

Incarceration: Psychosocial Pro's and Con's

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Abstract

Throughout history and across cultures, the criminally adjudicated, as well as the indigent, homeless, and mentally ill have been subjected to mass incarceration. Society has waxed and waned on the issue of whether to incarcerate or treat the aforementioned groups in some form of community-based rehabilitation programs. With over 2.2 million people in American jails and prisons, and another 4.9 million on probation and parole, it is a daunting task. Reports also indicate that between 45 and 64 percent of those incarcerated suffer from some form of mental illness. This paper reviews some of the current research on incarceration, in-prison rehabilitation and the mentally ill in prison, as well as subsequent release and community support networks.

Introduction

What does society do with someone who has no remorse about hurting others, nor has the ability to adhere to commonly agreed upon societal norms? Traditionally they are punished. Historically, punishment ranged from social ostracizing to a painful death. Occasionally financial ruin, torture, or even exile was the results. Essentially, societies have always sought to gain restitution and hold the offending party responsible for their actions. The criminal justice systems of the world are varied and tend to reflect the values and mores of each culture; hence, the diverse forms of punishment. In most industrialized and technically advanced cultures, common or statutory laws abide, and a fine or prison sentence is imposed upon the finding of a guilty verdict. This paper will explore whether or not imprisonment, at least according to American standards, is a viable, productive, and humane outcome when dealing with criminals. Also, it will look at the merit of some available options and reintegration into society for those released from prison. Additionally, this paper will address the issue of incarceration of the mentally ill. Do they deserve special treatment, or are they to be held just as accountable for their actions as the general prison population?

Incarceration

According to the Bureau of Justice Statistics, as of 2008 there were 1,409,166 people incarcerated in state prisons and 201,280 in federal facilities. Another 785,556 persons were being held in local jails; with an additional 72,852 persons serving sentences under supervision in their communities (USDOJ, 2009). As a clarification, a jail is considered a locally administered holding or correctional facility intended for short-term imprisonment prior to trial or sentencing, with stays usually less than a year. A prison, on the other hand, is run by a state or the federal government, and is designed for long-term incarceration of prisoners who are almost exclusively convicted felons (Bureau of Justice Statistics, 2009). In addition to the immense prison population, another 7.3 million adults were also reported to be on probation or parole in 2008. This number has increased from 200,000 since the 1970's, making the United States the highest ranked country in prison populations: 724 people incarcerated per 100,000. For reference, Canada has a rate of 116 per 100,000, and Finland has only 50 people in prison per 100,000 (Sturr, 2006).

Sturr (2006) recognizes three main factors that have contributed to the meteoric rise in the U.S. prison populations. One is the "War on Drugs;" with tougher laws, harsher sentences, and larger enforcement networks. Second is the new "Tough on Crime" policy that many states have adopted. These initiatives have taken a harder stance on crime in general with the implementation of the "Three Strikes law" and mandatory sentencing guidelines. Cohen reported that according to Human Rights Watch (2003), state and federal governments began adopting:

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punitive criminal justice policies that encouraged increased arrests, increased the likelihood that conviction for a crime would result in incarceration, including through mandatory minimum sentencing and "three strikes" laws; increased the length of time served, by increasing the length of sentences, and reducing or eliminating the availability of early release and parole; and increased the rate at which parolees are returned to prison, (p. 22)

The third, and probably most socially harmful, factor is race and racism. According to the Bureau of Justice Statistics (2006), non-Latino Caucasian men are imprisoned at a rate of 717 per 100,000; whereas Latinos have a rate of 1,717 per 100,000, and African Americans have a rate of 4,919 per 100,000. Whether this is an issue which involves covariates such as socioeconomic status, geographic location, or education levels is a debate for another paper, however. The point remains: There is a disproportionate number of people in American jails in comparison to the rest of the world. The question is what should society do with these people?

Researchers have debated for many years over the best way to handle convicted criminals (Bockman, 2004; Cohen, 2005; Massoglia, 2005). With the advent of tougher penalties, mandatory jail sentences, and more stringent laws, prisons seem to be becoming mere storage facilities for social pariahs. However, recent changes in the concept of prisons have made for interesting alterations in the way prisoners are handled -- if they are incarcerated at all.

