



CORRECTIONAL OFFICER Self-Instructional Course



999101084

PART I BASIC CONCEPTS

CORRECTIONAL OFFICER Self Instructional Course

U.S. Department of Justice
National Institute of Justice

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January 1983

FOREWORD

The American Correctional Association is pleased to be asked to distribute the Correctional Officer's Correspondence Course developed by the National Institute of Corrections. The staff of the American Correctional Association reviewed these materials as they were being developed and are convinced this course contains the knowledge necessary to develop the skills needed by correctional officers.

The changes which have occurred in corrections and the changes projected for the next five years have intensified the need for additional training opportunities for correctional officers. The subject areas covered in this course will give the correctional officer an understanding of basic concepts in corrections. Inmate security procedures, supervision and the needs of special inmates are the major areas of study contained in this course.

The advantage of this course is that the officer or student can study during free time and set their own pace. An institution or state or county department of corrections can also use these materials as the self-instructional part of an individualized open entry program. Prospective employees can study these materials while waiting for a sufficient number of candidates to form a class. Schools, colleges, and universities can use this course as part of their criminal justice course offerings for students to complete in a home study course.

The skills outlined in this course are basic, necessary, up-to-date and based on the standards developed by the American Correctional Association. Good luck in your career in corrections.

Peace,
Anthony P. Trivisono
Executive Director



PREFACE

This course has been prepared for correctional officers. It is designed to help them acquire the information and skills they need to assume their important role as well-trained, correctional professionals. Students of this course will find extended discussions of those subjects traditionally associated with correctional training, such as: conducting counts, tool and key control, and search techniques. They will also find an emphasis on the management aspects of the officer's role. For, in corrections today, the successful officer needs to be able to draw on a wide variety of skills, such as interpersonal communications and inmate management techniques, as well as on proficiency in security procedures.

In the material, the third person masculine pronoun "he" has often been used to designate "the correctional officer." This usage is in no way intended to denigrate the value and contribution of female officers in correctional work. Rather, the intention was to avoid the continual repetition of the formulas "he or she" or "she or he" or "he/she" or "she/he," which can become cumbersome and distracting.

Corrections is an exciting and challenging field. We sincerely hope that these materials will contribute positively to the preparation of correctional officers so that their work may be professionally competent and personally satisfying.

HOW TO STUDY THIS COURSE

This course has been designed to be used by you, without the assistance of an instructor. This is how you should study it:

- First, you will be given some information to study. Read it carefully. You may want to underline the key points.
- Following the text are one or more questions. The questions are designed to see if you have learned and understood the material. Read the questions carefully and select your answer. In answering the questions, you may want to refer back to the material you have read to find the answer. This is perfectly all right.
- After marking your answer, check it against the correct answer, which may be found in the answer key. The answer key for each chapter is printed on colored pages at the end of the chapter. You will notice that each question has a number printed beside it; that is the number of the answer in the answer key. The answers are scrambled, not in order, so you cannot look at the next answer while checking a previous one.

Here is how a sample entry might look.

This course is for correctional officers. It is designed to help them acquire the knowledge and skills necessary to make their work professionally competent and personally satisfying.

Mark the group for whom the course has been designed.

- A. Prison administrators
- B. Inmates
- C. Correctional officers
- D. Parole officers

HOW TO STUDY THIS COURSE (continued)

After reading the introductory text and the question, mark what you think is the best answer. This question is #3. Right now, check answer #3 in the answer key behind the first chapter, "History and Philosophy of Corrections."

#3 in the answer key reads:

C. Correctional officers

If you marked C., then you know immediately that you are right. Congratulations! If you did not get the answer right, mark the correct answer on your sheet and go back and reread the text. Try and find out where you made your mistake. Sometimes the answer key will give you more information about why some answers are correct and others are incorrect.

Some of the questions, like the example above, are multiple choice. In this type of question, you will be asked to select the best response. Other questions will ask you to select the correct statement (or statements) from a list of possibilities. Still other questions are fill-ins in which you will complete a sentence in your own words, or with words from the text. Regardless of the type of question, it is important that you answer the questions carefully before checking the answers, and that you find out where you made an error before going on to new material.

You should find working through the course stimulating and rewarding. Good luck!

INTRODUCTION

This Correctional Officer Self-Study Course consists of four parts:

Part I Basic Concepts in Corrections

- Chapter 1. History and Philosophy of Corrections
2. The Role of the Correctional Officer
3. Legal Aspects of Corrections

Part II Supervising Inmates

- Chapter 1. Sizing Up the Situation
2. Communicating With Inmates
3. Controlling Behavior
4. Disciplining Inmates
5. Report Writing

Part III Security Procedures

- Chapter 1. Principles of Security
2. Contraband Identification and Control
3. Searches
4. Counting Procedures
5. Key and Tool Control
6. Patrol Procedures Within the Institution
7. Emergency Procedures
8. Transporting Inmates

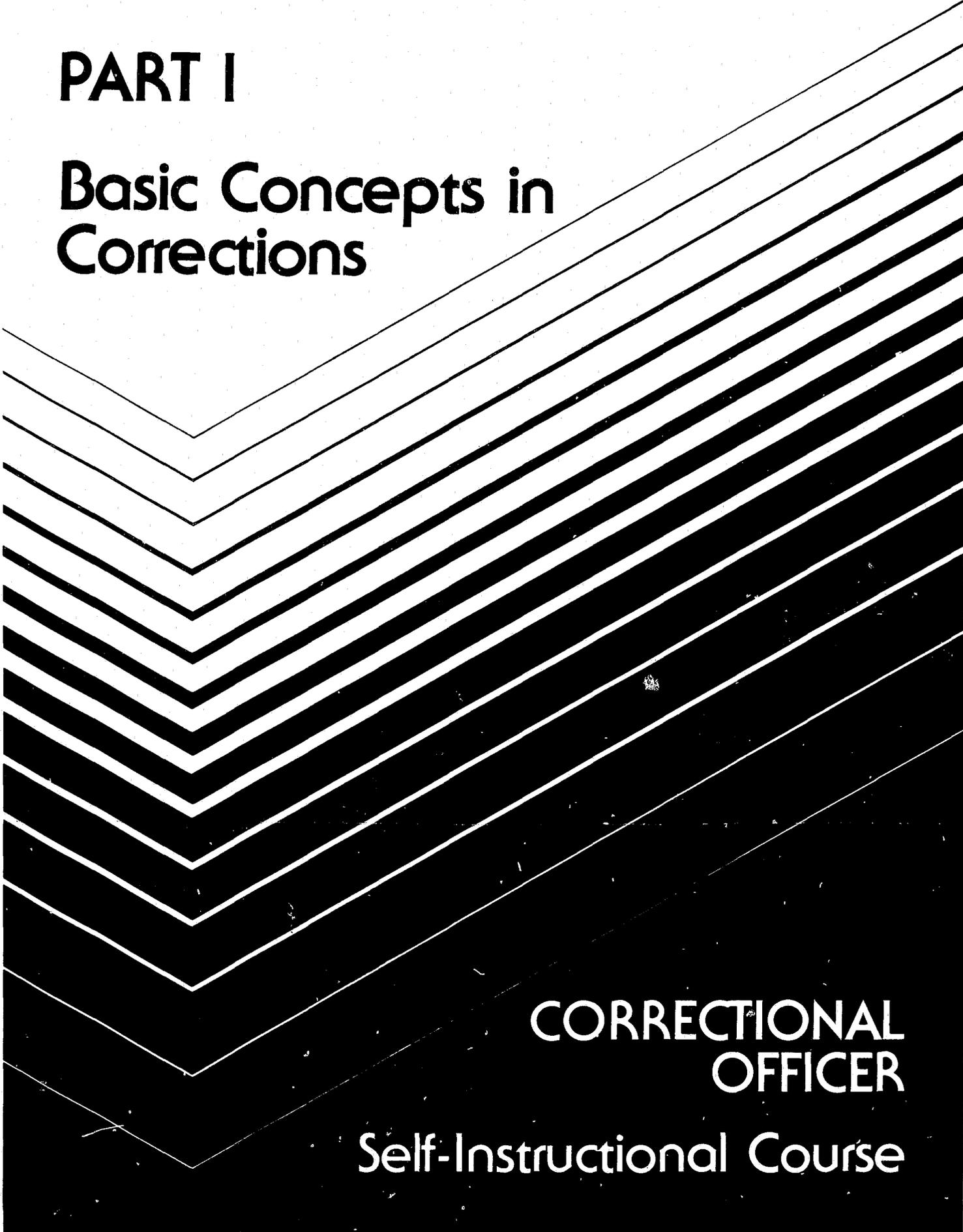
Part IV Special Inmates

- Chapter 1. Medical Problems
2. Mental Problems
3. Drug and Alcohol Abuse
4. Suicide Prevention
5. Homosexual Behavior

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ACQUISITIONS

PART I

**Basic Concepts in
Corrections**



**CORRECTIONAL
OFFICER**

Self-Instructional Course

INTRODUCTION

Basic Concepts in Corrections presents

a foundation for understanding present philosophies of corrections by examining the development of ideas about crime and punishment throughout history. The changing role of the professional correctional officer is viewed in conjunction with changes in correctional philosophy.

Chapter 1. History and Philosophy of Corrections

This chapter presents a historical overview of crime and punishment and the evolution of current philosophies of corrections.

Chapter 2. The Role of the Correctional Officer

The duties of the correctional officer are explored as they relate to the development of a professional attitude.

