline, which he applied to his education and career later in life. He thinks the same lessons can be taught to young, non-violent lawbreakers, particularly those from low-income, single-parent families. “I'm convinced young people who have no fathers need discipline, need to know how to get up in the morning, how to respond to order,” Rangel says.

However, a recent study for the Department of Justice finds that recidivism rates for boot camps are higher than for regular inmates in some states, that some boot camps are more expensive than traditional jails and that the harsh atmosphere may encourage physical abuse of the prisoners. ²

The study's author, Dale G. Parent, a senior research analyst at the Cambridge, Mass., consulting firm of Abt Associates Inc., questions whether boot camps can be successful either as deterrents or as **rehabilitation**. He argues that, contrary to popular opinion, the parallels drawn between military life and prison boot camps are not very-accurate. Military boot camps generally provide six to eight weeks of intensive training, preparing a new recruit for two years or more of military service. Prison boot camps, on the other hand, are programs typically lasting about 90 days, after which the offender is turned back out on the street.

"Critics have argued that one of the things military training does is get you not to question authority," says Parent. "It prepares you for an extended period of living in an authoritarian command structure: that's not how free society works: You're back on the streets; you have choices to make." After a mere 90 days, says Parent, many of the boot camp graduates still lack some of the essential ingredients for surviving in the real world, such as literacy and job skills.

Boot camps take their deterrent character from the "shock probation" programs started in the 1960s and permitted by law in 16 states. The approach was aimed at first-time, non-violent offenders who are usually sentenced to probation instead of jail. The idea was to give youthful law-breakers a 90-day taste of prison in the hope that they would never want to repeat such an unpleasant experience. Studies of the programs concluded, however, that prisoners subjected to shock probation tended to return to prison at even higher rates than those receiving regular probation. The experience of prison, rather than administering the hoped-for negative shock, apparently exposed young offenders to seasoned prisoners, whose anti-social attitudes rubbed off on the new inmates.

Advocates of boot camps point to the claims of Mississippi state officials that the state's boot camp has a 15 percent recidivism rate compared with the 40 percent rate for traditional prisoners. But Parent says that comparison is inappropriate, because boot camp candidates are usually drawn from the probation population, as opposed to the prison population, which includes more hard-core, chronic criminals. Contradictory evidence comes from Oklahoma, where 50 percent of boot camp graduates returned to prison after 29 months, compared with 28 percent of inmates held in regular prisons on similar kinds of charges, according to preliminary results from the state Department of Corrections.

Many states are lured by the money -saving potential of boot camps. In New York, where boot camp participants are selected from volunteers sentenced to prison, the state saves \$1.59 million for every 100 boot camp graduates, according to a report submitted in January to the New York state legislature. However, the savings come primarily from the fact that prisoners spent less time in boot camps, compared with traditional prison sentences. The study found that on average, boot camp prisoners had their sentences cut in half. On a daily basis, the Justice Department study finds that boot camps can be more expensive than prison, because they require a higher ratio of staff to inmates. Moreover, the growing awareness that boot camp participants may need longer-term services, such as education and drug treatment, could reduce the overall savings advantages over traditional prisons. Finally, when boot camps are compared with traditional probation, which only costs a few dollars a day, boot camp is clearly more expensive, says Parent.

The Justice Department report warns that on-the-spot punishments meted out by boot camp staff can lead to physical abuse of the prisoners and become almost addictive. In one case cited by the report, an inmate was forced to stand at attention for two hours in the summer sun shortly after getting the regulation short haircut. He suffered second-degree burns on his scalp and was hospitalized for several days. In other instances, inmates were beaten by staff members, and in two cases, inmates with undetected medical problems died during initial physical drills, according to Parent.

The mixed reports on boot camps have led Bennett to take a closer look at them, says his spokesman, Lawrence D. Cirignano, who concedes that "the jury is still out on how good" they are from the standpoint of recidivism. Nevertheless, Bennett continues to speak favorably of boot camps in his public addresses. "If nothing else," Cirignano says, "just removing more people from the street and removing their liberty seems to be working."