The Pitfalls of Incarceration

In his article, *Psychology, Attitude Shifts, and Prison Growth*, Clements (1999) recounts the ill-fated, yet serendipitous, Stanford Prison Experiment conducted in the 1970's by Philip Zimbardo. What was supposed to be a study on incarceration became a cornerstone for the theories of power and obedience, both for the prisoners and guards. It may have paved the way for changing attitudes about the methods by which prisoners are treated and the mind-altering power of even short-term prison stays. Upon closer inspection, the theory of fundamental attribution error - attributing a person's behavior to personality traits, instead of environmental factors - (Landridge & Butt, 2004) seems to be playing a large part in the way prisoners are blamed for their actions and subsequent behavioral changes. When viewed from the perspective of situationism (Miller, 2003), one can see how contemporary views toward the prison populations are warranted. With attributing factors outside the control of the guilty and environmental influences motivating their behavior, ascribing sole responsibility for the commission of crimes may be unwarranted.

Clear (2004) has indicated that one of the major problems with the growth of incarceration has been the inequity of imprisonment between various groups. According to his research, men are more likely to be imprisoned than women. Among the men, those in their late thirties and early forties are more often sentenced to prison. The poor are more likely than the non-poor, and blacks are more likely than whites, to be given a prison stay.

From inside the prisons, the outside world ceases to exist for many inmates. What is meant to be a punitive measure becomes a lair for myriad forms of criminals. In a paper presented to the American Sociological Association in 2004, Bockman describes the drawbacks of massive numbers of prisoners being held together (Bockman, 2004). Essentially, they bond, usually for survival purposes. But in doing so, they also pass on their craft of criminality to each other, abuse one another - both physically and sexually - and instill fear and terror in each other. In fact, Vitale, Newman, Serin, and Bolt (2005) have recently studied the effect of incarceration on males on their levels of what they refer to as "hostile attributions." The results indicate there are two pathways which need to be explored. It appears incarceration may lead to depressogenic attributional styles and an increase in psychopathy (Hare, 2006). Several other studies have suggested various other forms of psychological and physical disorders may also be brought about by incarceration. For instance, Meachum (2000) has reported the growing membership in white supremacist and other groups in prison. Essentially, as these members spend more time in confinement together, their adhesion to the groups becomes stronger and their hate

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of non-members increases. At the Learned Hate Roundtable in 2000, members from the Office of Justice Programs and Corrections Programs Office formed a general consensus that all institutions contain some degree of hate and bias. However, prisons provide inmates with an atmosphere in which negative attitudes like these can flourish. One way of viewing this phenomenon is from a social learning theory perspective (Bandura, 2004). According to this theoretical approach, inmates may learn their behavior (or attitudes and values) by simply observing the actions of others. Another theoretical approach to the prison culture may be Maslow's hierarchy of needs (Jones, 2004). Perhaps for prisoners, especially new inmates, altering their behavior, attitudes, and cognitions may be a survival tool. In order to achieve certain levels of security – in this case, safety – it is in the best interest of the prisoner to change. Assimilating into the prison culture is not only a rite of passage, but a way to survive, both mentally and physically.

Massoglia (2005) has reported a positive correlation between continued levels of fear, stress, incivility, and low self-efficacy, with adverse health issues in prisoners. And, since from a sociological perspective, there seems to be a generational continuance of imprisonment, others have reported a pattern of illnesses in families and entire neighborhoods. Naser and Visser (2006) report about one quarter of incarcerated people are married, one quarter have at least three or more children - mostly under the age of 10, and at least three-quarters of former prisoners reside with their families after release. Western and Petit (2005) have suggested imprisonment is actually a phase of life for many groups in the population. Essentially, imprisonment is passed on in a transgenerational pattern, appears normal to those members of certain sub-groups and is readily accepted as a part of their lives. The absence of a parental figure for the children of inmates has been shown to increase stress, increase negative behaviors and affect, and impact emotional stability, exacerbating the probability of them becoming the next generation of incarcerated offenders (Mumola, 2000).

