RUNNING HEAD: CRIMINAL JUSTICE

Prison Abolishment

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# Annotated Bibliography

Raphael, S. and Stoll, M.A. eds., 2009. Do prisons make us safer?: the benefits and costs of the prison boom. Russell Sage Foundation.

As the title suggests, this book gives complete insight on the topic of what benefits prisons are offering as a mean of deterring crime and ensuring safety in society. In addition, it also makes a comparison of the cost with the benefits obtained from the imprisonment of criminals. Though it is centred on the prison system in the United States, it can be used to get an understanding of the cost and benefits of prisons as part of the criminal justice system (Raphael and Stoll, 2009). It also deliberates the impacts of prisons on crimes, criminal psychology, budgetary consequences and the benefits of incarceration.

The information obtained from the book can be used in the research essay as a mean of understanding the benefits and cost of prisons and help make a judgement if abolishing prisons will help attain the same benefits. If the cost of prisons is worth it or a new system of the justice system is needed in society. Prisons are a way of punishing crimes and criminals all over the world know the consequences of being in prison.

At the same time, prisons have some budgetary cost in many forms and the burden of all the cost is on the taxpayers (Raphael and Stoll, 2009). The state income generated from the taxpayers' money is being used in the correction facilities and to the personnel managing the prisons and several other activities. At the same time, prisons are offering several benefits in terms of keeping the criminals away from the society which would not have been possible otherwise. All of these insights are essential in assessing the positives and negatives abolishing jails can result.

Cullen, F.T., Jonson, C.L. and Nagin, D.S., 2011. Prisons do not reduce recidivism: The high cost of ignoring science. The Prison Journal, 91(3\_suppl), pp.48S-65S.

This research study is focused on the impact of imprisonment on the recidivism. Since the general idea of putting the criminals behind the bars is to teach them one thing, “crime does not pay.” This article spins around the idea that prison, which is used as an alternative to custodial sanctions and corporal punishment is not just a cost on the state but it is a social experience for those imprisoned. Using an evidence-based approach, it suggests that there is little evidence that supports the idea of prisons reducing recidivism. A little evidence, however, suggests that prisons have a criminogenic effect (Cullen et al., 2011).

The results of the study help developing an argument that prisons can be an effective way of reducing the recidivism and helps to deter crime but not for all the criminals. The study also recommends that some of the prisons may not be effective in reducing crime but they can be criminogenic in some cases. The social experiences in the prisons may result in escalating the criminal behaviour of some offenders. Prisons are not an effective remedy for all the types of criminals but it also depends on the risk level of the offenders. All these results can help in developing an understanding of the drawbacks of prisons and the need of abolishing prisons as a means to attain the objective that the prisons fail to serve (Cullen et al., 2011). In addition, the information can be a foundation in the case of preferring prison abolishment. It gives an overview of one of the major shortcoming of the current criminal justice system. Prisons can only help those who have a low-risk level of developing a criminal career.

Spohn, C., 2007. The deterrent effect of imprisonment and offenders’ stakes in conformity. Crim. Justice Policy Rev. 18, 31–50.

The study by Spohn explores the deterrent impact of imprisonment in case of drug-offenders. It compares the offenders placed in prisons with the offenders put on probation and assumes that the deterrent effect of prisons is influenced by the offender's stakes in conformity. The results of the study suggest that the criminals put on probation show a relatively lower recidivism rate as compared to those imprisoned. Besides, it also suggested that the offender's stakes in conformity have no impact on their reoffending habits (Spohn, 2007). Drug offenders who were incarcerated showed no positive impacts in the form of deterring from crime. This information obtained is used to analyze the outcome of imprisonment for a specific category of offenders and shows the effectiveness of prisons. Abolishing may overcome this weakness resulting in a way that is more effective with respect to deterring crime amid drug offenders.

# Research Essay

## Introduction

Prisons and the prison system has always been used as a mean of punishment by the government and criminal justice institutes. Incarceration is considered as the primary tool of punishment, and the people charged with crimes are forcibly confined in these facilities. However, recently a group of activists are trying to think beyond prisons to solve the issues of crimes. These activists, in many different ways, are seeking reforms in the criminal justice system and the ways to handle crimes in many different ways. The incarceration and prison abolishment has become a hot topic and it is not easy to imagine a completely different future of the criminal justice system without prisons. Abolishing prisons has its own benefits and shortcomings that can be determined by evaluating prisons as a mean of punishment and the benefits of restorative justice in forming an institutionally free society.

## Pros and Cons of Prisons

Imprisonment continues to be one of the most common ways of causing pain to a person guilty of a crime. Early prisons were found in the ancient civilization of Egypt and Mesopotamia, where dangerous buildings were used a way to incarcerate criminals. They were created in England in the 1800s, along with the Industrial Revolution. Before prisons, criminals were punished by flogging, mutilation, execution, exile, military service, enslavement to the victim until a debt was paid, and sale into slavery. Making an analysis of the pros and cons of imprisonment, in comparison with physical punishment or any other alternative can provide a glimpse of what abolishing can bring to society. According to some of the studies, in reality, there are very few pros about prison as a punishment. It is expensive to meet the needs of incarcerated criminals and results in high government expenditures (Schmitt et al., 2010). Moreover, it is also extremely disruptive to the lives of the offenders, especially minor offenders, some of whom never recover, but it is the lesser of evils.

