

CHAPTER 15

Criminal Justice Process: Sentencing and Corrections

"It is insufficient to restrain the wicked by punishment unless you render them virtuous by corrective discipline."

— Inscription over the door of the Hospice of San Michele in Rome, Italy, 1704



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Imprisonment is just one of several sentencing options.

The final phase of the criminal justice process begins with sentencing. Once found guilty, the defendant will be sentenced by the judge or, in a few states, by the jury. The sentence is perhaps the most critical decision in the criminal justice process. It can determine a defendant's fate for years or, in some cases, for life.



Sentencing Options

Most criminal statutes set out a basic sentencing structure, but judges generally have considerable freedom in determining the actual type, length, and conditions of the sentence. Depending on the state, judges may choose from one or a combination of the following options:

- **Suspended sentence.** The sentence is given but does not have to be served at the time it is imposed. However, the defendant may have to serve the time later if he or she is rearrested on another charge or violates a condition of probation.
- **Probation.** The defendant is released to the supervision of a probation officer after agreeing to follow certain conditions, such as getting a job, staying drug-free, and not traveling outside of the area during the probation period.
- **Home confinement.** The defendant is sentenced to serve the term at home. Normally, the only time this defendant can leave the home is for essential purposes such as work, school, or a doctor's appointment. The defendant is sometimes required to wear an electronic monitoring device so that his or her activities can be monitored by the probation officer.
- **Fine.** The defendant must pay the government an amount of money set by the court.

Electronic monitoring devices are often used for home confinement. What are the advantages and disadvantages of such a sentence?

- **Restitution.** The defendant is required to pay back or make up for whatever loss or injury was caused to the victim of the crime.
- **Work release.** The defendant is allowed to work in the community but must return to prison at night or on weekends.
- **Imprisonment.** The defendant is sentenced to a term in jail or prison. Some states require that a definite sentence be given, in which case the judge specifies the exact amount of time to be served (for example, two years). Some states provide for an indeterminate term, in which case the sentence is stated not as a specific number of years but as a minimum and maximum term (for example, not less than three years nor more than ten years). Some judges allow defendants in misdemeanor cases to serve short jail sentences on weekends.
- **Death.** The defendant is sentenced to die for his or her crime. In many states and in the federal court system, judges have the option of handing down the death penalty for the most heinous offenses. This controversial issue is discussed in more depth later in this chapter.



The Three Strikes Law

California lawmakers passed the “Three Strikes” Law in March 1994, following the high-profile kidnapping and murder of 12-year-old Polly Klaas. Her abductor was a violent offender out on parole, living in the Klaas family’s community. Outraged by this awful crime and eager for the legislature to get tougher on crime, California voters overwhelmingly approved Proposition 184. This law was designed to deter offenders from committing new crimes and to give longer prison terms to criminals who have been convicted of felonies in the past. By the late 1990s about 40 states had some form of recidivist statute, a law designed specifically to punish serious, repeat offenders.

Under California’s Three Strikes Law, a strike is a conviction for a serious or violent felony. Once a defendant has one strike, conviction for the second strike results in the usual sentence for that crime being doubled. If a defendant is convicted of a third felony, the law requires that he or she receive a sentence of at least 25 years to life, with no possibility of parole before 25 years.

While strikes one and two must be for serious or violent felonies, *any felony conviction* will qualify as the third strike, whether or not the felony was serious or violent. In addition, certain offenses (called “wobblers”) can be prosecuted as either misdemeanors or felonies, at the discretion of the prosecutor or the judge. Finally, the Three Strikes Law is retroactive and is not limited to crimes committed in California. Therefore, convictions from before the law was passed (1994) or in other states can count as strikes.