Aside from the obvious effects prison has on inmates, their families and friends usually pay a heavy toll, as well. Naser and Visser (2006) described the troubles faced by prisoners maintaining communication with their families, and the issues that also arise for their children, parents, and friends. For instance, of the 247 families involved in their study, some of the reported obstacles to simply staying in touch are listed in Table 1.

Table 1. Challenges to Staying in Contact.

<u>Challenge</u>	<u>Percentage</u>
Prison located too far away	75%
Cost of making/receiving phone calls	52%
Cost of visiting	38%
Prison not a nice place to visit	36%
Lack of transportation	34%
Could not miss work	32%
Visitation times did not work with schedule	26%
Child care issues	10%
Did not want to stay in touch with imprisoned family member	10%
Visitation rules were difficult	9%
Imprisoned family member did not want to stay in touch with me	8%
Reading or writing problems	1%
Other challenges	15%

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Within that same study, families discussed their attempts to deal with the release and reentry of the imprisoned person. About two percent have actually reported using more drugs and alcohol to deal with the return of the inmate. However, many have reported using spirituality and religious supports as a way to cope. Naser and Visser indicate on a rating scale of 1 to 4, most respondents indicated a high level of both spirituality and religiosity in their attempt to help the released prisoner, and cope themselves ($M = 3.59$ and 3.72 , respectively). Other forms of social support have also been requested by the families and released prisoners such as, job training, mental health counseling, financial support, health care, and drug and alcohol treatment. In essence, incarceration not only affects the prisoner, but much of society as well. This evidence suggests there seems to be a higher cost to pay, both financially and psychosocially, than just the expenses of incarcerating a prisoner.

Incarcerating the Mentally Ill

One of the biggest controversies recently, especially in the psychological literature, has been the issue of incarcerating the mentally ill. According to the Bureau of Justice Statistics, about 56 percent of state prisoners, 45 percent of federal prisoners, and 64 percent of locally jailed inmates suffer from some form of mental disorder (James & Glaze, 2006). Others have reported 42 to 50 percent of all individuals suffering from mental disorders come in contact with the criminal justice system at some point in time (Fischer, 2005). It has also been found that over 547,000 people on probation report having a mental illness or having stayed overnight in a mental health facility at some point in their lives (James & Glaze). The National Mental Health Association reported 50 to 75 percent of incarcerated juveniles, in America, suffer from mental disorders (Weedon, 2005). It has been strongly suggested by many that both adult and juvenile offenders with mental disorders could have been treated in hospitals or community health settings, rather than being incarcerated for their actions. In fact, Weedon (2005) reports findings from the Bazelon Center for Mental Health Law which indicate state spending for the seriously mentally ill is one-third less now than in the 1950s. This indicates, and the facts support, families are now responsible for the treatment of the mentally ill, and when they cannot afford it, the responsibility is shifted to other public systems, like the criminal justice system. According to the testimony of Tammy Seltzer, senior staff attorney for the Bazelon Center for Mental Health Law, there are nearly five times more mentally ill people in jails and prisons than there are in state psychiatric hospitals in America (Seltzer, 2004). Based on the statements of Charles J. Kehoe, former president of the American Correctional Association, the Los Angeles County Jail and New York's Riker's Island are the two largest in-patient psychiatric treatment facilities in the country, with 3,500 and 2,800 mentally ill inmates/patients, respectively (Weedon, 2005). Recent research indicates the prison population in this country is three to five times more likely to have been diagnosed with a mental illness than the general population (Heines, 2005). Approximately one in 10 incarcerated prisoners is also taking prescribed psychotropic drugs, according to Cohen (2005). There is clear evidence that jails and prisons are becoming the alternative to mental health facilities, hospitals, and community support networks when the respective communities do not provide the necessary services. As noted by Ryan (2006), jails were initially created as a way station between arrest and conviction. However, they are now being used as homeless shelters, medical infirmaries, prenatal care units, and mental health providers (Ryan, 2006).