Chapter 3. Legal Aspects of Corrections

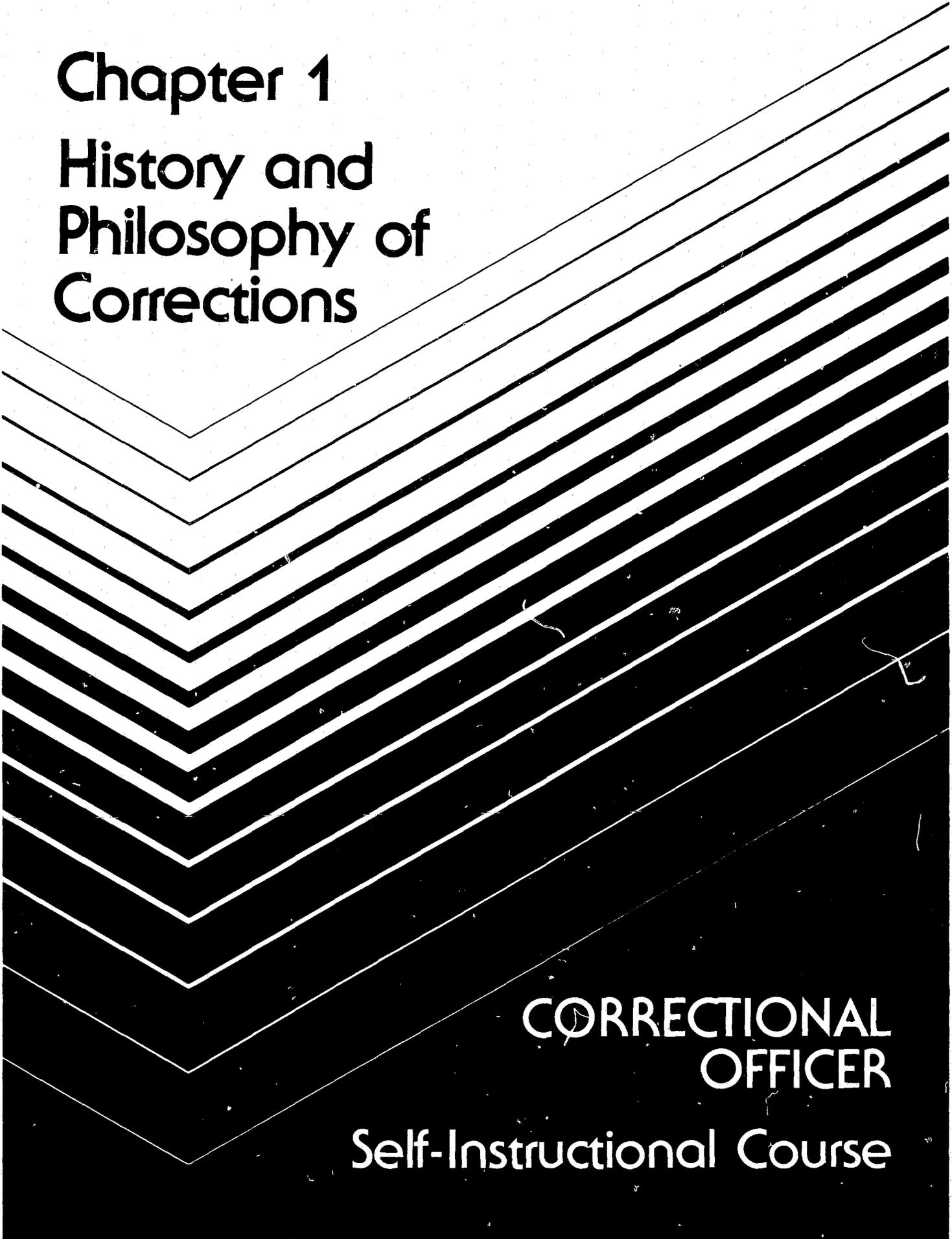
The source and present interpretation of the "Law of Corrections" are related to the duties and responsibilities of the correctional officer.

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Chapter 1

History and Philosophy of Corrections



**CORRECTIONAL
OFFICER**

Self-Instructional Course

INTRODUCTION

As a correctional officer, you have joined a profession of which you can be proud. In recent years, the role of the correctional officer has become an important element in the field of corrections. The correctional officer is increasingly recognized by other workers in corrections and by the public as a professional. The days when the correctional officer was considered merely a "guard" or "turnkey" are long past; new duties and new skills have earned the correctional officer new respect.

To help you understand the complex nature of corrections today, this chapter will present ideas about crime and punishment that have influenced our thinking. This brief historical survey should stimulate your own thinking about what corrections is, or should be. A well defined philosophy of action is the sign of any professional, including the correctional professional.



"... a profession of which you can be proud."

True/False The correctional officer has always been considered a professional. (5)

True/False An individual can be proud of serving as a correctional officer. (2)

REVENGE AS A RESPONSE TO CRIME

In ancient times, the reaction to crime and to criminals was simple and direct. If someone stole something or injured another, the injured party would usually seek help from family, clan, or tribe in punishing the offender.

This individual response to an offense in the form of immediate revenge is a very human reaction. Although civilizations over the centuries have attempted to do away with personal revenge as a response to crime by creating courts, the desire for revenge remains a strong motivation for most injured parties.

"... the desire for revenge remains a strong motivation for most injured parties."

The trouble with revenge as a response to crime is that the victim is usually least capable of deciding who is guilty or innocent or of distinguishing among degrees of responsibility. The victim cannot judge the situation objectively. Since objectivity is the primary quality of true justice, victims are very poor judges.

The impulse to take immediate action against someone who has injured us is called _____ (4)

True/False The desire for revenge remains a strong motivation for most injured parties. (1)

True/False Victims are often motivated by a desire for revenge and therefore cannot judge objectively. (6)

INSTITUTIONALIZED RESPONSE TO CRIME

As societies became more complex, individualized response to crime through personal revenge became less acceptable. The emergence of a strong central authority in late feudal times, backed by armed men loyal to a king, changed the method of handling crime and criminals in medieval Europe. Crime became the concern of the government rather than the victim. The king's representatives, in the form of bailiffs, sheriffs, and eventually justices, went about the land dispensing the "King's Peace." Under this system, crimes were no longer a matter of private revenge. Instead they were identified as acts that threatened the *king's* (that is, the government's) authority. Eventually crime was seen as an offense against the public welfare, and the response to crime as the responsibility of the government, rather than of the individual.

"... crime was seen as an offense against the public welfare . . . the response . . . the responsibility of the government."

The evolution from personal revenge to an institutionalized response to crime has been neither swift nor smooth. Some feel that it is not altogether complete even today. This change is well expressed by the saying, "Never take the law into your own hands."

Under the personal revenge concept, the responsibility for responding to crime lies with the _____ (9)

Under the institutionalized concept, the responsibility for responding to crime lies with the _____ (7)

RETRIBUTION AS A RESPONSE TO CRIME



"... use of the stocks was common punishment... in colonial America."

The concept of retribution means that an individual must somehow make up or pay back for the offense he has committed. This usually takes the form of a punishment of some kind. Traditionally, societies have believed that the punishment should fit the crime. This is clearly expressed in the saying, "An eye for an eye and a tooth for a tooth."

In ancient times, the most direct form of retribution was mutilation. If a man stole something, his hand was cut off so he could not steal again; if he lied, his tongue was cut out so he could not lie again. Over the centuries, other types of physical punishment were substituted for mutilation.

By far the most popular form of retribution throughout history has been flogging. Flogging has been inflicted for hundreds of crimes from military desertion to wife beating. Branding has also been popular, particularly for adultery. Its purpose was to permanently identify the offender. Other forms of punishment were developed in our own country. Dunking and the use of the stocks were common punishments used by the Puritans in colonial America.

The concept of retribution means _____

(8)

The most direct form of retribution is _____

(10)

True/False

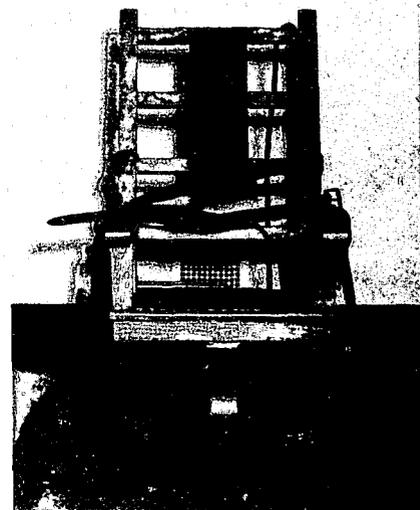
Retribution is no longer a motive in responding to crime.

(12)

PUNISHMENT AS A DETERRENCE TO FUTURE CRIMES

Over the centuries, harsh punishment has been used to deter (to discourage) others from committing similar acts. Deterrence sought to make the branded adulterer or the mutilated thief a living and lasting example to others of what might happen to them should they commit a similar criminal act. The effectiveness of punishment as a deterrent has been debated at great length; in the opinion of most scholars, its effectiveness has not been proven conclusively.

As European societies matured, changing ideas about corrections softened the use of physical punishment as a response to crime. In other societies, however, harsh punishments and even execution were seen as appropriate sanctions and are still widely used as responses to a variety of crimes, particularly crimes against the state.



"... even execution (was) seen as an appropriate sanction."

True/False Once government took on the responsibility for responding to crime, offenders were assured of humane treatment. (11)

True/False Harsh punishments deter crime. (14)

True/False Different societies have different punishments for the same crimes. (16)

CONFINEMENT AS A RESPONSE TO CRIME



Convict Ship

Confinement has emerged as a response to crime more civilized than physical disfigurement. Confinement became a common practice in England in the 1500's. At that time a major change in society took place. Because of economic and social conditions, many barons disbanded their personal armies; monasteries were closed; trade declined. These changes put a lot of people out of work and resulted in increased crime. In 1557, the City of London responded by building a workhouse. Social misfits were rounded up and put to hard work out of sight. Other towns followed suit, and soon jails and workhouses were scattered all over England.

Another practice common during this period was the use of the New World (that is, America) as a penal colony or a place of confinement. England simply banished convicted felons to the colonies, thus getting rid of troublemakers at home and providing the colonies with cheap labor.

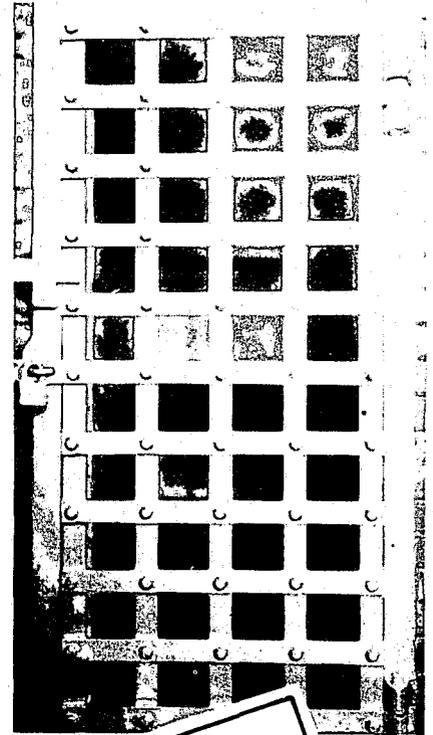
The concept of confinement of criminals began in _____ in the _____ (13)

The New World (America) became a _____ (15)
_____ for England.

PRISONS IN AMERICA

To deal with crime and criminals, the settlers in the original 13 colonies established criminal justice systems similar to those they had experienced in England. The first law enforcement agencies were the sheriffs' offices. Sheriffs were originally appointed by the colonial government from the ranks of prominent landholders. Volunteers assisted the sheriffs in carrying out their duties, which included guarding the cities, preventing crimes, administering the courts, and catching criminals.

The early American court system was based on English Common Law. Local officials were appointed by the governor to serve as judges. Punishments ranged from public hangings to reprimands. Most towns had simple jails, administered by constables, that were used to hold prisoners prior to punishment. The concept of long-term confinement to an institution was not part of our colonial justice system.



Colonial criminal justice systems were like those in _____ (21)

The early American court system was based on _____ (18)

True/False Colonial prisoners were often confined for a long period as punishment for their criminal acts. (17)

PRISONS IN AMERICA (continued)



"... prisoners were supposed to meditate on their sins and become sorry ..."

A major change in the concept of confinement took place in Philadelphia in 1790. There, the Quakers convinced the state legislature to set aside one wing of a new jail, called the Walnut Street Jail, where convicted prisoners could serve long-term sentences instead of suffering physical punishment. The wing was built with individual cells and each inmate lived, worked, and ate in solitary confinement. During confinement, prisoners were supposed to meditate on their offenses and become "penitent" (sorry) for their sins. The word "penitentiary" comes from the word "penitent"—it means a place to be sorry for one's offenses. Another innovation in the "penitentiary" wing of the Walnut Street Jail was that inmates were engaged in meaningful work, such as weaving, shoemaking, tailoring, and marble polishing. This labor substituted for meaningless work, such as walking a treadmill or digging trenches, which was common to other lock-ups at the time.