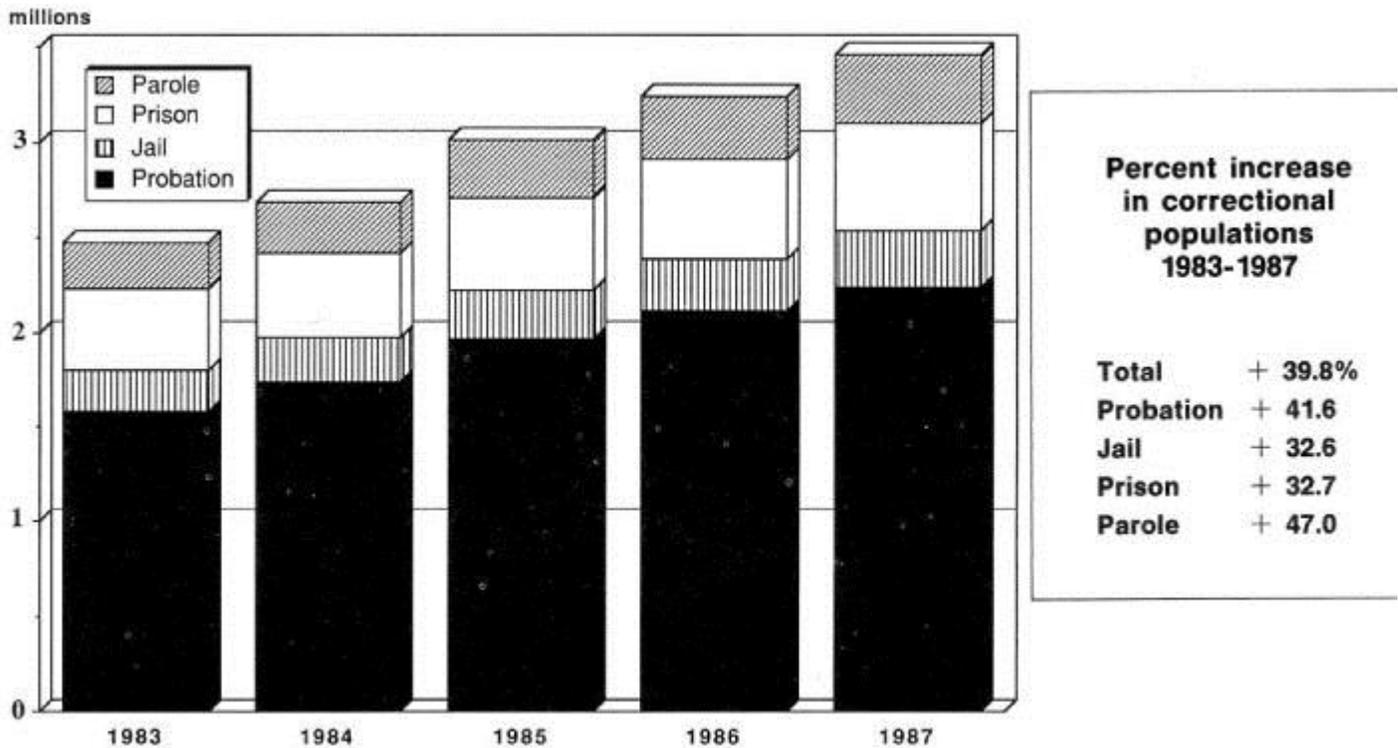
But Jerome Miller, president of the National Center on Institutions and Alternatives, a prison-reform advocacy group in Alexandria, Va., maintains that "There's no evidence boot camps work. In fact, there's considerable evidence it makes matters worse. Yet I predict we'll have boot camps all over the nation within a year, because it rings so strongly with the public. It sounds so punitive. There's something reassuring about watching some kid with a shaved head yell, 'Yes, sir!' and 'No, sir!' but it has virtually no meaning."

[1] Quoted by Dana Priest in *The Washington Post*, June 25, 1989.

[2] Dale G. Parent, *Shock Incarceration: An Overview of Existing Programs*, Department of Justice, June 1989.

Serving Time in the Community

The total number of persons in the U.S. correctional system grew by nearly 40 percent from 1983 to 1987. The number of people on probation and parole actually increased faster than the number in prison or jail.



Source: U.S. Department of Justice; Bureau of Justice Statistics.