So, what does society do with incarcerated prisoners, especially those suffering from mental illness? Maden (2003) reports some astonishing numbers in relationship to the treatment of these prisoners. According to records from the late 1980's, less than one-third of psychotic prisoners received any form of hospital treatment, and as many as one-fifth of all mentally abnormal referrals were rejected by the prison's forensic services units. When references were made by a prison doctor, about two-thirds of psychotic women, one-third of the reported psychotic men, and virtually none of the prisoners with diagnoses other than psychosis ended up in prison hospital units (Maden, 2003, p. 249). Suggestions for improving the system seem to lie not in the detection of more prisoners with disorders, but better treatment for those who are identified.

To Release or not to Release

So far, throughout U.S. and world history, prisons have been used to detain convicted criminals, the mentally ill, and even the indigent. Some social activists have claimed this to be a necessary part of protecting society, while others have seen this as a form of social control by the government (Lynch & Sabol, 2004; Pontell & Welsh, 1994). In actuality, evidence suggests incarceration may be a leading factor in the decline of crime rates; primarily in the United States (Saunders & Billante, 2003). Figure 1 indicates the proportionate decline in crime rates in the United States as correlated to incarceration rates between 1960 and 2000. Saunders and Billante (2003) suggest that because the major perpetrators are incarcerated for longer periods of time, there are less of them to commit illegal activities, and therefore less reported criminal activity within their respective communities. In fact, from a global perspective, all of the countries that were interviewed in their 2003 study - the United States, England, New Zealand, and Australia - indicated a rise in crime rates when sentencing guidelines became more lenient, and a noticeable decline in crime rates as imprisonment was made mandatory. Comparing Figure 1 to Figure 2 (Australia) and Figure 3 (New Zealand), it becomes readily apparent there is an inverse correlation between crime and imprisonment. When faced with such prima facie evidence, legal policies such as mandated prison sentences, zero tolerance, and tougher laws seem to be a logical method of reducing criminal behavior.

Saunders and Billante (2003) refer to the writings of Gary Becker for alternative explanations of the decline in incarcerations over the last 30 years. Becker (1968) wrote extensively on the economics of crime in an attempt to explain criminal behavior. Based on his theory, the possibility of getting caught, having to pay fines and the various enforcement expenditures are major determinants of the efficacy of imprisonment, and the ultimate deterrent to crime. But, despite the rationale for incarceration, or the explanations given for the decline in crime, the question remains: what does society do with those that are in prison? Is it best to maintain them in prison or release them into a community-based program for rehabilitation?

Research indicates those prisoners who do remain incarcerated to serve out a sentence have options to help them before release. Vacca (2004) has reported prisoners who attend educational programs while in prison are less likely to return following their release. Aside from basic cognitive skills such as reading and writing, these programs also consist of social skills training, emotional response training, and even art classes. In his article, Clark (1991) reported only about one-quarter of those inmates who received vocational training while in prison returned to prison; as compared to the recidivism rate of 77 percent of the general prison population (as cited in Vacca, 2004).

Hall (2003) has approached the reformation of inmates from a spiritual aspect. In his article, Faith-Based Cognitive Programs in Corrections, he indicates that cognitive-behavioral approaches to treatment of offenders offers the best results. As Hall explains, cognitive-behavioral therapy is grounded in the inmates understanding of their dysfunctional thinking patterns and developing treatment guidelines with their therapists. Additionally, Hall indicates that religious training should coincide with cognitive-behavioral therapy, as they both rely on awareness before change can occur. Citing the Bible, Hall (2003) quotes Proverbs 1:7, "The fear of the Lord is the beginning of knowledge" as the basis for the comparison between the two. In essence, it is implied that religiosity may be a pathway to self-knowledge and awareness.

Re-entry into Society

In November 2005, the U.S. House was presented with a bill, H.R. 4202, titled the "Re-entry Enhancement Act." This bill was proposed in an effort to effect social change on the issue of prisoner release. According to the bill, allocations would be established for drug addiction treatment, mental health treatment, job training, housing, and education for those returning to society after incarceration.

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Additionally, task forces would be charged with providing resources for families of those released and other re-entry issues (NCADD, 2005). This is just one of many attempts to facilitate a smooth re-entry of prisoners back into society after incarceration.