In November 1995, Leandro Andrade attempted to steal five G-rated videotapes from a Kmart, but was arrested upon leaving the store. Two weeks later, Andrade was arrested outside of another Kmart for attempting to steal more videotapes. The total

value of all the tapes was approximately \$150. Andrade, a longtime heroin addict, had a 15-year criminal history with five felonies and two misdemeanors on his record. None of the previous convictions were for violent offenses. Prosecutors determined that he already had two strikes under the California law when the prosecution for the Kmart thefts commenced. Under California law, petty theft with a prior conviction is one of the so-called wobblers, misdemeanors that can be prosecuted as felonies. Andrade, then 37, was convicted and sentenced to 25 years to life for *each* of the two petty theft counts (strikes three and four). According to the Three Strikes Law, those sentences must be served consecutively, not concurrently, so Andrade will not become eligible for parole for 50 years.

A federal appeals court found his sentence “grossly disproportionate” to the crime and a violation of the Eighth Amendment’s prohibition against cruel and unusual punishment. Prosecutors for the state of California appealed to the U.S. Supreme Court.

Problem 15.1

- a. Why did California pass the Three Strikes Law? Why do you think these laws have become so popular in the United States?
- b. What are the most convincing arguments for upholding Andrade’s sentence?
- c. What are the most convincing arguments for reversing the sentence?
- d. How should the Court decide the Andrade case? What arguments might the dissenting justices make?
- e. As a matter of public policy, do you support or oppose laws like the Three Strikes Law? What information would you need to come to a decision on this matter?



Where You Live

Does your state have a special sentencing law for repeat offenders? If so, how does it work?

Many considerations must be made in the sentencing process. The most critical of these are whether or not the state has fixed, or mandatory, sentencing statutes, and if so, whether or not the judge can exercise any discretion in assigning that statutory sentence. A judge who can exercise discretion may consider many factors. These include the judge's theory of corrections and what he or she thinks is in the best interest of society and the individual. In addition, most states authorize a **presentence report**. This report is prepared by the probation department, and contains a description of the offense and the circumstances surrounding it. The report also sets out the defendant's past criminal record, data on the defendant's social, medical, educational, and employment background, as well as a recommended sentence. After studying the report and listening to recommendations from the defense attorney and the prosecutor, the judge will impose sentence.

Many people criticize the system of sentencing because they think it gives too much discretion to the court. Two people who commit the same crime may receive very different sentences, which some view as an injustice. To combat the problem of inconsistency in sentencing, in 1988 Congress passed federal sentencing guidelines that listed more specifically the sentences judges should impose for certain federal crimes. These guidelines included mandatory sentences without the opportunity for parole. Many states have similar statutes that limit a judge's discretion and that impose mandatory sentences, especially for repeat offenders. In some cases, these statutes have resulted in harsh sentences for seemingly minor offenses.

Critics of these federal and state guidelines argue that it is a mistake to take away a judge's discretion because many outside factors, such as poverty, lack of education, abuse, and drug addiction, contribute to criminal behavior. They believe judges should be able to consider these factors in deciding an appropriate sentence for each individual defendant. However, the U.S. Supreme Court has upheld the constitutionality of the federal sentencing guidelines. And, although the Eighth Amendment provides protection from cruel and unusual punishment, appellate courts are reluctant to overturn sentencing decisions of trial courts or sentencing guidelines established by state legislatures.

Purposes of Punishment

Over the years, the criminal sentence has served a number of different purposes, including retribution, deterrence, rehabilitation, and incapacitation. At one time, the primary reason for punishing a criminal was **retribution**. This is the idea behind the saying "an eye for an eye and a tooth for a tooth." Instead of individuals seeking revenge, society, through the criminal justice system, takes on the role of punishing those who violate its laws.

Another reason for punishing criminals is **deterrence**. Many people believe that punishment discourages the offender from committing another crime in the future. In addition, the punishment is meant to serve as an example to deter other people from committing crimes.

A third goal of punishment is **rehabilitation**. Rehabilitation means helping convicted persons change their behavior so that they can lead useful and productive lives after release. Rehabilitation is based on the idea that criminals can overcome the social, educational, or psychological problems that caused them to commit a crime and that they can be helped to become responsible members of society. Educational, vocational, and counseling programs in prisons and jails are designed to rehabilitate inmates.

A fourth reason for punishment is **incapacitation**. This means that the criminal is physically separated from the community and the community is protected as a result of this incapacitation. While confined in prison, the offender does not pose a threat to the safety of the community.