Behind the innovations introduced by the Quakers at the Walnut Street Jail was the view that the prison should be a place where an inmate would be "reformed." The prisoner's offense was seen as a sign of moral weakness. It was believed that in prison, through penitence encouraged by solitary confinement, and through talks with morally superior jailers and other religious people who were the only ones permitted to visit with prisoners, inmates would correct their defects and become reformed, law-abiding citizens.

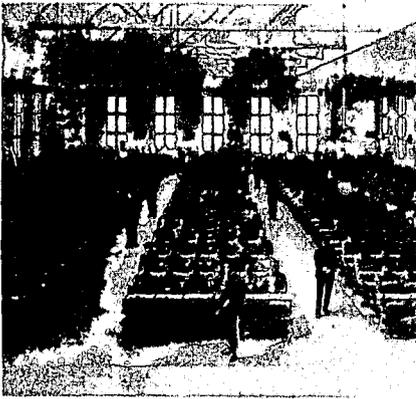
The Walnut Street Jail is seen as the beginning of the penitentiary system in the United States because it housed sentenced felons for long periods of confinement. The innovations introduced there influenced prison architecture and correctional philosophy in America for many years.

_____ were responsible for introducing the innovations at the Walnut Street Jail. (19)

Mark the statement(s) about the Walnut Street Jail that are false.

- ___ 1. Prisoners at the Walnut Street Jail lived and worked in solitary confinement.
- ___ 2. Prisoners at the Walnut Street Jail were engaged in meaningful work.
- ___ 3. Prisoners at the Walnut Street Jail were expected to be penitent about their offenses.
- ___ 4. Prisoners at the Walnut Street Jail served long-term sentences of confinement instead of physical punishment.
- ___ 5. Treatment at the Walnut Street Jail was based on the Quakers' ideas of "punishment."
- ___ 6. The Walnut Street Jail is seen as the beginning of the penitentiary system in America. (22)

PRISONS IN AMERICA (continued)



"Silence was used to control prisoners . . ."

The Quakers' concept of confinement gave rise to other institutions such as Eastern State Penitentiary in Pennsylvania, which was built in the early 1800's. This also had cells arranged so that inmates lived, worked, and were fed without seeing or talking to one another. This kind of prison was eventually abandoned in the United States because it was expensive to build and difficult to manage.

A few years later, a longer lasting style of prison architecture was introduced with the construction of the New York State Prison in Auburn. At Auburn, prisoners were housed in single cells but ate and worked together. Silence prevailed here too, but silence was used to *control* prisoners rather than to foster meditation and penitence.

Without the humanizing influences of the Quakers, the philosophy introduced at Walnut Street Jail of using confinement to reform rather than to punish was soon lost. Discipline at Auburn was maintained by the lash; prisoners were marched in silent lockstep from cell to factory to mess hall. The huge fortress-like structures still in use in many places today are the legacy of Auburn and the thinking that produced it.

Mark the statement(s) that make Auburn different from the Walnut Street Jail.

1. Prisoners worked and ate together.
2. Prisoners could talk to one another.
3. Prisoners lived in solitary confinement.
4. The lash was used to maintain discipline.

(20)

By the late 1850's, the distinction between jails and prisons was well established. Jails were local facilities to hold prisoners before trial and to house some non-dangerous inmates serving short sentences for minor offenses. Prisons, on the other hand, housed convicted felons serving long sentences. At that time, a person was sentenced to prison *for* punishment. The idea was to make life in prison so harsh and unpleasant that the offender would change his ways so that he would want never to be sent back. Harsh prison conditions were also supposed to act as a deterrent by frightening the public into obeying the law in order to avoid being sent there.

Conditions in many of these institutions were bad. Offenders and social misfits of all kinds were confined together. They were not segregated by age, sex, or health status. Epidemics often ran through prison populations as a result of filthy surroundings, bad food, and harsh administration.



The concept of making life in prison so harsh that other people will obey the law in order to avoid imprisonment is called _____ (23)

By the 1850's jails housed _____ (26)
and prisons housed _____

THE REFORM MOVEMENT IN AMERICA



The conditions just described stimulated a reform movement in American corrections that continues to this day. In 1870 the American Prison Association (now the American Correctional Association) was founded. The Association adopted a set of forward-looking principles. The first principle was: "Reformation, not vindictive suffering, should be the purpose of penal treatment."

The Association's idea of reformation, like the Quakers before them, was strongly influenced by religious belief. It was also supported by the social and psychological sciences which were emerging at the time. In this view, the offender had certain deficiencies—moral, social, or mental—that could be treated with a variety of programs.

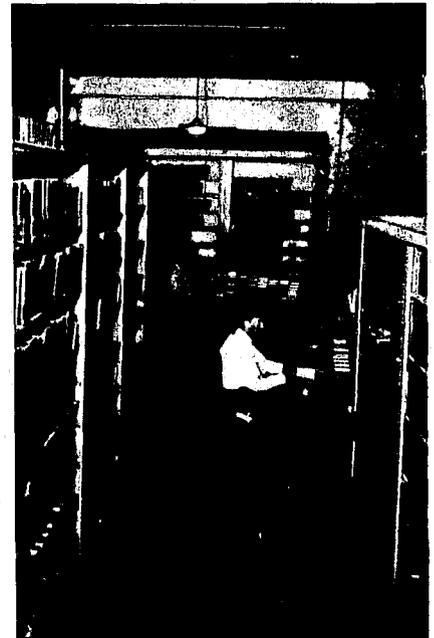
The first principle of the American Prison Association was _____ (25)

The reform movement was based on the belief that the offender had certain deficiencies which could be _____ (27)

True/False Religion and the new social and psychological sciences supported the reform movement in America's prisons. (24)

Based on this concept, new practices and procedures were introduced. Classification systems were developed to group prisoners for treatment according to such factors as age or type of offense. Specialized institutions were developed for various categories of offenders. Sometimes a section of an existing institution was set aside for the treatment of special kinds of offenders, such as youthful inmates. A variety of new services were added, such as education, vocational training, religious guidance and counseling. The reformers believed that the prison schools and workshops would cure some offenders of their anti-social ways. They also believed that paid work in the prison factories would accustom longer term offenders to the satisfaction and benefits of regular employment, instead of the uncertain gains of crime.

Another important product of the reform movement was the beginning of community treatment programs, specifically probation and parole. The idea of probation was to provide an alternative to confinement while the offender was still under supervision. The idea of parole was to allow the prisoner to return to society, but under correctional supervision.



"A variety of new services were added, such as education . . ."



"They believed . . . paid work . . . would accustom . . . offenders to the satisfaction . . . of regular employment . . ."

THE REFORM MOVEMENT IN AMERICA (continued)

Unlike those who used punishment in prison as a deterrent against further crimes, the reformers' goal was to return the inmate to society as a reformed (better) person who would not commit crimes in the future.

The reformers believed that the individual had
certain _____, which could be
_____ with a variety of programs. (31)

Mark the innovation(s) introduced by the reformers.

- 1. vocational education
- 2. individual cells
- 3. classification systems
- 4. specialized institutions
- 5. meaningful work
- 6. probation and parole

What was the goal of the reformers?

_____ (30)

RECENT PHILOSOPHIES OF CORRECTIONS

In more recent times, the religious-based reform concept has given way to a medical approach based on the diagnostic and therapeutic science of medicine, specifically psychiatry. In this concept, the delinquent or criminal is considered "sick." After diagnosis, the criminal might be "cured" by appropriate treatment, usually some form of one-to-one therapy. This view adopts the belief that dramatic changes might be achieved if prisons could become special kinds of hospitals devoted to the treatment and cure of sick persons. Prisons would then be more humane and would be devoted solely to the rehabilitation of offenders.

This concept has not been widely accepted by the American public or by correctional professionals. The medical approach does, however, account for the fact that in some states, correctional services are associated with or administered organizationally by departments of mental health. This association took place between World Wars I and II, when the medical concept was most popular, and in some places has not been altered since then.



"... some form of one-to-one therapy."

The medical concept holds that the criminal or delinquent is _____ and can be _____ with appropriate therapy. (29)

True/False The medical concept is the reason why some state correctional systems are associated with or administered by departments of mental health. (32)

PRINCIPLES AND GOALS OF CORRECTIONS TODAY

Balanced Philosophy of Corrections

- Incapacitation
- Retribution
- Deterrence
- Rehabilitation

The conclusion that most observers draw today after a review of the history and philosophy of corrections is that there is no *single* purpose or goal of corrections as was often thought in the past. Rather there are several distinct but related purposes. Most professionals in the field accept the notion that a balanced philosophy of corrections would include at least four goals: 1. Incapacitation, 2. Retribution, 3. Deterrence, and 4. Rehabilitation.

Another important conclusion is that these purposes or goals can differ in importance at various times in individual cases.

Four commonly accepted goals of corrections today are: 1. _____, 2. _____,

3. _____, and 4. _____. (35)

True/False All of these goals are equally important in dealing with all offenders. (33)

Today, most observers agree that there is no _____ purpose or goal of corrections. (36)

INCAPACITATION AS A GOAL OF CORRECTIONS

Incapacitation means that a person should be removed from society so that he or she cannot harm others or themselves. A basic principle of our way of life is that law-abiding citizens have a right to live free from the threat or danger of physical harm. Society reserves the right to incapacitate, or "put away," those who have proven by their actions that they pose a threat to the safety and welfare of others. Today, incapacitation is seen as protection for society or for the individual who may harm himself—not as punishment for past offenses.



Incapacitation means that _____

(34)

Incapacitation is seen as _____
for society, not a _____

_____ for the criminal.

(37)

RETRIBUTION AS A GOAL OF CORRECTIONS



"In the 18th and 19th centuries, offenders were sent to prison for punishment."

The concept of retribution implies that a person is accountable for his acts; offenders must "pay back" something for offenses committed. In earlier times, retribution was often physical punishment, such as mutilation, flogging, or even execution. In the 18th and 19th centuries, offenders were sent to prison *for* punishment; they lived and worked under harsh conditions to make up for their offenses.

The modern concept of crime is that it is an offense against the public welfare. Justice demands that some retribution be made to balance the wrong done to the public order. The difference today is that *confinement* is seen as the primary means of retribution. Today, offenders are sent to prison *as* punishment, not *for* punishment.

Confinement is a severe form of punishment. During confinement in prison, a person loses many of the privileges that most of us consider precious: freedom of movement, freedom of association, freedom of choice, personal identity, the use of possessions. These losses are a traumatic and painful experience for most people. The modern view is that these losses are the retribution that justice demands.



"Today, offenders are sent to prison as punishment . . ."

This view has been supported by the courts in recent decades. Frequently, the courts have decided in favor of inmates complaining that their rights as citizens have been violated by prison practices. The current philosophy held by most correctional professionals and the courts is that prisoners *do not* lose their constitutional rights as a consequence of being convicted and imprisoned. Confinement itself is punishment; prisoners may not be denied other rights simply because it is easier to run the institution if such rights are restricted or denied.

Retribution means _____

(40)

In earlier times, retribution was often _____

(38)

In the current view, offenders are sent to jail _____ punishment, not _____ punishment.

(39)

True/False

Felons do not lose all their rights as citizens because they have been convicted and sentenced.