Research undertaken by Bahr, Armstrong, Gibbs, Harris, and Fisher (2005) also show there are certain environmental and societal factors which may predict the deterrence of re-offending. They suggest close family relationships, being employed, and having a stable household are better predictors than being married, simply living with a family member, or being a parent. Socializing with friends four or more times a week, familial conflict, and troubles with drugs were listed as higher predictors of re-incarceration.

For those inmates with mental health issues who are released, life is even more difficult. They not only have to deal with readjustment back into society, but also carry the stigma of being mentally ill. Kelly and McKenna (2004) discuss the fact that stigmatization and some well-publicized cases of murder and violence which involve mental illness have exacerbated the public perception of these released prisoners. Because this has the potential to lead to isolation and social rejection of this group, there is an increased risk of victimization and harassment. Release may seem like a move in a positive direction, but there also may be drawbacks for those trying to re-integrate themselves. Kelly and McKenna (2004) imply that although deinstitutionalized, some mentally ill are simply "trans-institutionalized" to other settings in the community. Essentially, the concept of the asylum is still alive, just in a new form. Outpatient therapy, psychotropic medication compliance, and substance abuse treatment plans still need to be assessed and implemented.

Alternatives to Incarceration

In light of the mass incarcerations, expenditure, failed rehabilitation attempts, and other problems related to prisons, there must be an alternative method to dealing with convicted criminals, especially those with psychiatric needs. This must be taken in context, however. Some would say prison alternatives are just a way for the criminal justice system and the government to save money (Geerken & Hayes, 1993). They argue that research indicates high recidivism rates and the same criminals just released are responsible for the continuance of crime. However, from a psychosocial standpoint, and in accordance with the ethics that guide psychologists, there is an obligation to at least attempt to improve the lives of this population.

Taking an avant guard approach, California and Arizona have both initiated legislation which mandates treatment over incarceration for first time, nonviolent drug offenders (Gondles, 2002). According to public polls, society is changing its view of incarceration in favor of rehabilitation as the number one priority. Gone are the days of the tough-on-crime attitude. Many other states that are facing budgetary deficits are reviewing their social policies in regards to incarceration; targeting offenders who commit technical violations and pose no immediate public threat. However, should money be the driving force behind social change? Unfortunately, it is an issue that needs to be dealt with and cannot be ignored when dealing with the imprisonment of over 2 million people, nationally.

Bronstein (2005) provides a valid point through his reference to a 1999 summit meeting of criminal justice professionals, academics, and other professionals from all 50 states. At the end of this five day meeting, an agenda was drafted which outlined a new approach to handling convicted criminals. Some of the highlights of that agenda are as follows:

1. Penal reform is an essential part of governance;
2. Penal reform cannot proceed without changes to the criminal justice system as a whole, and crime prevention is essential;
3. Everyone, including the poor and marginalized, have equal access to the justice system;

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4. The recognition that drug abuse is better dealt with in a health care or social welfare system, rather than in the criminal justice system;
5. The need to bolster the justice system with an informal, dispute-based resolution mechanism).

Recommendations

Based on the aforementioned literature review, and from a psychological standpoint, there are certain recommendations that would seem appropriate at this time. Recognizing there is a need for change in the way society handles criminals, two issues must be addressed. The first one is the need to keep society safe from criminals. The literature suggests, and recidivism rates concur, that incarceration is a necessary part of any society. Perhaps in the future it may not be needed, but for now the best to be hoped for is a humane attempt to control the criminal population. All prisoners should have access to rehabilitation and education while in prison. The second issue is those persons who do not pose an immediate threat to society (but may pose a threat to themselves) should receive treatment within their community and maintain ties with that community, instead of being incarcerated. Aside from the alleviation of obvious budgetary burdens of incarceration, from a humanistic perspective, this seems to make sense. The major goal of psychologists, especially therapists, is to implement behavioral changes. It would seem difficult, at best, to achieve this while people are under stress and the negative environmental influences of a prison.