Physical punishment has one pro that the person being punished has a brief but painful interruption of their lives after which they can get back to their families, jobs and lives without further interruption. As for the cons, in reality, most law-abiding citizens, the ones who would be administering the physical punishment, just do not have the stomach for inflicting physical pain on others. Words like torture and cruel and unusual punishment are tossed around. Then there is a question of how much physical pain is enough? How much is too much? How much is "fair"? Humans have different levels of pain tolerance. Some can sustain physical abuse that could severely and permanently injure or even kill others. When it comes to imprisonment, days or years can be assigned based on what is fair and consistent.

Some of the pros of imprisonment as a mean of punishment include, punishment is measurable, tolerable to the public, no direct risk of permanent physical injury or death. However, cons comprise expensive, disruptive of personal lives, often stripping them of their support system of families and jobs, often leaving them in worse shape than they were in when they went in. Prisons in some cases do not result in the deterrence of crimes and this fact is supported by many studies. One such study evaluating the deterrence of drug offenders report that the criminals sentenced to prison showed a higher recidivism rate than offenders placed on probation (Spohn, 2007). This generates an idea of abolishing prisons if it fails to serve the purpose of its entirety. One of the major questions when it comes to prison abolishment is that what would be the alternative to prison as a mean of punishment for the criminals.

## Alternatives to Prisons

Unavailability of alternatives to prisons can worsen the criminal justice system. It is not possible to eradicate prisons unless and until the world comes up with a better solution to the issue (Nieuwbeerta et al., 2009). One of such issues is that some people are so fierce and anti-social that they have proven that they need to be separated from society. Serial killers clearly fit in this category. If they abolish prisons what would they do with these people? Rather than abolishing jails world may need to more closely examine who is being incarcerated, for how long and what social purpose is advanced by it (Durlauf and Nagin, 2011).

To some extent, there may have acceptability of the concept of banning prison in some advanced societies where the crime rate is lowest. Rest of the world is not suitable for withdrawal of prison sentence as a form of punishment. States are yet to find out a better alternative to a prison sentence which might be universally applicable as a common form of punishment for most types of crime. The concept of banning prison is a utopian concept and mostly inconsistent with existing trends of crime (Scott, 2013). Anyway, the utopian concept is fantastic in imagination and not in practice. For example, utopian socialism vanished, the world without borders is impossible in existing civilization.

## World without Prisons

Imagining a world without prisons is another way to unearth the outcomes of penal abolishment. A general idea reveals that if there would be no prisons the streets would be filled with all the muggers, rapists, arsonists, serial murderers, child molesters, thieves, drug pushers, con men, forgers, and thugs who are now safely put away — along with those not yet caught (Raphael and Stoll, 2009). Crime and danger would be everywhere. “House arrest with heavy scrutiny" would not keep these people penned up. There is an unending number of ways to evade "heavy scrutiny". Not only would prior crime rates continue, but crimes of every sort would increase, rapidly. People with criminal inclinations would see that no penalty or restraint would arise from their committing crimes, so we would see unlimited growth of all forms of crime (Frase, 2005). All of this would lead to organized protests and even riots, of people demanding that the government take action to apprehend and imprison criminals so that they could live their lives without peril and fear. Politicians would be thrown out of office, and citizens would step in and declare themselves Mayor or Governor or Chief of Police or whatever, in an attempt to restore order. That would lead to constant battles and murders, as many people would be trying to accord themselves the same position.

In addition, in a world without prisons, there would be an enormous upsurge in vigilantism, as individuals who considered themselves Batman would take to the streets to wipe out criminals, and huge numbers of vigilante gangs and possess would form. Criminals, both real and suspected, would be shot on sight or lynched, all over town. Huge fires would rage, as vigilantes would burn down homes or buildings where they suspected criminals were residing or hiding. In other words, there would be chaos, insurrection, and anarchy (Nieuwbeerta et al., 2009). Law-abiding people would not leave their homes and would shoot down anyone who approached. They would go out to the supermarket, for example, only in armed groups; but they would arrive to find the supermarket closed, and looted. And surrounded by the bodies of those found looting, or suspected of looting.

## Serious criminals and Prisons

There would be other consequences as well, some more extreme and severe than these. No civilization can exist without Prison. Human weaknesses are the worst enemies of human civilization. Human weaknesses are lust, anger, pride, controlling attitude, greed. They are there always and one need external support to keep people protected. People who have committed atrocities and serious crimes are mentally ill. They belong in asylums where they are separated from regular people and can get therapy. But that does not account for most of the prison population or even 80% of them. According to a study, prisons result in a preventive effect resulting from the rehabilitation programs involvement and prisons have a mild impact on the future criminal behaviour of the person being incarcerated (Nagin et al., 2009).