(41)

DETERRENCE AS A GOAL OF CORRECTIONS

Deterrence means that the punishment for an act is so severe that others seeing the punishment will be motivated to avoid the act in order to avoid similar punishment. In the past, deterrence was a primary goal of corrections and punishments were very harsh and severe. In more recent times, the ideas that the punishment should fit the crime and that justice should be even-handed have tended to downplay the importance of deterrence as a goal of corrections. Occasionally, the courts will single out a particularly notorious case for a harsh sentence as an example to the public that such acts will not be tolerated. This practice is rare, however.

Another reason that the concept of deterrence is less prominent today is that many people in the criminal justice field do not believe it is really effective. There is a good deal of evidence to suggest that crime statistics go up and down unrelated to sentencing practices. Other factors, such as the state of the economy and the emotional state of the offender, have more to do with whether a person commits a crime than does the punishment usually associated with that crime.

"... many people in the criminal justice field do not believe that [deterrence] is effective ..."

However, most people believe that even though deterrence is not the most important goal of corrections today, it still has a place in a balanced correctional philosophy.

Deterrence means _____ (42)

True/False Deterrence was more important as a goal of corrections in the past than it is today. (46)

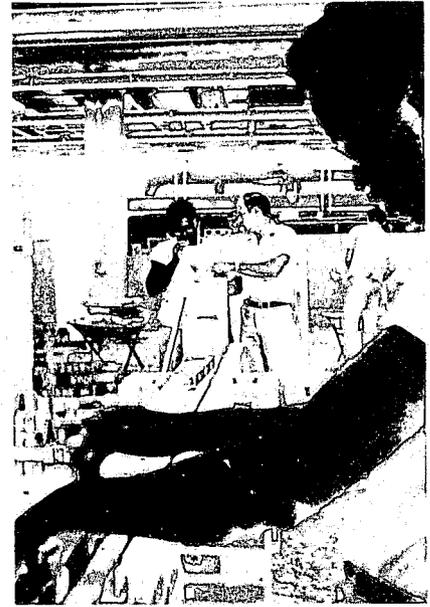
True/False Deterrence has no place in a philosophy of corrections today. (48)

REHABILITATION AS A GOAL OF CORRECTIONS

Rehabilitation means that, while in prison, the inmates undergo change, so that when they are released, they will be less likely to commit further crimes. Rehabilitation has been a goal of correctional professionals since the Quakers' work at the Walnut Street Jail.

Today, the rehabilitation of offenders is seen more as a matter of self-interest for society at large. This is due to the realization that 99 percent of those who are confined in prison today will eventually return to the community. Obviously, society would be better off if these individuals were productive, law-abiding citizens, rather than practicing criminals. Crime costs a lot, in dollars and in human suffering. Reducing these costs by rehabilitating offenders makes sense to most people in the criminal justice system.

Efforts to provide rehabilitation services in a modern-day correctional facility take many forms. Usually there are counseling services that help inmates better understand themselves and the motives for their actions. Educational and/or vocational training opportunities are often available, providing inmates with skills to obtain jobs after their release. In addition, many institutions have work and study release programs, half-way houses, and volunteer programs such as Jaycees and Alcoholics Anonymous.



"... vocational training opportunities are often available."

In the modern view, rehabilitation of offenders is _____ (44)
pursued because it is in society's _____

List some of the forms rehabilitative service may take:

1. _____
2. _____
3. _____
4. _____

(47)

REHABILITATION AS A GOAL OF CORRECTIONS (continued)



"... everyone ... has an important role to play—especially correctional officers."

In the modern view, no agency or individual can "change" another person. Only the offender can change himself. The responsibility of corrections is to provide inmates with opportunities to change themselves, and to provide encouragement for them to do so.

Another important aspect of the concept of rehabilitation is that everyone in the institution has an important role to play—particularly correctional officers. Even though they are not directly involved in inmate programs such as education or counseling, correctional officers are often the most powerful influence in changing the lives of inmates. When correctional officers take interest in the inmates they supervise, when they conduct themselves in a controlled and professional manner, when they treat those they come into contact with both firmly and fairly, they become tremendously powerful role models and agents for change for offenders.

Mark the statement(s) that are correct.

- 1. In modern view, rehabilitation of offenders is motivated by sympathy.
- 2. Correctional officers can have a powerful effect on the lives of inmates.
- 3. Everyone in the institution has a role to play in the rehabilitation of inmates.
- 4. Only offenders can change themselves.
- 5. In a correctional facility, program staff have the sole responsibility for providing rehabilitation services to inmates.

(43)

BALANCED PHILOSOPHY OF CORRECTIONS

Most professionals agree that a balanced view of the goals of corrections includes these four elements: incapacitation, retribution, deterrence, and rehabilitation. At a specific time in any case, one or another of these goals may be more important. For instance, in sentencing a convicted murderer, the court will no doubt pursue the goals of retribution and deterrence; in sentencing a repeat-offender rapist, it will pursue the goal of incapacitation; in sentencing an under-educated, vocationally incompetent juvenile shoplifter, it will more likely pursue the goal of rehabilitation. Thus the contemporary philosophy of corrections emphasizes a multiplicity of purposes and a flexibility of application.

"... a multiplicity of purposes and a flexibility of application."

As a correctional professional, you will want to form your own personal philosophy of corrections. Through thought and reflection on these important concepts, you will strengthen your commitment to the important work of corrections.

Match the following:

- ___ 1. Punishment so that others will avoid similar acts.
- ___ 2. Providing opportunities for change so that offenders will be less likely to pursue criminal activities after release.
- ___ 3. Confinement so that a person cannot harm himself or others.
- ___ 4. Making up for one's offenses.

- A. Incapacitation
- B. Retribution
- C. Deterrence
- D. Rehabilitation

(45)

SUMMARY

Here is a summary of the major points presented in this chapter on "The History and Philosophy of Corrections."

- In ancient times, individual revenge was the direct response to crime.
- Over the centuries, responding to crime became the responsibility of the government, not the individual.
- Through the ages, people have felt that a criminal should somehow pay for his crime. This is retribution. In former days it took the form of physical punishment such as mutilation, flogging, or execution.
- The Walnut Street Jail, influenced by the Quakers of Philadelphia, is seen as the beginning of the penitentiary system in America because it was designed to house convicted felons for long terms.
- Until recent times, offenders were sentenced to prison for punishment. Harsh conditions were supposed to deter the offender and the public from committing similar crimes.
- The American Prison Association was founded in 1870. It adopted the principle that "Reformation, not vindictive suffering, should be the purpose of penal treatment."
- The reform movement introduced many innovations into corrections including: classification of inmates; specialization of institutions; rehabilitation programs such as education and training; and community-based programs such as probation and parole.
- Other philosophies of corrections are based on medical concepts and see offenders as patients who can be cured by appropriate treatment.
- A balanced philosophy of corrections holds that there are four purposes or goals of corrections: incapacitation, retribution, deterrence, and rehabilitation.
- The courts have upheld the constitutional rights of prisoners. They have held that prisoners are sentenced to prison as punishment, not for punishment, and that they do not lose their constitutional rights.
- Everyone in the correctional institution has a role to play in the rehabilitation of inmates.
- Only individuals can change themselves.
- Correctional officers can have a powerful and positive impact on the lives of offenders.

ANSWER KEY—HISTORY AND PHILOSOPHY OF CORRECTIONS

1. True.
2. True. The pay, benefits and training make the correctional officer of today a vastly different person than his earlier counterparts.
3. C. Correctional officers
4. The impulse to take immediate action against someone who has injured us is called **revenge**.
5. False. In the past, correctional officers were poorly trained and had a reputation for being brutal.
6. True.
7. Under the institutionalized concept, the responsibility for responding to crime lies with the **government or the state**.
8. The concept of retribution means **that a person must make up or pay back for the offense he has committed**.
9. Under the personal revenge concept, the responsibility for responding to crime lies with the **individual or the injured party**.
10. The most direct form of retribution is **mutilation**.
11. False. Once the government took the responsibility, revenge was eliminated but inhumane and harsh punishments were often inflicted as retribution and as a deterrent to others.
12. False. Retribution is still a part of our system. Although we do not mutilate or flog or dunk criminals, retribution is an important concept in a balanced philosophy of corrections.
13. The concept of confinement of criminals began in **England or London** in the **1500s**.
14. Experts differ on this question; the evidence suggests that we do not really know. As you go through this course and spend time on the job, you will form your own judgment.
15. The New World (America) became a **penal colony** for England.
16. True.
17. False. Long-term confinement as punishment did not begin until somewhat later.
18. The early American court system was based on **English Common Law**.
19. **The Quakers of Philadelphia** were responsible for introducing the innovations at the Walnut Street Jail.
20. 1.
 2.
 3.
 4.

ANSWER KEY—HISTORY AND PHILOSOPHY OF CORRECTIONS

21. Colonial criminal justice systems were like those in **England.**
22. 1.
 2.
 3.
 4.
 5. Treatment was based on the concept of reformation, not punishment.
 6.
23. The concept of making life in prison so harsh that other people will obey the law in order to avoid imprisonment is called **deterrence.**
24. True.
25. The first principle of the American Prison Association was **Reformation, not vindictive suffering, should be the purpose of the penal system.**
26. By the 1950's, jails housed **pre-trial prisoners and short-term minor offenders** and prisons housed **convicted felons serving long sentences.**
27. The reform movement was based on the belief that the offenders had certain deficiencies which could be **treated.**
28. 1.
 2.
 3.
 4.
 5.
 6.
29. The medical concept holds that the criminal or delinquent is **sick** and can be **cured** with appropriate therapy.
30. The goal of the reformers was **to return the inmate to society as a reformed or better person.**
31. The reformers believed that the individual has certain **deficiencies** which could be **treated** with a variety of programs.
32. True.
33. False. They are of differing degrees depending on the inmate, the offense, the circumstances, the case, etc.
34. Incapacitation means that **offenders are removed from society so that they cannot harm others or themselves.**
35. Four commonly accepted goals of corrections today are:
1. incapacitation
2. retribution
3. deterrence
4. rehabilitation

ANSWER KEY—HISTORY AND PHILOSOPHY OF CORRECTIONS

36. Today, most observers agree that there is no **single** purpose or goal of corrections.
37. Incapacitation is seen as **protection** for society, not as **punishment** for the criminal.
38. In earlier times, retribution was often **physical punishment such as mutilation or flogging**.
39. In the current view, offenders are sent to jail **as** punishment, not **for** punishment.
40. Retribution means **a person is accountable for his acts—he must “pay back” something for his offenses**.
41. True.
42. Deterrence means **the punishment is so severe that others will avoid committing the crime**.
43. ___ 1.
✓ 2.
✓ 3.
✓ 4.
___ 5.
44. In the modern view, rehabilitation of offenders is pursued because it is in society's **self-interest**. We know that almost all of the inmates now in prison will be released and will return to the community.
45. C 1.
D 2.
A 3.
B 4.
46. True.
47. 1. counseling services
2. educational and vocational services
3. work and study release programs
4. half-way houses
5. volunteer programs such as Jaycees, Alcoholics Anonymous, etc.
48. False. It is still important, but not as important as in the past.