Rehabilitation programs help inmates change their behavior so they can lead productive lives after release. *What kind of education and training should an inmate receive?*

Parole

In most states, the actual length of time a person serves in prison depends on whether **parole** is granted. Parole is the release of a convicted person from prison before his or her entire sentence has been served. Depending on the state, a person might become eligible for parole after serving a minimum sentence specified by the judge or law. In other states, people automatically become eligible after serving a portion of the total sentence (for example, one-third).

Eligibility for parole is not a right but, rather, a privilege. Inmates may go before a parole board that makes the decision. Some inmates are never paroled and serve their full sentences in prison. The federal system and some states do not have a system of parole, and critics of parole say this is better, because it gives certainty to the sentence and is more likely to have a deterrent effect. Others believe inmates should be evaluated periodically and released early if there is evidence they have been rehabilitated.

At the end of 2001, nearly 6.6 million people were on probation, in jail or prison, or out on parole. This figure represents 3.1 percent of all U.S. adult residents.



Where You Live

Does your state have a parole system, or has it been abolished? Do you think the parole system is a good thing? Explain.

Problem 15.2

Review the information on the five defendants described in the bail hearing on page 159. Assume that each is convicted of the crime charged. Study the sentencing options on page 174 and prepare a presentence report for each of these defendants. Recommend a sentence and explain what purposes would be served by each sentence you recommend. Explain why and when each should be eligible for parole, if they should be eligible at all.

Capital Punishment

Capital punishment, also known as the death penalty, is the most controversial sentence given to defendants. It has a long history in America. The first person executed for murder among settlers in America was hanged in 1630. In colonial years, the death penalty was imposed for a number of different crimes. Gradually, however, capital punishment was restricted to the most serious crimes—usually murder and rape. In 1977, however, the U.S. Supreme Court held that the death penalty was an unconstitutional punishment for the crime of rape.

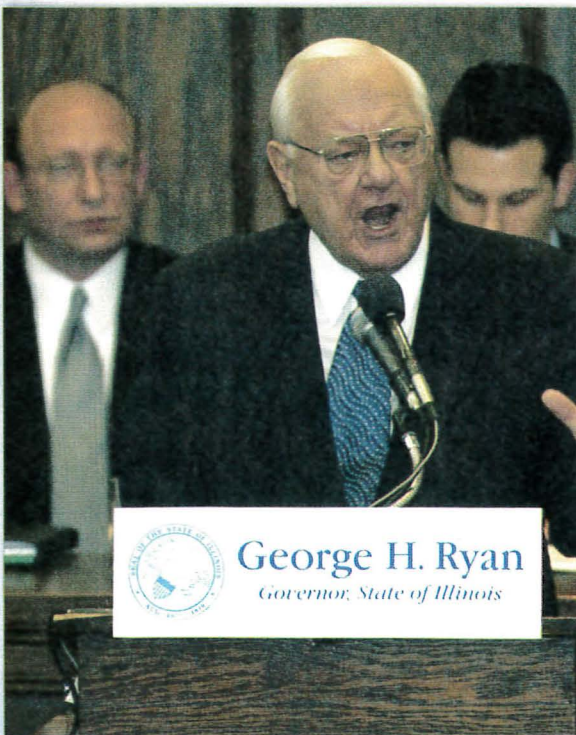
People have debated the issue of capital punishment for many years. Public protest against the death penalty gradually reduced the number of executions from a peak of 199 in 1935 to only one in 1967. For the next 10 years, executions were halted while the courts studied the legality of capital punishment.