Number of Incarcerated Rising at Unprecedented Rate

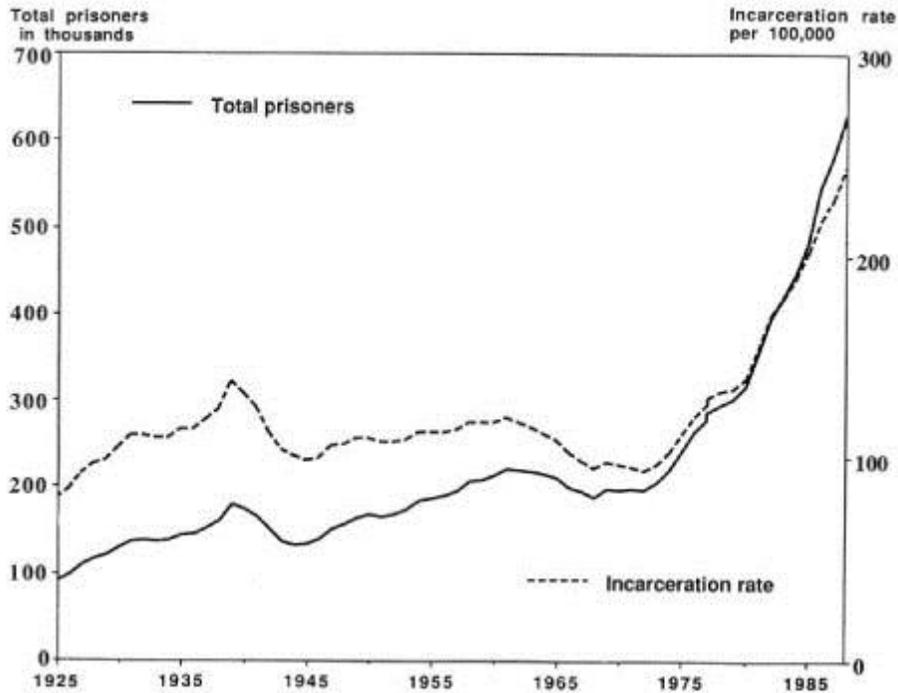
Since 1975, the number of people imprisoned in the United States has risen dramatically, producing the most rapid growth in the nation's prison population since the first prisons were established in the 19th century. Only about half of this rise reflects general population growth. As the accompanying graph shows, the rate of incarceration relative to the population has also risen sharply, ³

It's not that there's been a sharp rise in murder and robbery rates recently. In fact, the crime rate has remained relatively flat over the last 15 years. What's happened is that there is now a greater chance that a sentenced offender will go to prison. "It's a matter of getting tougher and more predictable," says Lawrence Greenfeld, director of correctional statistics for the Bureau of Justice Statistics.

Lawbreakers who might previously have been given probation are now more likely to do time behind bars because of changes in state laws that started in the early 1970s, ⁴ This trend grew out of the movement in the 1970s to reform the widespread "indeterminate sentencing" approach, in which judges were given great discretion over the punishment for a given offense. In an effort to eliminate the wide disparities in sentences and in response to public outcry about the "revolving door" of prisons, many states passed laws setting mandatory prison sentences for a broad range of crimes. Some, like California and Maine, created flat "determinate" sentences and weakened the power of parole boards to release prisoners early.

The turn away from flexible sentencing was also a response to social science studies of the 1970s concluding that it was not possible to predict the rehabilitative progress of an individual prisoner. Those studies, notes Greenfeld, "essentially destroyed the notion that rehabilitative achievement should be the basis for release decisions." The result was more people sent to prison for fixed periods of time.

The courts have responded by sentencing a growing proportion of those arrested to prison. In 1980, according to the Bureau of Justice Statistics, the courts sent 196 people to prison for every 1,000 arrests for a serious crime (such as murder, rape, robbery, burglary and aggravated assault). By 1987, that number had increased 54 percent to 301 prison admissions for every 1,000 arrests.



Other factors have also contributed to the rising incarceration rate. While the overall crime rate has remained flat, drug-related crimes have risen sharply, and many jurisdictions are cracking down on pushers. Since 1980, the number of adult arrests for selling or manufacturing illegal drugs has grown by 113 percent, according to the Bureau of Justice Statistics. This trend is expected to continue, in part because of the federal Omnibus Drug Act of 1986, which stiffened penalties for drug sellers, manufacturers and users.

The seeming contradiction of a relatively flat crime rate accompanied by a rising incarceration rate is partially explained by demographics, says Greenfeld. The number of 15- and 16-year-olds, the peak age group for **criminal** behavior, has been declining, while the number of adults old enough to be imprisoned has been rising. Before 1970, juveniles made up a larger fraction of the arrested criminals than they do today, and most of them would have been sent to juvenile institutions rather than prison.

Another contribution to the growing number of prisoners is an increased number of parolees returning to prison for violating the rules of their parole. Greenfeld thinks this trend may be a result of the growing attention paid to drug abuse while on parole. In California last year more people were sent to prison for violating their parole than to serve court-administered sentences, according to Greenfeld, who calls that "a very new phenomenon." Traditionally, parole violators have composed only about 20 percent of prison admissions. Today, says Greenfeld, they make up 30 to 35 percent, and the number is growing.

[3] The accompanying graph shows the growth in the number of state and federal prisoners sentenced to prison for more than one year. This definition is intended to measure the number of serious offenders and to eliminate those convicted of misdemeanors.

[4] The number of probationers has also increased, partly because the net of probation has widened to include such offenses as driving while intoxicated and domestic abuse, says Greenfeld.

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