Chapter 2

The Role of the Correctional Officer

**CORRECTIONAL
OFFICER**

Self-Instructional Course

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INTRODUCTION

In the last chapter you learned that a balanced philosophy of corrections contains four purposes or goals of corrections:

- Incapacitation—dangerous offenders are taken out of society so that they cannot harm others or themselves.
- Retribution—justice requires that offenders somehow repay society for their misdeeds. The loss of freedom through confinement is seen today as the punishment which retribution demands.
- Deterrence—the example of punishment imposed on offenders encourages others to obey the law and avoid similar punishment.
- Rehabilitation—corrections provides offenders with opportunities to change themselves so that when they return to the community they will be more willing and better equipped to lead productive lives rather than continuing in their criminal ways.

In the last chapter you also learned that in any case at any time, one or another of these purposes might be more important. A balanced philosophy suggests flexibility in application.

All of these functions are going on simultaneously in varying degrees in every correctional institution. But what of correctional officers? How do they fit into this scheme of things? How do they help accomplish these purposes? This chapter will identify three major roles that correctional officers play that contribute to accomplishing the four goals. These roles are:

- Security agent
- Manager of people
- Role model

INTRODUCTION (continued)

We will also identify the correctional officer's most powerful tool in fulfilling these roles. That tool is a professional attitude. You will learn that the signs of a professional attitude are: respect for those with whom you work; fundamental fairness; and self-control. You will see that a professional attitude is the key to a successful career in corrections; it is also an insurance policy against stresses that are a part of the profession.

The major roles of the correctional officer are:

_____,
_____, and
_____ (2)

The correctional officer's most powerful tool in fulfilling these roles is a _____ (5)

A balanced philosophy of corrections holds that there are four goals of corrections:

_____, _____,
_____, and _____ (1)

SECURITY AGENT

On a typical day, most of a correctional officer's time will be spent on security related tasks. Officers escort inmates from one place to another; they lock and unlock doors controlling access to various areas of the institution; they conduct searches and shakedowns for contraband. Over time, these routine activities may come to be thought of as punishment for inmates.

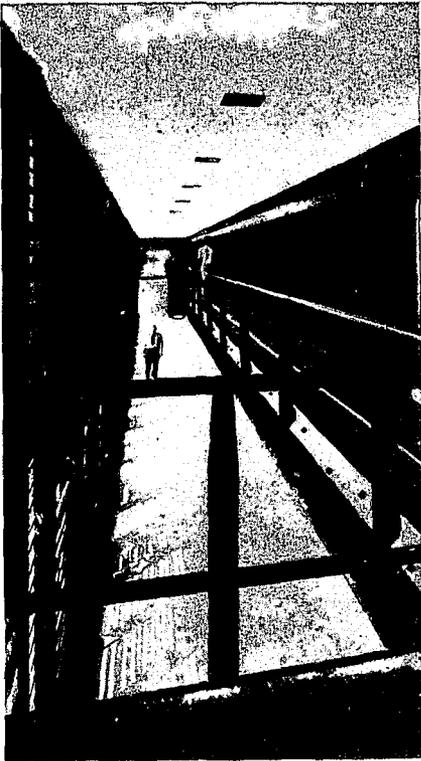
But appropriate security measures are established as a protection for inmates, not as punishment. You will learn in the next chapter, on the legal aspects of corrections, that the U.S. Constitution guarantees inmates the right to be free from harm or attack. By the same token, correctional staff have a right to work in a place that is safe from violence and the threat of harm. Security measures, such as shakedowns and searches, are imposed for just this purpose—to prevent the circulation of items such as knives or tools that may be used to harm staff or inmates. Similarly, custody procedures such as careful control of inmate movement and frequent counts are established to maintain good order within the institution. A secure institution is a safe institution—for inmates and staff.



"... most of an officer's time will be spent on security related tasks."

A secure institution is a _____ institution for
_____ and _____ (3)

SECURITY AGENT (continued)



"... modern practice classifies institutions by degree of security ..."

While it is true that the security tasks that occupy most of the correctional officer's time are restrictive, their purpose is the protection of inmates and staff. The underlying principle that should guide the imposition of security measures is that they should be only as restrictive as necessary to maintain good order. This is why modern correctional practice classifies institutions by degree of security—maximum, medium and minimum. Inmates are assigned to different institutions based on an estimation of the degree of risk of violence or escape that they represent. This is also why within most institutions, inmates are assigned different levels of custody. The higher the custody level, the greater the restrictions on the inmate's movement. Good correctional practice tries to match the level of restriction to the inmate's need based on his behavior.

Mark the statement(s) that describe how security measures in an institution should be enforced.

- 1. As restrictive as possible.
- 2. Only as restrictive as necessary to maintain good order.
- 3. Applied to all inmates in exactly the same way.
- 4. Applied in a way that matches the inmate's classification.

(6)

In many places, correctional officers are called on to participate in the classification and reclassification of inmates. Because of their close, day-to-day contact with inmates, they are in an excellent position to share their observations about inmate behavior with other members of the classification team. As a result of their participation in the classification process, some correctional officers have come to understand that their role as a security agent has to be flexible. Security is *a/ways* the number one priority; but just how it is implemented will be determined by a number of factors, including the type of institution and the classification of particular inmates.

"... officers ... understand that their role as security agent has to be flexible."

If fulfilling the important role of security agent within the institution, correctional officers advance several of the goals of corrections. By controlling and eliminating contraband they reduce the possibility of offenders harming other people—the goal of incapacitation. By maintaining good order, they help make the institution a place where offenders can be confined and serve their time in relative peace—the goal of retribution.

True/False Correctional officers, because of their knowledge of the inmate's day-to-day behavior, can contribute to the classification team. (4)

True/False Security is always the number one priority. (7)

MANAGER OF PEOPLE



"... it is in the officer's self-interest . . . to manage inmates . . . with the least effort possible."

A new correctional officer will soon find that he spends a lot of time interacting with inmates. His goal is to get them to follow the routine of prison life with a minimum of resistance. For instance, he may want them to get up on time, to keep their housing area clean, to participate in work details, to cooperate with inspections, to stay out of restricted areas, etc. At other times he may want them to do something special such as back down from a fight, or provide him with some information, or stop harassing another inmate. These are the everyday occurrences that make up prison life. And it is the correctional officer on routine duty who is responsible for making sure that prison life runs smoothly. As you can see, the correctional officer is a supervisor of inmates—a manager of people.

The definition of a good manager is a person who spends the least amount to get the job done right. A business manager spends money; a correctional manager (officer) spends his own energy. *It is in the correctional officer's own self-interest* to learn to manage inmates—to get them to do what he wants them to do—with the *least amount* of hassle, tension, and effort as possible. The reward for the good manager is a happier and easier working environment.

Managing people means to

(8)

One view of inmate supervision is that "Guards tell inmates what to do, and they better do it or else." The "or else" usually means coercion, disciplinary action or even force. The result is resentment, hostility, and tension. An "Us vs. Them" atmosphere is not healthy for inmates or staff.

As the job of the correctional officer has become more complex, certain professional skills and techniques have been borrowed from the disciplines of management and psychology. Thousands of correctional officers have found that these techniques work well in managing inmates with less tension. In Part II of this course you will learn many of these skills—skills that will help you quickly size up the situation so that you can take the right action.

By becoming good managers of people, correctional officers improve the climate in their institutions. This advances the goal of retribution. And by learning interpersonal communication skills they help inmates grow as well. This advances the goal of rehabilitation.

"Thousands . . . have found that these techniques work well . . ."

Who benefits most when correctional officers become better managers of people?

- A. The officers
- B. The inmates
- C. The administration

(11)

ROLE MODEL

"... correctional officers and work supervisors had more impact than treatment staff ..."

Whether they like it or not and whether they choose to or not, correctional officers represent the "free world" to many of the inmates with whom they come in contact. This is because correctional officers spend more time and have closer contact with inmates than any other group. Because of this close contact inmates see correctional officers as examples of how those on the outside really act. If correctional officers treat inmates and one another with respect and fairness, a positive image of the outside world is created. If correctional officers show favoritism and a disregard for the rules, the inmates' idea that society is corrupt is confirmed. For better or worse, correctional officers are powerful role models.

Recent studies showed that correctional officers and work supervisors had more impact than treatment staff on inmate attitudes toward change. The implication of these studies is that the correctional officers can have a great impact on inmates' rehabilitation.

Who had the most impact on inmates' attitude toward change in recent studies?

- A. Correctional officers and work supervisors (10)
- B. Teachers and psychologists (12)

For better or worse, correctional officers _____ (are/are not) role models. (12)

In order to reintegrate successfully into society after release, most inmates need to change. They may need to change their attitudes toward the law and about how to get along in society. They may need to change their educational or vocational level to get and keep a job. They may need to change their ways of relating to other people. These changes are what rehabilitation is all about. But before inmates can change, they must want to change; they must see some value in changing. This is where correctional officers come into the picture. They can serve as models of individuals who are successfully functioning in the outside world as law-abiding citizens. Having such models encourages inmates to want to change.



"... correctional officers are powerful role models."

Due to the unusual pressures of the prison environment, officer/inmate relationships have a greater effect on inmate attitudes than might normally be expected. This is why correctional officers really are powerful role models. They demonstrate on a daily basis new ways for inmates to act successfully; or they confirm the inmates' view that life is against them.

Mark the correct statement(s).

1. Correctional officers are role models whether they want to be or not.
2. Correctional officers are role models for better or for worse.
3. Correctional officers have little impact on the lives of inmates since they usually come from very different backgrounds.
4. Rehabilitation requires a desire and a model for change.

ROLE MODEL (continued)



"... best way to assure a positive impact ... treat all inmates firmly and fairly."

New correctional officers may find their potential impact on the rehabilitation of those in their charge a disturbing idea. They may wonder what they can do to insure that their impact is positive.

The answer to that question is not difficult; it does not require a great deal of special knowledge or training; it does not require years of experience. Scientific studies and common sense have reached the same conclusion—the best way to assure a positive impact on inmates' rehabilitation is to treat all inmates firmly and fairly. This is done by:

- showing respect for the rights of those you work with—both inmates and staff;
- having a fundamental commitment to fairness; and
- showing an interest in and a concern for the welfare and progress of those in your charge.

This does not mean that you must become involved with the personal lives of every inmate you meet on your shift—no one has the emotional strength to do that. But it does mean treating them as fellow human beings who have feelings, hopes and frustrations just as you do.

Fulfilling your role as a positive role model by behaving in a firm but fair manner will advance the goal of rehabilitation.

The best way to assure a positive impact on inmates' rehabilitation is _____.

(14)

PROFESSIONAL ATTITUDE

The roles of the correctional officer are many; the functions he performs are varied; the activities he engages in are wide ranging. However, it has been found that successful correctional officers have one characteristic in common—they all have a *professional attitude* toward their work. But what is a professional attitude? What does it mean?

It means several things:

First of all, it means *knowing the job*. Successful correctional officers take advantage of the training they receive and try to improve their skills whenever they can. They know their job is important and they want to do it right.

Second, it means *living by the rules*. Rules are very important in a correctional setting, more so perhaps than in any other place. Officers with professional attitudes encourage respect for all the rules by living by those that affect them personally.

Third, it means *respecting the rights of those you work with*. If you treat inmates like you would want to be treated if you were in their place, you will be successful in your job. You will also advance the goal of rehabilitation.

Professional Attitude

- Know the job
- Live by the rules
- Respect rights of those you work with
- Maintain control

PROFESSIONAL ATTITUDE (continued)



"... responds with his head
—not his emotions."