In the 1972 case of *Furman v. Georgia*, the U.S. Supreme Court held that the death penalty as then applied was unconstitutional because juries were given too much discretion in assigning this sentence. States then rewrote their capital punishment laws. In 1978, the Court ruled that the new laws were constitutional as long as aggravating and mitigating circumstances were considered in sentencing. Executions soon resumed. According to the U.S. Department of Justice, at the end of 2001, there were 3,581 prisoners sentenced to death. Among them:

- 1,969 were Caucasian
- 358 were Hispanic
- 1,538 were African American
- 28 were Native American
- 33 were Asian
- 13 were classified as “other race”
- 51 were women
- 2 in 3 had prior felony convictions
- 1 in 13 had prior homicide convictions
- the average education attained was 11th grade
- the average age at the time of arrest was 28 (about 13 percent were 19 years old or younger at the time of their arrest)
- the youngest person on death row was 19, and the oldest was 86

DNA and the Death Penalty

Opponents of the death penalty point out that some people sentenced to death were found to be innocent after their executions. Much of the proof of wrongful convictions has been based on DNA evidence—precise technology that has been widely available only since the 1990s. These findings have cast doubt on the guilt of many death row inmates who were sentenced prior to the availability of this conclusive evidence. In recent years, policy makers have considered how to deal with this problem in light of the possibility—even if remote—that someone might be waiting to be executed for a crime he or she did not commit.



Illinois governor George Ryan

In a stark demonstration of concern about the capital punishment system, in early 2003, Illinois governor George Ryan commuted the death sentences of all 156 inmates on Illinois's death row. This came after more than a dozen inmates were exonerated through an investigation initiated by journalism students at Northwestern University. Governor Ryan's decision followed his discovery that four other death row inmates had been tortured into confessing to crimes they did not commit. Although many of these commutations have been appealed and most have been converted to life sentences, Governor Ryan believed his decision was appropriate in light of the error-ridden system in his state, and a necessary challenge to what he believed to be "one of the great civil rights struggles of our time."

Problem 15.3

- a. Do you think Governor Ryan was justified in commuting the death sentences of all death row inmates based on investigations of only a fraction of individual cases?
- b. What systematic problems do you think may have led to the incarceration and sentence of those and other innocent defendants?
- c. Do you favor or oppose the use of the death penalty? Explain your answer. If you favor it, to what crimes should it apply?
- d. If you oppose the death penalty, what do you think is the strongest argument in favor of it? If you favor the death penalty, what do you think is the strongest argument against it?
- e. How do you think states should deal with the possibility that new evidence (such as conclusive DNA evidence) could prove the innocence of someone on death row?



Many states use lethal injection as the method of execution in execution chambers such as this. *Does capital punishment deter crime?*

As of 2003, 38 states had death penalty statutes. States use various methods to carry out the death penalty, and some states use more than one method. Thirty-seven states use lethal injection, ten states use electrocution, five states use lethal gas, three states use hanging, and three states use firing squads. State-by-state death penalty information can be found on pages 619–621.

Most capital punishment laws call for a two-part trial. In part one, the jury decides guilt or innocence. The defendant usually knows if he or she may face the death penalty if convicted. If the defendant is found guilty, in part two of the trial process, the jury decides whether the defendant should receive the death penalty. The laws set forth guidelines for determining whether death or life imprisonment is appropriate. Judges and juries are required to consider both aggravating and mitigating circumstances. **Aggravating circumstances** are factors that suggest a more severe punishment is appropriate, such as a particularly gruesome murder, crimes involving children, or previous convictions of the accused. **Mitigating circumstances** are factors that suggest a less severe punishment is appropriate. Examples include a history showing that the victim had previously abused the defendant, the defendant's age, or the defendant's having no prior criminal record.

More than half of the countries in the world have abolished the death penalty either in law or in practice. Although many countries still use the death penalty, the controversy over capital punishment continues. The debate involves legal, political, and moral issues: Is the death penalty constitutional? If so, for what crimes? Is it a moral punishment for murder? Does it deter crime? Is it applied fairly?

Opponents of capital punishment claim that no one who values life can approve of the death penalty, saying "thou shalt not kill" also applies to those who carry out the death penalty. They further argue that the death penalty does not deter murder, citing statistics showing that murder rates are the same in states with the death penalty as in those without it. Opponents also argue that the death penalty is applied in an unfair manner, that members of minority groups are more likely to receive it, and that it violates the Eighth Amendment's ban against "cruel and unusual punishment."

Opponents of the death penalty agree that communities must be protected from dangerous criminals, but many feel that a sentence of life without parole is a better way to accomplish this goal. Life without parole is still a very severe punishment, communities are protected, and yet the sentence can be reconsidered if evidence of innocence is discovered after conviction.