Implementing these ideas is, of course, much more complex than simply stating them. Major changes in social policies would need to be made. The criminal justice system would need to be reorganized so new guidelines for both sentencing and even arrest are established. Following the leads of California and Arizona, referred to above, other states would have to make certain alterations in their views of crime and criminality. From a moral stance, it would seem remiss to hope that everyone would view crimes as psychological *faux pas* on the part of the offenders. People need to be held accountable for their actions. But, aside from policy changes, social views of the etiology of crime and an understanding of the cultural, ecological, and intrapersonal dynamics that underlie deviant behavior must be achieved. With further research, the scientific basis for this type of behavior may come to be the driving force of social change, not arbitrary decision-making and budgetary constraints.

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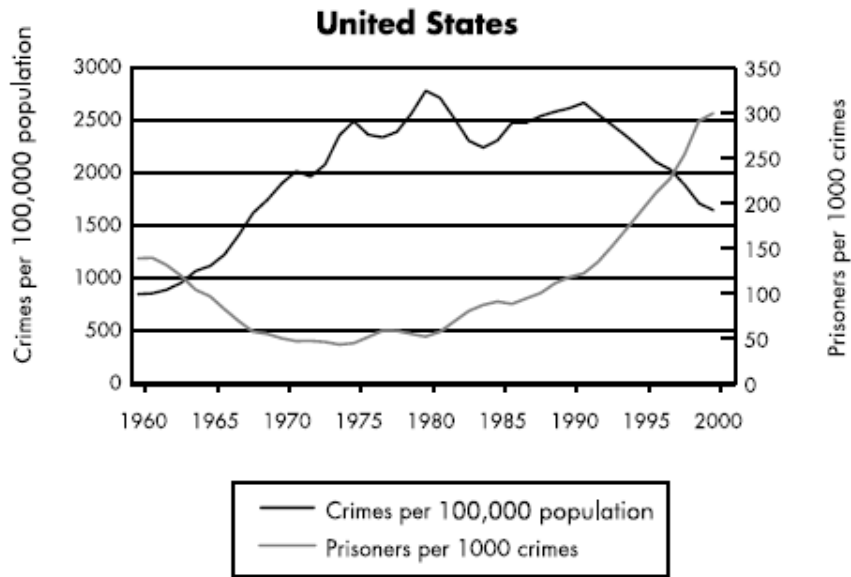


Figure 1. Crime rate versus imprisonment rate in the U.S. Source: Saunders & Billante, 2003.

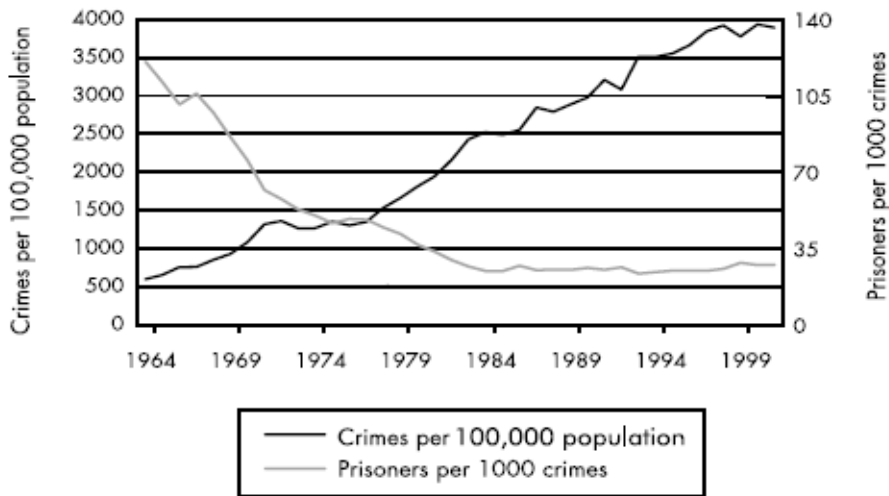


Figure 2. Crime rate versus imprisonment rate in Australia. Source: Saunders & Billante, 2003.

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Figure 3. Crime rate versus imprisonment rate in Australia. Source: Saunders & Billante, 2003.