Finally, it means *maintaining self-control*. The successful correctional officer knows that there is a lot of pent-up emotion in prison; prison life breeds hostility, frustration, and anger. Some of that emotion may be directed against the officer, but he doesn't let it "get to him." He knows that inmates constantly try to test him, to try to make him "lose his cool." The officer with a professional attitude does not let himself get emotionally involved in contests of will. He just "does his job." This approach might appear to be aloof or detached. But in reality, it's being professional. A correctional officer with a professional attitude maintains control of himself so that he responds to situations with his head—not his emotions.

Successful correctional officers demonstrate a professional attitude. Having a professional attitude means:

_____ ,

_____ ,

_____ , and

(13)

SUMMARY

This chapter presented information on your three main roles as a correctional officer.

Security Agent

- The security of the institution and the prevention of escape are fundamental to the job of the correctional officer.
- The purpose of good security is to protect the lives and welfare of those who live and work in the institution—inmates, staff, and visitors.
- Security must be applied in a flexible manner consistent with the level of the institution and the classification of the inmates.

Manager of People

- A good manager gets others to do what he wants them to do with the least possible amount of effort, tension, and resistance.
- Good management comes from good interpersonal skills.
- It is in the officer's self-interest to learn and use these skills because they will directly improve the quality of his work environment.

Role Model for Inmates

- Studies have shown that correctional officers have a far greater impact on inmates' attitudes toward change than might be expected. This impact can be for better or for worse.
- The best way to insure that the impact is positive is to treat inmates firmly but fairly. This means showing respect for those you work with, having a fundamental commitment to fairness, and showing an interest and concern for the welfare of those in your charge.

The job of the correctional officer is a demanding one. Working with offenders is not an easy task. But it can be a rewarding one. The most powerful tool you can have in assuring your success is a professional attitude toward your job as a correctional officer.

ANSWER KEY—THE ROLE OF THE CORRECTIONAL OFFICER

1. A balanced philosophy of corrections holds that there are four goals of corrections:
incapacitation
retribution
deterrence
rehabilitation
2. The major roles of the correctional officer are:
security agent
manager of people
role model
3. A secure institution is a **safe** institution for **inmates** and **staff**.
4. True.
5. The correctional officer's most powerful tool in fulfilling these roles is a **professional attitude**.
6. 1.
 2.
 3.
 4.
7. True.
8. Managing people means **to get them to do what you want with the least amount of energy possible**.
9. 1.
 2.
 3.
 4.
10. A. Correctional officers and work supervisors
11. A. The officers. Although inmates and administrators will benefit, *you* will benefit the most.
12. For better or worse, correctional officers **are** role models.
13. Successful correctional officers demonstrate a professional attitude. Having a professional attitude means:
knowing the job
living by the rules
respecting the rights of those you work with
maintaining self control
14. The best way to assure a positive impact on inmates' rehabilitation is **by treating all inmates you come in contact with firmly and fairly**.

Chapter 3

Legal Aspects of Corrections

**CORRECTIONAL
OFFICER**

Self-Instructional Course

INTRODUCTION

In the first chapter of this course, you learned that as a correctional officer you are an important part of the criminal justice system. This chapter will discuss the system more thoroughly so you will understand your role in it. The chapter will also discuss the "law of corrections" and the sources from which it comes.

As a correctional officer, you will want to do your job with as few "hassles" as possible. "Hassles" in corrections often mean lawsuits. As a new correctional employee you should understand that, in recent years, many correctional administrators and officers have had lawsuits brought against them by inmates. This is a direct result of the Civil Rights movement of the 60's. Since that time, and particularly in the last decade, the courts have taken an increasingly active role in supervising conditions in the nation's prisons. The courts are listening more carefully to inmates' complaints about unequal treatment and about limitations on their rights. The result has been a greater recognition of the constitutional rights of inmates. This has meant a change in the way things are done in most institutions.

True/False Court decisions have caused changes in many policies and procedures in correctional institutions. (23)

True/False Inmates retain certain constitutional rights while in prison. (22)

PARTS OF THE CRIMINAL JUSTICE SYSTEM

"Criminal justice system . . . society's organized response to criminal activity."

The criminal justice system can be defined as "society's organized response to criminal activity." The system is composed of several parts which are closely interconnected. Activity in one part affects the work of every other part. The parts are:

- *Law enforcement agencies.* These agencies are responsible for the prevention of crime, the investigation of crimes that have occurred, and the apprehension of criminals. Law enforcement agencies operate at the federal, state, and local levels.
- *Jails.* Jails are responsible for detention of accused persons prior to trial and, in some cases, for short sentence confinement. Jails are usually operated by local jurisdictions such as cities or counties. There are about 3500 jails in the U.S. today.
- *Courts.* The courts are responsible for determining the guilt or innocence of the accused; they are also responsible for imposing and supervising sentences of the convicted. Increasingly, courts also oversee the operations of other components of the criminal justice system, such as jails and prisons, to see that confinement practices are lawful.



- **Corrections.** Correctional systems are responsible for the long-term confinement and rehabilitation of convicted offenders. Today there are about 1000 institutions housing adult offenders, administered by 50 states and the District of Columbia. Another 50 institutions are run by the Federal Prison System, an agency of the U.S. Department of Justice.

Criminal Justice System

- Law enforcement agencies
- Jails
- Courts
- Corrections

Another correctional function is to administer programs of parole and probation, that is, to supervise convicted offenders released in the community prior to the expiration of their sentences or instead of confinement. Responsibility for such programs varies widely among jurisdictions. Most programs are run by independent agencies, others by departments of corrections. The courts are also involved, particularly in probation. For this discussion, however, parole and probation programs will be considered a component of corrections.

Match the following.

- ___ 1. determine guilt or innocence.
- ___ 2. are run by local jurisdictions.
- ___ 3. apprehend criminals.
- ___ 4. society's response to criminal activities.
- ___ 5. are run by states and the federal government.
- ___ 6. long-term confinement.
- ___ 7. supervise other parts of the system.
- ___ 8. detain those accused prior to trial.
- ___ 9. rehabilitation.
- ___ 10. investigate crimes.

- A. Law enforcement agencies**
- B. Jails**
- C. Courts**
- D. Corrections**
- E. Criminal justice system**

(1)

PARTS OF THE CRIMINAL JUSTICE SYSTEM (continued)



"... Criminal Justice Coordinating Committees are becoming common."

The actions of one part of the criminal justice system affect other parts. For instance, if local law enforcement agencies crack down on drunk driving, the population of jails will increase. If the courts decide to impose stiffer sentences for certain crimes as an example to others, corrections will be affected. On the other hand, overcrowded conditions in correctional institutions can influence the types of sentences that the courts are willing to impose.

In order to make the components of the criminal justice system work together better, many jurisdictions are establishing formal relations between the parts. Organizations such as "Criminal Justice Coordinating Committees" are becoming common. Alert correctional officers will follow such developments in their own areas because these developments may affect their jobs.

The definition of the criminal justice system is _____

(4)

True/False The parts of the criminal justice system operate independently of one another.

(2)

True/False Correctional officers need to know only what's going on in their own institution.

(5)

THE LAW OF CORRECTIONS

As professionals, correctional officers want to do their job lawfully; they want to do what is allowed and avoid what is forbidden. But what is the law of corrections and where does it come from?

There are several sources of the law of corrections. These include:

- *Legislatures.* The legislature or law-making body of every state has established an authority within each state that is responsible for correctional activities. This correctional authority is given power to build and run institutions and to operate programs to fulfill purposes stated in the law. The rules of the institution are based on this power. And although it is *not true* that every rule has the power of law, it *is true* that every rule must somehow be drawn from the purposes stated in the law, or else the rule is invalid.
- *Courts.* Prior to the Civil Rights movement, the courts rarely got involved in the day-to-day operation of institutions. One court in 1952 said, "The courts have no power to supervise the discipline, but only . . . to deliver from prisons those who are illegally detained." In accordance with this "hands-off" doctrine, the courts deferred to the judgement of prison administrators about every aspect of institution operation. Inmates who believed they were being mistreated could hope for little relief from the courts. This position has changed greatly in the past decade. The courts now take a much more active role in supervising prison policies and practices. This is because of their interest in and responsibility for protecting the basic rights of all Americans, including prisoners. Over the last 10 years, appeals courts, federal district courts, and even the Supreme Court have issued a wide range of opinions concerning inmate rights. These legal opinions serve as precedents for other judges in lower courts, meaning that when a similar case comes up, a similar decision should be reached. Precedents have broadened the concept of prisoner rights and have affected prison practices everywhere.
- *The U.S. Constitution.* The rights the courts seek to protect flow from the rights guaranteed to all citizens by the U.S. Constitution, particularly the Bill of Rights. Although it is clear that an individual forfeits some rights when he is convicted of a crime and sentenced to prison (such as freedom from searches guaranteed by the Fourth Amendment), it is now the law of corrections that an individual does not necessarily lose all rights. Correctional administrators and the courts will no doubt continue to struggle over the proper balance between the protection of individual rights and the security require-



THE LAW OF CORRECTIONS (continued)



ments of correctional institutions. Correctional officers will continue to be a part of that struggle.

- *Correctional Standards.* With the new emphasis on inmate rights and related efforts to improve conditions in institutions, several agencies within the correctional field have developed and published guidelines, or standards, that describe legally acceptable prison practices. Although these standards do not have the force of law, they are accepted by most judges and administrators as satisfying minimal constitutional requirements for a good program. Many of the practices recommended in this course are drawn from standards set forth by the American Correctional Association and the President's Commission on Law Enforcement and Administration of Justice.

Match the following.

- ___ 1. guarantees the basic rights of all citizens.
- ___ 2. do not have the force of law.
- ___ 3. have become more active in protecting inmate rights.
- ___ 4. grants authority to operate correctional facilities.
- ___ 5. contains the Bill of Rights.
- ___ 6. describes minimal guidelines for a good program.
- ___ 7. imposes and supervises sentences of convicted offenders.

- A. Legislatures
- B. Courts
- C. The U.S. Constitution
- D. Standards

(3)

RECENT CHANGES IN CORRECTIONAL PRACTICES

If you worked for a correctional facility until 1970, took a decade off and then rejoined the service today, you would find many procedures performed differently. These changes are partly a result of the active role of the courts in prison affairs, and partly a result of increased professionalism on the part of correctional personnel. These changes include:

- *An increased emphasis on written procedures.* Many of the lawsuits filed by inmates claim that they have been treated unfairly, or that they have been discriminated against. And in many cases, this was found to be true; individuals have been treated differently on the basis of an officer's personal attitude toward them. The institutions' response to this problem has been to define and fix in writing standard operating procedures so that there is a clear basis for equal treatment of all inmates.

Your institution should have two sets of written materials with which you must become familiar. One is a collection of *policy statements*. Policy statements set out the rules under which you work and the rules that govern inmate behavior. The second set consists of a manual of *procedures*. Procedures tell you how the policy is to be implemented. For example, your institution should have a policy about firearms. It probably also has detailed procedures on their use, such as what types are to be issued, when they are to be used, and who is authorized to use them.



"An increased emphasis on written procedures."

The two documents that every correctional officer must be familiar with are _____ statements and _____ statements (6)

RECENT CHANGES IN CORRECTIONAL PRACTICES (continued)



"An increased emphasis on training."