Where You Live

Does your state have capital punishment? If so, has it been an effective deterrent to crime in your state? If your state does not have capital punishment, how does it punish those convicted of the most severe crimes?

The Death Penalty for Mentally Disabled Defendants

Daryl Atkins and an accomplice abducted Eric Nesbitt, robbed him, and drove him to an ATM where cameras recorded them forcing him to withdraw more cash. They then took him to an isolated location and shot him eight times. Atkins, who had a history of felony convictions, and his accomplice were convicted of the killing in a Virginia state court.

At the penalty phase of the trial, Atkins's lawyer presented evidence from a psychologist showing that Atkins was mildly mentally disabled. The jury imposed the death penalty and the Virginia Supreme Court upheld the sentence. The case was appealed to the U.S. Supreme Court. At issue was whether it is a violation of the Eighth Amendment's cruel and unusual punishment clause to impose the death penalty on a mentally disabled person.

Opinion A

Mentally disabled persons who meet the law's requirements for criminal responsibility should be tried and punished when they commit crimes. However, because of their disabilities in reasoning, judgment, and impulse control, they do not act with the same level of culpability as other serious adult criminals. In 1988, when Congress enacted a federal death penalty law, it excluded persons who are mentally disabled from receiving that sentence. Since then, 18 states with death penalty laws have decided not to apply them to mentally disabled persons. Combined with the 14 states that completely reject the death penalty, this indicates a national consensus against imposing the death penalty on mentally disabled defendants. Because the Eighth Amendment prohibits punishments that are excessive, we hold that a state cannot impose the death penalty on a mentally disabled offender.

Opinion B

While it is true that 18 states have passed laws exempting mentally disabled defendants from the death penalty's application, 19 other states (including Virginia) continue to leave the question of the proper punishment of individual defendants to judges or juries familiar with the particular offender and with his or her crime. Surely a national consensus does not exist against applying the death penalty to all defendants who are mentally disabled. In determining what is cruel and unusual punishment under the Eighth Amendment, we look to state legislatures for objective evidence of contemporary values. Under our system of shared power (federalism), the best way to determine whether Atkins received an acceptable punishment is to look at the jury's decision and Virginia state laws. Neither national opinion polls nor the laws of other states should result in our reversing the opinion of the Virginia Supreme Court.

Problem 15.4

- a. What happened in this case? Why was Atkins given the death penalty?
- b. Based on the opinions, what are the strongest arguments for upholding the state supreme court decision? For reversing it?
- c. How should this case be decided? Explain.
- d. Assume the U.S. Supreme Court decides to overturn the Virginia Supreme Court decision. Now assume the Court is presented with a case where a 15-year-old is convicted and sentenced to death in a state that allows such sentences for juveniles. If that case is appealed to the U.S. Supreme Court, how might the justices analyze it?

Advocates of the death penalty say that killers get what they deserve. They argue that the threat of death does deter crime. They concede that studies on deterrence are inconclusive, but maintain that people fear death more than any other punishment. Advocates also point to opinion polls showing that most Americans favor capital punishment. They argue that execution protects society, saves the government money, and that the death penalty is fairly applied (the Supreme Court has upheld this view). Finally, in light of evidence that there may be innocent people on death row, many proponents are willing to consider post-conviction relief measures. These measures include an automatic appeal in the event that conclusive evidence of innocence becomes available. However, these same proponents are not willing to abolish the death penalty altogether.



For Your Information . . .

Jails and Prisons: What's the Difference?

- Jails are operated by cities and counties. They are used to detain people awaiting trial and to hold mental patients, drug addicts, alcoholics, juvenile offenders, and felons on a temporary basis as they await transfer to other facilities. Jails also hold people convicted of minor crimes for which the sentence is one year or less.
- Jails in the United States vary in size from big-city facilities holding over 1,000 inmates a day to small rural jails consisting of an office and a few cells.
- Prisons are operated by federal or state governments. They are used to incarcerate people convicted of more serious crimes, usually felonies, for which the sentence is more than one year.
- As of 2000, the federal government operated 84 prisons, state governments operated 1,558 prisons, and 26 facilities were privately run (housing mainly federal inmates).
- U.S. prisons range in size from small facilities to huge, maximum-security penitentiaries sprawling over thousands of acres.
- Some U.S. prisons are so big that they resemble small cities. For example, both Louisiana's State Prison at Angola and Michigan's State Penitentiary at Jackson house over 4,000 inmates and employ thousands of staff members.



