

Chapter 9

The Potential of Community Corrections to Reduce Mass Incarceration in the USA

Marty Allen Hatfield

Liberty University, USA

ABSTRACT

Tough-on-crime policies and strategies, such as mandatory minimum and determinate sentencing laws and more severe punishments for juveniles, sex offenders, and drug offenders, have caused a substantial increase in the U.S. incarceration rate. Mass incarceration has generated several negative consequences, including racial bias and disparities, economic and social costs, and prison overcrowding. As such, the use of community corrections programs as an alternative form of sentencing has significantly increased. To effectively reduce crime and recidivism, community corrections programs must 1) utilize a validated risk and needs assessment when determining program placement; 2) provide participants with comprehensive, evidence-based services, including substance abuse and mental health treatment; 3) focus on modifying participants' behavior through treatment goal setting and the use of graduated incentives and sanctions; and 4) strive to hire and retain qualified staff, provide both initial and ongoing training, and monitor treatment staff with regular clinical supervision.

INTRODUCTION

With more than 1.8 million people incarcerated in federal and state prisons and local jails, the U.S. has the highest incarceration rate in the world (Kang-Brown et al., 2021). America's mass incarceration problem is the result of severe sentencing laws, including mandatory minimum, determinate, and three-strikes sentencing, as well as more severe punishments for juveniles, sex offenders, and drug offenders. Because of the ineffectiveness of the traditional corrections model, policymakers, practitioners, and researchers have advocated for the development and implementation of community corrections programs. These programs are responsible for the supervision of individuals who are not incarcerated but fall under the authority of the criminal justice system (Vera Institute of Justice, 2013). Most individuals under the su-

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pervision of a community corrections program fall into one of the following five categories: 1) individuals on pretrial release with active court cases; 2) individuals with open court cases who have been placed in a diversion program or specialty court and who will not be sentenced if they successfully complete the program; 3) offenders who have been found guilty of their charges and are sentenced to some form of supervision, such as probation; 4) offenders who have been released from prison or jail but remain under supervision through parole and/or probation; or 5) individuals released from prison to finish the remainder of their sentence in a work release or related program (Vera Institute of Justice, 2013).

Unfortunately, if administered incorrectly, community corrections programs will generate little positive change and may increase crime and recidivism rates in some cases. There are three primary purposes of this chapter. First and foremost, the chapter provides a summary of the following seven correctional theories: 1) retribution; 2) deterrence; 3) incapacitation; 4) restorative justice; 5) rehabilitation; 6) re-entry; and 7) early intervention. Second, the chapter discusses the factors that led to the departure from the theory of rehabilitation in the 1970s, as well as the advantages and disadvantages of institutional corrections in the U.S. Third, the chapter outlines the elements of effective community corrections programs and discusses the advantages and disadvantages of such programs. Recommendations for future research are also provided.

BACKGROUND

Seven Correctional Theories

Researchers have identified seven primary theories that have helped shape the American correctional system. The first is the theory of retribution, also frequently referred to as the theory of just desserts. Advocates of the theory of retribution assert that criminal justice practitioners lack the necessary experience and authority to figure out why an individual commits a crime or to attempt to rehabilitate an individual (Cullen & Jonson, 2016). Rather, the primary purpose of the U.S. correctional system is to get even with offenders. The retribution theory of corrections focuses on the crime, rather than the criminal. The second correctional theory is the theory of deterrence, which includes two primary types of deterrence. First, *specific deterrence* argues that individuals who commit crime can be deterred from future criminal behavior through punishment (Nagin, 2013). Second, *general deterrence* suggests that members of the public will be deterred from criminal behavior when they witness others being apprehended and punished (Nagin, 2013).

The deterrence theory of corrections argues that certain, swift, and severe sanctions deter individuals from crime (Loughran et al., 2012). One primary benefit of deterrence-based correctional policies and strategies is that they do, to some extent, control and prevent crime and enhance public safety. This is primarily due to the fact that offenders are unable to endanger the public while incarcerated. However, the deterrence theory assumes that offenders are rational actors who are capable of considering the consequences of their actions (Lee, 2017). However, Wright (2010) found that half of all state prisoners were under the influence of drugs or alcohol during their offenses. Therefore, punishment and/or the threat of punishment would likely have a minimal deterrent effect on these individuals due to their impaired capacity to consider the outcome of their actions (Wright, 2010). Like the theory of retribution, the deterrence correctional theory focuses on the crime rather than the individual.

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