- Another change in the field of corrections is *an increased emphasis on training*. In the past, new officers received little or no training. Therefore, they dealt with inmates instinctively. Some were strict, some were lenient. Today there is greater emphasis on training before and during service. During this training, the written operating procedures are reviewed. This helps all officers approach their jobs from a similar perspective so that inmates are treated equally and fairly.

The subject of training has been addressed by *legislatures, courts, and correctional standards*. Training must now be documented. Your level of performance becomes a part of your record. This includes not only training for new employees, but also regular in-service training for all correctional officers regardless of experience or rank.

Certain skills, such as those involving the use of emergency equipment (firearms, gas, and fire fighting devices) must be upgraded yearly.

True/False Training for correctional officers is a continuing program. (10)

True/False The increased emphasis on training has led to an increased professionalism by correctional officers. (7)

- Another change is *an increased emphasis on written records and reports*. To protect against charges of negligence or misconduct, institutions now document, that is, write down, the events that occur within the institution. For instance, the medical staff keeps an accurate record of all visits and all medications given to inmates; control maintains a constant record of movement in and out of the institution; education and work release teams keep records of inmates' participation and progress. These records are often very helpful in defending against a complaint.

As a correctional officer you will often be asked to participate in this important record-keeping activity. This is especially true in disciplinary cases. When the officer is involved in an incident, such as breaking up a fight, he will be required to write a report. These reports become important in the institution's formal process of disciplining inmates.



"An increased emphasis on written reports."

True/False All written reports are prepared by administrative staff. (8)

True/False Because inmates are more aware of their rights, it is important for correctional officers to document their own actions. (11)

THE OFFICER'S BEST DEFENSE



"Training . . . can protect you from complaints of misconduct."

This discussion of lawsuits and legal involvement may worry a new employee. It need not. The changes brought about by the involvement of the courts in prison affairs have helped improve the climate of institutions. Also, along with a new recognition of inmate rights, there is a new recognition of officer's rights as well. There are also several common sense things an officer can do to protect himself. These include:

- *Take advantage of the training opportunities offered.* Training can teach you your job. It can also protect you from complaints of misconduct. Suppose, for example, that an inmate charged that you had used excessive force in subduing him since you used a pain compliance hold associated with one of the martial arts. If you can show that the technique you used was taught and recommended in a training class, and the training records show that you actually attended and completed the training, then it is very unlikely that you would be held responsible for misconduct.
- *Know your institution's operating procedures.* You can do this in a number of ways. You should be very familiar with your institution's collection of policy statements and manual of procedures. Read and know them well!! You can also learn a great deal from your supervisor and other senior staff; pay attention to their instructions and advice.

- *Always act in "good faith."* "Good faith" is a fuzzy idea, but it is one that the courts have accepted as an appropriate defense by correctional officers against complaints of misconduct. "Good faith" simply means that the officer is acting in a way that he reasonably thinks is lawful. This is why the officer's attention to training, to knowledge of policies, and to instructions provided by his supervisor are so important. If the officer can show that his actions were based on one of these sources, then he can rightfully claim that he was acting in "good faith." As a matter of fact, the courts rarely rule against those who can show they were acting in "good faith." They do, however, come down hard on those who are shown to be "grossly negligent" or "purposefully cruel." Since correctional officers with professional attitudes do not act in this way, they have little to fear from legal complaints.



"'Good Faith' . . . acting in a way that [s]he thinks is lawful."

Mark those statement(s) that describe how an officer can protect himself from lawsuits.

1. Have a personal lawyer ready to defend you when complaints are filed.
2. Avoid reading the policy book because if you don't know how something is done, you can't be held responsible for doing it wrong.
3. Make sure your attendance at training class is documented.
4. Act in a way that you think is lawful.

(9)

REVIEW

The following key points have been covered so far in this chapter:

- The criminal justice system is defined as "society's organized response to criminal activity."
- It is composed of four parts: law enforcement agencies; the jails; the courts; and corrections, including parole and probation. All these parts are interrelated.
- The law of corrections governs how corrections is managed. It is drawn from several sources: legislatures; the courts; the U.S. Constitution; standards or guidelines published by professional associations and Presidential Commissions.
- Over the past 10 years, the courts have taken a much more active role in the day-to-day operation of institutions. This has been in response to complaints by inmates of unfair treatment or undue limitations on their rights.
- The courts have ruled that inmates do not necessarily lose all the rights guaranteed to them by the U.S. Constitution as citizens simply because of their conviction and imprisonment.
- Correctional professionals and the courts continue to struggle over the proper balance between protecting the rights of individuals and the security requirements of the institution.
- Correctional officers can protect themselves against unfounded complaints by taking advantage of training opportunities, by knowing what institution policies are, and by acting in "good faith."

INMATE RIGHTS—THE OFFICER'S RESPONSIBILITY

It is *not* the responsibility of the correctional officer to make policy. Correctional administrators do that. Their policies must comply with the law as written by legislatures and defined by the courts. It is also the responsibility of administrators to make these policies known to correctional workers in a clear and understandable way.

It *is* the responsibility of the correctional officer to know what institution policies and procedures are and to enforce them. Even though he is not a policy maker, it will help the correctional officer understand *why* certain policies have been written if he understands the legal basis for them. The following discussion explains the basis for many of the policies you will be expected to enforce and live by. This should help you see the reasons why things are done as they are in your institution.



"... It is the responsibility . . . of correctional administrators . . . to make policy."

Mark the statement(s) that are correct.

1. Correctional officers make policies whether they want to or not by the decisions they make in crisis situations.
2. The correctional officer's duty is to enforce policies, not make them.
3. The correctional officer need not care why policies are made since he has no part in making them.
4. An understanding of the basis for policies can help the correctional officer in enforcing them. (12)

LAW OF CORRECTIONS

The world of corrections is an exciting and changing place, and the correctional officer plays a key role in it. The best defense against possible complaints is to act as a professional. If officers make it their number one rule to treat inmates with the same care, concern, and fairness they would want to receive if they were inmates, then their own interests will be protected and the rehabilitation of inmates will be fostered.

With this background in mind, we will now turn to the legal rights of inmates as they have been defined by the law of corrections.

The law of corrections has its basis in the Constitution, which is the foundation of the law in the United States. The Constitution guarantees certain rights to all citizens—including inmates. The *degree* to which inmates are protected under the constitutional guarantees is constantly being debated, and courts determine how the guarantees of the Constitution apply to those in jails and prisons.

There are certain specific areas courts have ruled on in recent cases that affect corrections. These include:

- Personal safety and health;
- Freedom of speech, religion and press;
- Access to courts, lawyers and legal resource material;
and
- Disciplinary procedure.

The remainder of this chapter will deal with these legal areas.

8TH AND 14TH AMENDMENTS—PERSONAL SAFETY AND HEALTH

The 14th Amendment to the Constitution states that the State shall not “deprive any person of life, liberty or property without due process of law.” The 8th Amendment protects the citizen from “cruel and unusual punishment.”

It has always been held that these Amendments guarantee the prisoner the basic right of personal safety. When a person is put in prison, he is no longer able to defend himself as he would on the outside. Therefore it is the responsibility of prison officials to look after the welfare of those put in their custody. The courts traditionally have identified the following as basic rights:

Basic Rights

- Protection from other inmates
- Protection from abuse by staff
- Protection from dangerous conditions
- Protection of health

- *Protection from other inmates.* This has led to classification systems that segregate violent inmates so that they cannot threaten or harm others. This is one purpose of cell searches and shakedowns—to protect inmates from one another.
- *Protection from abuse by staff.* Necessary force may be used by correctional personnel to maintain order or to defend against attack. Excessive force opens the officer and his superiors to liability. Never use force as punishment.
- *Protection from dangerous conditions.* Deteriorating buildings and unsanitary conditions can be fire hazards. Prisoners have a right not to be exposed to these and other conditions that would threaten their lives and safety.

PERSONAL SAFETY AND HEALTH

- *Protection of their health.* Courts have ruled that this protection includes a nutritious diet; prompt and adequate medical and dental care; acceptable levels of sanitation, personal hygiene and housing space; opportunities for physical exercise and recreation. Just what "adequate" means in each case is of course a matter of debate and compromise. Correctional standards, described above, are often used as guidelines to define adequate conditions.

In the area of personal health and safety, the courts have identified basic inmate rights as:

- Protection from other _____
- Protection from abuse by _____ (13)
- Protection from dangerous _____
- Protection of their _____

When an offender is put in prison, he can no longer protect himself. Therefore, it is the responsibility of _____ (17)

_____ to look after his personal safety and health.

FREEDOM OF SPEECH, RELIGION, AND PRESS

The First Amendment states, "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This short paragraph has been the source of more controversy and lawsuits than any other part of the law. Its exact application to correctional situations is still being worked out in the courts. Today, the following rights are recognized:

Freedom of Religion

According to this amendment an inmate may *believe* anything he wishes and no restriction is allowed. The right to *practice* a religion is not so sweeping. Some restrictions can be justified on the basis of institutional security and order. However, the courts generally recognize these rights of inmates:

- to assemble for religious purposes
- to receive and read religious material
- to wear religious emblems
- to consult and correspond with clergymen for religious purposes.



Restrictions on inmates' freedom of religion can only be justified because of institutional _____ and _____.

(16)

FREEDOM OF SPEECH, RELIGION, AND PRESS (continued)

These rights extend to members of traditional religious groups such as Catholics, Protestants, and Jews. They also extend to other, less traditional, even unorthodox groups. It is not within the institution's authority to judge what is religious and what is not.

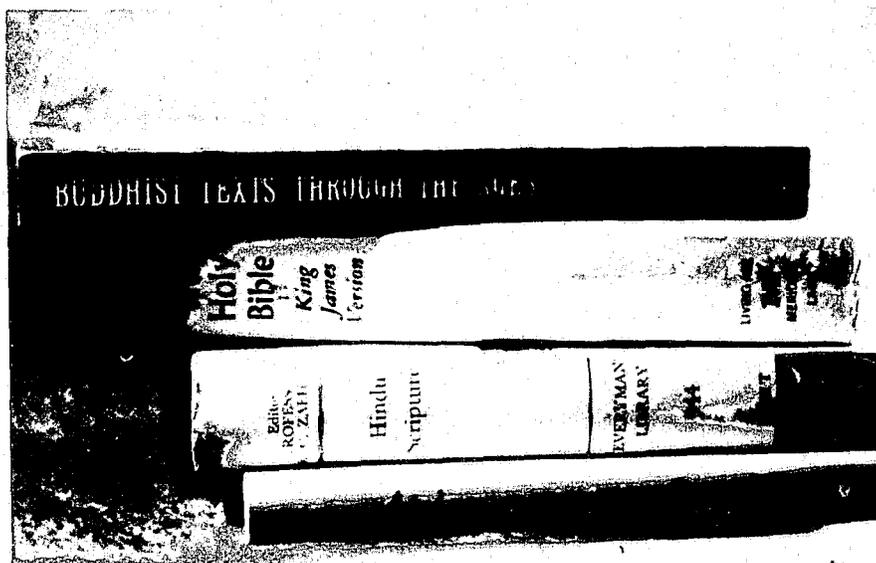
The right to practice other religious observances, such as special diets, are less clear since meeting the requests of one group may impose a hardship or deny the rights guaranteed to other groups or individuals.