Inmates' lives are controlled by many rules. *Should inmates lose all rights once they are sent to prison? If not, which rights should they keep?*

Corrections

When a person is convicted of a crime, state and federal governments have the right to place the offender in the corrections system. There are several treatment and punishment options available to the government. These include community corrections, halfway houses, jails, and prisons.

Life Behind Bars

A prison or jail inmate's life is controlled by many rules. Inmates are told when to get up and when to go to sleep. Mail and phone calls are screened. Access to radio, television, and books is controlled. Visitors are limited, and inmates are subject to constant surveillance and searches. Some inmates work at prison jobs, which usually pay very little. Others spend all day locked in their cells.

Until the 1960s, courts had a hands-off policy toward prisons. Inmates had few, if any, rights. Prison officials could make almost any rules they wanted. As a result, harsh treatment, solitary confinement, and beatings were all fairly common.

Over the years courts established and enforced some prisoners' rights. However, in recent years the U.S. Supreme Court has said that people who enter prison must give up certain rights. Inmates retain limited versions of some rights after entering prison. These include the right to be free from cruel and unusual punishment, the right to freedom of religion, the right to due process, the right to medical treatment, and the right of access to law libraries and the courts.

Prison Overcrowding

During the 1990s and into the twenty-first century, there was a significant increase in the number of people incarcerated in the United States. From 1995 to 2001, there was a 23 percent increase in the number of people under some form of correctional supervision (see Figure 15.1). By the middle of 2002, there were more than 1.4 million adults in U.S. prisons, with nearly 700,000 awaiting trials or serving shorter sentences in jails.

According to the U.S. Department of Justice Bureau of Justice Statistics, in the 12 months that ended June 30, 2002, the jail population went up by 34,235 inmates, a 5.4 percent increase—the largest since 1997. State prisons added 12,440 inmates, a 1 percent increase, while the federal prison system grew by 8,042 inmates, a 5.7 percent increase. The current rate of incarceration in the United States is six to ten times higher than that of most industrial nations.

This increase was caused by a get-tough-on-crime policy that resulted in more criminal defendants going to prison for longer periods. There was increasing use of mandatory sentences, a lengthening of some prison terms, and decreasing use of parole and other early-release options. As the crime rate fell into the twenty-first century, prison populations remained high because of longer sentences and a greater willingness to revoke probation and parole.

With more defendants entering the correctional system, there was a need to expand jail and prison capacity. In 2000 alone, there were 27 new state and 4 new federal institutions built, increasing the capacity of the system by more than 23,000 beds. In addition, expansions and renovations at 58 institutions increased capacity by nearly

FIGURE 15.1 Changes in the Criminal Justice System Population *

Year	Probation	Jail	Prison	Parole	Total
1990	2,670,234	405,320	743,382	531,407	4,350,300
1995	3,077,861	507,044	1,078,542	679,421	5,342,900
2001	3,932,751	631,240	1,330,980	731,147	6,592,800

*Federal and state figures combined

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

The number of offenders in the criminal justice system increased throughout the last decade of the twentieth century. **ANALYZE THE DATA** By how much did the number of people in prison increase between 1990 and 2001?