Most do not need to be separated from others, have no future and waste their time in prison without college or a skill. Probation, electronic monitoring, work, fines and a family would do a lot more good for everyone and reduce recidivism. However, there is a need to punish those who commit a crime. The answer to a question that if prison is the best form of punishment or not depends on the crime mainly. But when one says, "is prison the best form of punishment…" the context has to be understood. If one is asking, if it’s a good way to separate troublemakers from society, then “yes.” Other than that it is not the definitive source of reducing recidivism as supported by many studies (Cullen et al., 2011).

## Case of career and non-career criminals

Prisons may be a great way to keep criminals away from society, but it generally does not make them a productive member of society. Even taking someone out of society for a short five years without a work-history and a criminal record on top of it makes it more difficult for them to get an honest job than it was before they had a record in the first place. So if their initial crime that sent them to prison was because they were seeking (though be it illegal) more profitable opportunity then honest work provides, and now you make it even more difficult to even get that less profitable honest job. What would they be encouraged to do other than the crime? From this perspective, the abolishment of prisons and their replacement with more productive options can help to create a productive community. These types of career criminals resort to crime because it doesn’t require a college degree from this college or that college to get a job that earns six figures (Nieuwbeerta et al., 2009). Moreover, the competition is not nearly as difficult because getting these jobs comes from people knowing you growing up.

But there are many other types of criminals that are not a career criminal. For them it is much worse because they don’t know crime like career criminals, they just got caught up in some stupid act at some point in their otherwise normal lives and paid the price for it. So now that person gets out and finds out nobody wants to hire them and they aren't experienced enough with a crime to resort to it. Almost all the organisations opt for criminal history or records in the phases of recruitment. Many of those people do have college degrees and technical work skills and experience, but company telling them to pay off their student loan by flipping burgers (which is not what they went to school for). But even when they toss their hands in the air and they concede that a job is more important at the moment than the pay, so they go to the local burger shop only to find out they cannot get a job there either (only this time it’s because they’re overqualified). The same is true for them of any minimum wage job, their college experience makes them un-hirable for minimum wage employment, and they can’t get a job in management even if a slot is open because of their criminal record.

One thing to remember is that these people already served the time that the courts sentenced them to, but now society wants to permanently deny them a path to rejoin society as a productive member. There are some opportunities out there for these guys that don't pay half bad (like construction and other labour work) but many ex-office workers aren't cut out for manual labour (plus that's a young man's job and they've already lost several of those years). Prison trades don't account for this. They make young people suffer throughout their lives. In these cases abolishing prisons can help only if the suitable alternative that could allow such people to live rest of their lives enjoying equal opportunities.

## Other considerations

Considering the shortcomings of prisons, if they are abolished can help in the cases similar to that discussed in the above section. But in this case, an alternative is needed that is not only effective in deterring crime or reducing the number of criminal activities but at the same time ensures that the prisoners are healthy members of society. The need of the hour is to rehabilitate the criminals rather than incarcerating them on tax-payer's money (“Rehabilitate or punish?,” n.d.). The controlled isolated environment of prison may suit some and may disrupt others but suggesting a shift in the entire system of incarceration is similar to that of amending the logic of crime and criminal justice.

Abolishing prisons need constructive alternatives since prisons is a less evil form of punishment. Penal abolishment would generally help if an entire criminal justice system is reformed to a model that does not focus on punishment but rehabilitation and prevention of crime. The aim of abolishing prison is to deal with the issues imprisonment can not help. Penal abolishment can only help in the long-run if the problems that lead to crime are solved. This requires changing the entire social system of the society such as better housing schemes, basic income to all, mental health facilities, and domestic violence services.

Penal abolishment is also characterized as a way to eliminate injustice in prisons based on race, colour and gender. The solution to Discrimination and other drawbacks of the current prison system can be penal abolishment (Davis, 2011). In addition, it can pave the way for the new reforms in criminal justice termed as restorative justice. The restorative justice guides that the needs of victims are fulfilled and they feel safe and protected. One fact should also be considered that the victim sometimes not only want the justice the criminal justice system offers but they want to feel secure (Davis, 2011). By the means of restorative justice, victims get time to heal and the wellbeing of both victim and criminal can be enhanced. Such a system considers an offender as worth rehabilitating. It also removes the question that is put on a person who has been to prison, it is not about why they in jail but only if they have ever been in jail. Abolishing prisons and using restorative justice as a mean can offer numerous benefits to the criminal justice system, and countless cultural and traditional problems can be solved (Johnstone and Van Ness, 2013).

## Conclusion

We might conclude that a significant group currently in prison do not need imprisonment and they can be better managed and make better progress toward rehabilitation outside of prison. Still, others may be getting little or no benefit from lengthy sentences and potentially could do better with shorter sentences followed by parole supervision in the community. However, we are not ready to abolish prisons just yet. Prisons are a great alternative to the death sentence and corporal punishments. Penal abolishment cannot be an effective alternative to prisons unless the entire justice system has to be reimagined. It is indeed a matter of time and evolution and the acceptance of society towards a new justice system.

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