If the prison authority feels it necessary to restrict the practice of religious observances by inmates, it is the authority's responsibility to demonstrate that there is an immediate need to do so based on a recognized institutional goal such as security or order.

In one case, a group of Black Muslims petitioned the court to force the prison authorities to permit them the following religious practices:

- a. the right to conduct a two-hour prayer service between 6:00–8:00 p.m. on Friday, which was the only time their minister was available;
- b. the right to listen to a special radio program over one of the two prison radio channels for a half hour each week;

"It is not within the institution's authority to judge what is religious . . ."



- c. the right to receive the newspaper *Muhammed Speaks*;
- d. a special diet during the month of Ramaden.

The prison authorities testified as follows:

- a. the institution policy prevented the assembly of inmates after 5:30 because of reduced staff during the evening;
- b. since there were only two radio channels available, devoting one channel for a special program for a small group a half hour per week would deprive other inmates, who wanted more popular programs, of their rights;
- c. the newspaper in question was inflammatory since it advocated the violent overthrow of white dominated governments and prisons; and
- d. there was neither budget nor staff to prepare the special diets requested. To do so would deprive other inmates of nutritious food to which they were entitled.

They argued that they need not meet any of the Black Muslims' requests. The court ruled in favor of the Black Muslims on some issues and the prison authorities on others.

Based on what you have learned about freedom of religion, personal safety, and health, mark for whom you think the court ruled in each issue.

	Muslims	Authorities (14)
A. the two-hour assembly	_____	_____
B. the radio program	_____	_____
C. the newspaper	_____	_____
D. the diet	_____	_____

FREEDOM OF SPEECH, RELIGION, AND PRESS (continued)



"... ample opportunities for visitation ..."

Freedom of Speech

The freedom of speech provision of the First Amendment protects the rights of inmates to correspond with others outside the institution. This correspondence can be by mail, telephone, or visitation.

An inmate's mail may be opened and inspected for contraband before it is delivered. Prison authorities may not refuse to deliver it unless it includes plans for escape or future criminal activity or has a coded message.

Inmates should also be provided ample opportunities for visitation and for contacts with their families and others by telephone. The courts have ruled that these contacts play an important part in helping the inmate maintain a sense of worth, and should not be restricted unnecessarily. If such restrictions are imposed, it is the responsibility of the authorities to show why they are necessary.

Freedom of speech applies to correspondence by _____, and _____ (15)

An inmate's mail may be opened, but prison authorities cannot refuse to deliver it unless _____ (18)

Freedom of the Press

The courts have interpreted the freedom of the press clause of the First Amendment to provide a number of rights including:

- *Right to receive printed matter.* Authorities must show compelling reason, such as clear danger to order and security, if they forbid the distribution of printed matter.
- *Right to publish materials for distribution within the prison.* Although this right is not as widely recognized as the right to receive printed matter, it has been upheld in many cases. Where an inmate press does exist, authorities may not censor its contents unless they can show a reason why its distribution would be a threat to security or order.
- *Right to communicate with the press.* The courts have been interested in the right of inmates to communicate with the press. However, officials may restrict access of reporters to the institution if such access would cause a disturbance or if the inmate being interviewed is using the interview to gain a power base. The facility can require that reporters follow regular policies and times for visitation.



"Right to communicate with the press."

Three inmate rights guaranteed under the First Amendment are:

the right to receive _____;

the right to _____ materials for distribution;

the right to communicate with the _____.

(20)

ACCESS TO COURTS, LAWYERS, LEGAL RESOURCE MATERIAL

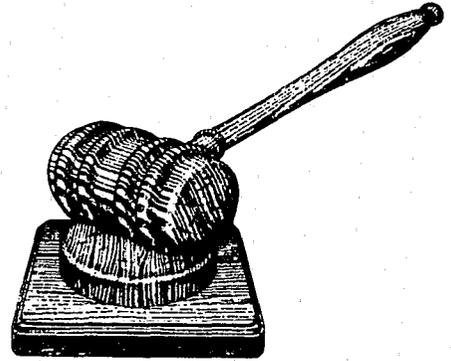


In recent decisions, the courts have been very firm in upholding inmate rights to participate in the legal system even while in prison. These protections are deeply rooted in the Sixth Amendment which describes provisions for criminal prosecution. The following areas are protected:

- *Access to courts.* A prisoner's access to the courts or outside officials may not be limited. Whether it is to appeal his original conviction, or to lodge a complaint against the circumstances of his incarceration, the prisoner's efforts to communicate with officials on the outside may not be interfered with. Many institutions recognize this right by providing a special mail box (not subject to inspection) where sealed correspondence addressed to recognized officials can be deposited.
- *Access to legal counsel.* Communication between a prisoner and his lawyer of record is privileged, as is communication between any citizen and his lawyer. Therefore, this kind of communication must be treated differently than other types. First, lawyers must have free access to their clients unless the visiting time requested is clearly unreasonable. Second, lawyer/client interviews are usually protected from being monitored by correctional personnel. Finally, the incoming mail from a lawyer may be opened and inspected for contraband and to see that it really is from the lawyer, but it may not be read.
- *Access to legal resource material.* The courts have recognized the right of prisoners to participate in their own legal affairs. They have also made it clear that in order to do so, certain legal materials, such as law books, legal journals, and some textbooks must be made available. Some institutions escort inmates interested in doing legal research to legal libraries. A more cost effective method is to set up a basic legal library within the institution where inmates can have access to the necessary documents.



In certain rare cases, when absolutely no other legal resources are available to an inmate, the courts have permitted the institution's "jail house lawyer" to assist an inmate in preparing documents. Jail house lawyers are individuals who have some legal knowledge, usually self-taught. In more normal circumstances, institutions generally prohibit inmates from helping one another in such matters in order to avoid one inmate "owing" another.



Warden Wilson consistently refuses to make any exceptions for attorney visits and insists that they conform to the regular visiting hours. Some attorneys have complained to him that this policy is causing undue hardship to both them and their clients. Today an attorney appeared at the institution at 6:00 p.m. and requested a visit with his client, Dean Scott. At this time of the evening the prisoners have been fed and counted. The institution does not have any evening activities, it is not understaffed, and the prisoner is not an escape risk. How do you think the law should be interpreted in this case? Should the visit be allowed?

A. No. The attorney can return the next day at a reasonable hour.

B. Yes. There are no activities that might cause a scheduling conflict.

C. No. Permitting a prisoner out of his cell at this time of night could be dangerous.

D. Yes. This is an area of administrative discretion and does not represent a danger to the facility.

DISCIPLINARY PROCEDURES



"The right to a hearing . . ."

The rights of the inmates concerning disciplinary procedures stem from the 14th Amendment, already mentioned, which protects citizens from being deprived of life, liberty, and property, "without due process of law." The courts have required institutions to spell out clearly what that due process of law is. Accordingly, most institutions have a formal disciplinary procedure that is followed whenever a serious infraction of the rules occurs. That process must afford the inmate the following rights:

- The right to receive a written notice of the charges against him;
- The right to a hearing where he can answer those charges;
- The right to present witnesses and documentary evidence on his own behalf at the hearing;
- The right to a written statement of the decision of the hearing officers and the punishment to be imposed, including the reasons for finding the inmate guilty; and
- The right to appeal the decision to a higher authority.

Mark the rights which an inmate has in a disciplinary procedure.

- 1. right to be represented by a lawyer
- 2. right of appeal
- 3. right to a written notice of the charges against him
- 4. right to know the names of all those who gave testimony against him
- 5. right to a written statement of the decision of the hearing officers

SUMMARY

In the second part of this chapter, you have learned about the rights of inmates as defined in recent years by court decisions. These rights include:

- *The right to personal health and safety while in prison.* This means that prison authorities have responsibilities for providing protection from other inmates, from abuse by staff, and protection against dangerous physical conditions.
- *First Amendment rights, including freedom of religion, freedom of speech, and freedom of the press.* Whenever restrictions are placed on these freedoms, it is the responsibility of the authorities to show that such restrictions are necessary in the interests of security and good order.
- *The right to participate in the legal system while in prison.* This right provides access to legal materials, to legal counsel, and to officials outside the prison.
- *The protection of due process.* This applies specifically to the institution's disciplinary procedures, which must be clearly spelled out in writing.

The officer's best defense against involvement in legal problems is to know and respect inmate rights and to act always in good faith.

ANSWER KEY—LEGAL ASPECTS OF CORRECTIONS

1. C 1.
B 2.
A 3.
E 4.
D 5.
D 6.
C 7.
B 8.
D 9.
A 10.
2. False. All parts—law enforcement, courts, jails, and corrections—are interrelated.
3. C 1.
D 2.
B 3.
A 4.
C 5.
D 6.
B 7.
4. The definition of the criminal justice system is **society's organized response to criminal activity**.
5. False. A professional officer will keep up on what's happening in the criminal justice field in order to avoid being isolated.
6. The two sets of materials that every officer must be familiar with are **policy statements** and **manual of procedures**.
7. True.
8. False. Correctional officers play a key role in documenting events in the institution. The incident reports they write are important documents in the discipline process.
9. ___ 1.
___ 2.
 3.
 4.
10. True.
11. True.
12. ___ 1.
 2.
___ 3.
 4.

ANSWER KEY—LEGAL ASPECTS OF CORRECTIONS

13. In the area of personal health and safety, the courts have identified basic inmate rights as:
- protection from other **inmates**
 - protection from abuse by **staff**
 - protection from dangerous **conditions**
 - protection of their **health**

	Muslims	Authorities
14. A. the two-hour assembly	_____	_____ ✓
B. the radio program	_____ ✓	_____
C. the newspaper	_____ ✓	_____
D. the diet	_____	_____ ✓

The court ruled in favor of the authorities on the assembly because staff would have to be moved from other security posts. Those not attending the assembly would be without safeguards from other inmates. The Muslims were encouraged to reschedule the assembly at another time.

The court ruled in favor of the Muslims on the radio program because it felt that the time requested was not excessive and did not deny others the right to listen to other programs.

The court ruled in favor of the Muslims on the newspaper because it is well established that institutions may not act as judge on the value of reading matter.

The court felt that the special diet would have interfered with other inmates' nutritional needs and rights and therefore ruled in favor of the authorities.

15. Freedom of speech applies to correspondence by **mail, telephone, and visitation.**
16. Restrictions on inmates' freedom of religion can only be justified because of institutional **security** and **order.**
17. When an offender is put in prison, he can no longer protect himself. Therefore, it is the responsibility of **prison officials** to look after his personal safety and health.
18. An inmate's mail may be opened, but prison authorities cannot refuse to deliver it unless **it includes plans for escape or future criminal activity or has a coded message.**
19. D. Yes. This is an area of administrative discretion and does not represent a danger to the facility.
 The court ruled that in order to deny such visits, the authorities must show good reason such as danger to the facility or interference with vital activities. The plea of inconvenience is not an adequate reason for denying a visit between lawyer and client.

ANSWER KEY—LEGAL ASPECTS OF CORRECTIONS

20. Three inmate rights guaranteed under the First Amendment are:

- the right to receive **printed matter**;
- the right to **publish** materials for distribution;
- the right to communicate with the **press**.

21. 1.

2.

3.

4.

5.

22. True.

23. True.