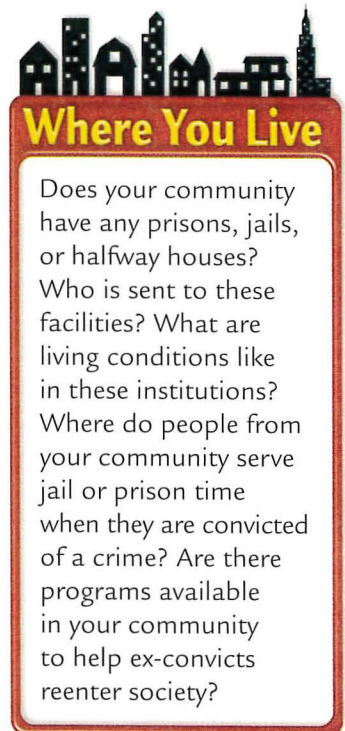
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14,000 beds. The average construction cost per bed in 1996 was just over \$40,000, while the average cost of maintaining a person in prison was about \$20,000 per year (about \$56.00 per day). Today, the cost of maintaining a person in prison ranges from \$15,000 to more than \$50,000 per year.

Some critics of the prison-building boom argue that funds could be better spent on prevention and treatment programs. Much of the increase in the federal inmate population, for example, resulted from more aggressive prosecution in drug cases. Some argue that community-based corrections programs with drug treatment opportunities would be a more effective and less expensive way to deal with these offenders. Others contend that longer, more certain punishment has been an effective deterrent to crime and has increased public safety, as dangerous criminals have been taken off the streets and placed in secure facilities.

The growing prison population has created many problems. Overcrowding sparks fights and riots. Drug use, sexual assault, and violence are all common occurrences. Life behind bars is often dangerous and unpleasant. Many prisoners live in tiny cells under uncomfortable conditions.

In recent years, the overcrowding problems have led some states to contract with other states or the federal government to send their prisoners elsewhere. Others have looked to private corporations to run their prisons for them, claiming that private prisons can save millions of dollars and lead to better and more efficiently run institutions. Critics worry that private corporations may violate inmates' rights more often, lobby for longer sentences, and be less concerned about rehabilitation. The courts have consistently held, however, that private prison and jail operators must protect the rights of prisoners to the same extent as public correctional agencies.



Problem 15.5

- a. Should prisoners have rights? If so, what rights should they have? Make a list of these rights.
 - b. If you were a prison warden, what rules would you make to control the prisoners? List these rules.
 - c. What, if anything, should be done to reduce prison overcrowding? Should more and bigger prisons be built, or should the criminal justice system be more selective about who is locked up?
 - d. Should private corporations be allowed to run jails and prisons for profit? Role-play the following scenario: As the head of a corporation that runs private homes for the elderly, explain to a county sheriff why the county should hire your corporation to build and operate a new jail to replace the old, overcrowded one. Would you support the idea if you were the sheriff? Would you support the idea if you were a prisoner? A defense attorney? Explain.
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Reentry programs provide counseling and long-term support. *What challenges do ex-offenders face in reentering society?*

Reentering Society

While tougher sentencing laws have put greater numbers of people behind bars, state corrections budgets stretched by this larger prison population have had to reduce some of the programs designed to help offenders reenter society once they have served their sentences. Of special concern is the need to help offenders avoid becoming repeat offenders. More than 630,000 adult offenders leave prison every year and return to their communities. More than 100,000 juveniles leave residential facilities and return to their communities. Within three years more than half of both groups typically become repeat offenders.

The U.S. Department of Justice, in collaboration with other federal agencies, has developed a comprehensive initiative to enhance community safety and reduce serious crime committed by ex-offenders. This initiative targets both adult and juvenile offenders. It is called *reentry* and has three phases. Phase one programs begin in correctional institutions

and are focused on providing education, mental health services, substance abuse treatment, job training, and mentoring to convicts to psychologically prepare them to reenter society. Phase two programs focus on the actual transition from the institution back into the community, including making logistical decisions about where to live, how to find a job, and ways to reestablish ties with members of the community. This phase also provides mental health and substance abuse treatment. The final phase helps link individuals who have left the supervision of the justice system with a network of social services agencies and community-based organizations. These groups can provide long-term support and mentoring relationships between convicts and counselors.

Planning for successful reentry begins when the defendant enters the correctional system. While reentry is not an “anti-punishment” philosophy, it does recognize that the overwhelming majority of inmates will at some point return to their communities. Adequate preparation of inmates—and of the community—for reentry can reduce recidivism.